

Finalize a Divorce by Default



Instructions and Forms



Northwest Justice Project

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Part 1. Important Information

A. Should I use this?

This will help you fill out and file the forms and papers to finalize a divorce filed in a Washington State Superior Court when your spouse has not filed a Response. We explain how to make a motion for default. You must have already filed and served your spouse with the divorce papers.

This packet (and using [Make a Parenting Plan](#) if you have children) will help you get final orders ending your marriage, dividing property and debts, deciding parenting arrangements and child support, changing your name, awarding a spouse maintenance (alimony), and entering a restraining order.

This packet also has a short discussion of going to trial. If your spouse files a Response after you move for default, you must reach agreement or go to trial.

This packet is not a substitute for legal advice. Talk to a lawyer about your situation.

B. What if I have more questions?

Talk to a family law lawyer 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 211 weekdays, 8:00 a.m. - 6:00 p.m. From a pay or public phone, call 1-800-621-4636.
- Apply online with [CLEAR*Online -nwjustice.org/get-legal-help](https://nwjustice.org/get-legal-help)
- Call the CLEAR Legal Hotline at 1-888-201-1014.

You can also read [Divorce and Other Options for Ending Your Marriage in Washington State](#).



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 special local timelines (called case schedules) you must follow. Ask the court clerk or family law facilitator, if your county has one, about case schedules and local court rules for divorces.

Some facilitators have their own packets to help you finalize divorce by default. If yours has one, use theirs instead of ours. If you use our packet, get any other local forms you need.

If your divorce case involves children, the court must:

- Check the judicial information system and databases to identify any information relevant to placing the child before entering a permanent or modified parenting plan.
- In cases where a limiting factor such as domestic violence or child abuse is claimed, have both parties screened to determine if a comprehensive assessment is appropriate to determine the effect of the limiting factor on the child and parties.

Ask the clerk or facilitator about procedures your court is using under this law. You may need local forms and procedures not in this packet.

2. Get any other packets or forms you need.

3. Wait for 90 days after service.

You must wait at least 90 days (3 months) after you had the divorce papers filed and served on your spouse to enter final orders. *You must wait this long this even if your spouse does not respond to the petition.*

You may need to wait longer than 90 days if you served your spouse by publication or



certified mail. Talk with a lawyer if you have questions.

During the 90-day waiting period:

- You can file a motion for Temporary Law Orders or Immediate Restraining Orders if you need them. Our [Ask for Temporary Family Law Orders: Divorce Cases](#) and [Ask for Immediate Restraining Orders: Divorce Cases](#) have forms and instructions.
- You can get a Protection Order if you need one. Read [Protection Orders: Can the Civil Legal System Help Protect Me](#) to learn more.

Also, during the waiting period:

- Complete any locally required procedures, such as parenting classes.
- Take part in any investigation if the court has appointed a Guardian ad Litem (GAL) or other evaluator.

After 90 days have passed, check if your spouse has filed a Response. Your spouse should send you a copy of any Response they file. If you receive no Response, ask the clerk's office whether a Response has been filed.

If your spouse filed a Response, do not file a motion for default. Get from the court clerk a copy of the Response and any other papers your spouse filed in your case. You must try to reach agreement with your spouse or get ready for trial. There is no packet on going to trial.

If your spouse filed no Response, file a motion for default.

❖ **Do not wait longer than 90 days to file your motion for default and enter final divorce papers if your spouse does not Respond.** If more than one year passes after you served your spouse before you enter your final papers, you must serve your spouse with notice of the motion for default by certified mail or personal service. If you do nothing in your case for months, the court may fine you or dismiss your divorce and make you start over.

4. Follow the General Instructions for the Forms.

5. Complete the Motion for Default and Final Divorce Papers including:

- _____ Notice of Hearing
- _____ Motion for Default
- _____ Order on Motion for Default



- _____ Findings and Conclusions about a Marriage
- _____ Final Divorce Order
- _____ Final Parenting Plan (if you have children)
- _____ Child Support Order and worksheets (if you have children)
- _____ Protection Order (if you are asking for one)
- _____ Restraining Order (if you are asking for one)
- _____ Law Enforcement Confidential Information Form (LECIF), if your final divorce papers include a restraining or protection order. (Do not serve the LECIF on any other party.)
- _____ Residential Time Summary report (if you have children)
- _____ Locally required forms

6. Follow the Instructions for Filing and Serving the Notice of Hearing, motion for default, and proposed final papers.

Service is required if your spouse has appeared in the case. We recommend that you serve in *all* cases.

7. Go to your hearing.

If your spouse does not come to the hearing, ask the judge to sign the Order on Motion for Default and your other final papers (Final Divorce Order, Findings, and if applicable, Parenting Plan, Child Support Order and Worksheets, Restraining Order, Protection Order).

If your spouse comes to the hearing, ask the judge to set a deadline for your spouse to file a Response. The judge probably will not sign your Order on Motion for Default or final papers at this time.

8. Steps after the judge signs the orders.

Take these steps after the judge has signed your orders, you have filed the originals with the clerk, and you have gotten copies for yourself and your spouse (you need conformed copies of most orders, and two certified copies of any Protection Order or Order with a safety restraint):

- _____ Keep one certified copy of any restraining order or protection order with you at all times. Keep the other court papers from your case in a safe place.

Give your spouse copies as follows:

_____ If there is no restraining or protection order in your papers, have your server mail copies of the signed final orders to your spouse at their last known address. Have your server fill out a Proof of Mailing or Hand Delivery. File your Proof of Mailing or Hand Delivery with the clerk.

_____ If you have a restraining or protection order protecting you, file a completed Law Enforcement Confidential Information Form (LECIF) with the clerk. **Do not serve a copy of the LECIF on your spouse.**

_____ If you have a *restraining order* in your papers protecting you, you must have the protection order personally served on the restrained party for it to become effective. Have the restrained party personally served with the orders the judge signed (including a certified copy of the order that has the restraint).

Have your server fill out a Proof of Personal Service form. (Use our [How to Serve the Opposing Party in a Family Law Case](#) packet.) File the Proof of Personal Service with the clerk. Deliver a copy of it to the law enforcement agency your order names.

_____ If you have a *protection order* or *restraining order with safety restraints* in your papers that protects you, you must have that order personally served on the restrained party. In most cases, the protection or restraining order will include an order for the clerk to forward a copy to the law enforcement agency where the restrained party lives for personal service on the restrained party free of charge. You do not need to have other final orders personally served.

Mail copies to the other parties as described above. The judge may also order service by mail or publication. Read the “Service” section on the final page of the Protection Order for more about service.

If law enforcement is not serving the protection order for you, arrange for service as described in the protection order. Have your server fill out a Proof of Personal Service form. File the Proof of Personal Service with the clerk. Deliver a copy of it to the law enforcement agency named in your order.

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

10. Complete after-divorce tasks such as the following, where appropriate:

If needed, your children’s school or daycare a copy of your parenting plan and any restraining orders or Protection Order.

Change your will, if you have one, and life insurance and bank account beneficiaries,

and so on, if applicable.

Deal with necessary issues about changing health insurance.

If you changed your name, update your:

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

If you get Social Security, let them know about your divorce.

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

Follow the court's orders.



Part 3. Court forms in this packet

- FL All Family 112: “Proof of Mailing or Hand Delivery”
- FL All Family 161: “Motion for Default”
- FL All Family 162: “Order on Motion for Default”
- FL All Family 185: “Notice of Hearing” (Your county may have its own form. Check with the court clerk)
- FL Divorce 231: “Findings and Conclusions about a Marriage”
- FL Divorce 241: “Final Divorce Order (Dissolution Decree)”





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

You may need other forms or packets to finalize your case. Read the information below carefully. Check the boxes by the other packets or forms you need. Then get what you need from [WashingtonLawHelp.org](https://www.washingtonlawhelp.org) or, if you have a low income and no internet access, by calling CLEAR at 1-888-201-1014.

Your county's Note for Motion Docket or Notice of Hearing form and local court rules. Some counties have their own note for motion or notice of hearing form. If not, use ours. Some counties also have special rules for where and when to note a motion for default. You will need the local note for motion form and the local rules to file your motion for default.

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- ❖ To get your local rules and local forms, visit the Family Law Facilitator in the county where your divorce is filed. If there is no facilitator, see the court clerk. Some counties' forms and local rules are online at courts.wa.gov.
-

[Make a Parenting Plan](#): If you have any children under 18 in common with your spouse, or one spouse is pregnant with the other's child, use this to enter a final parenting plan.

[Child Support Worksheets and Order](#): If you and your spouse have any children under age 18, or one spouse is pregnant with the other's child, use this to enter a final child support order.

[Declaration about Public Assistance](#) (FL All Family 132): You may need this form if your county requires it, or to verify that no children in the case have gotten public assistance or been in foster care or out-of-home placement. You can get this form at courts.wa.gov/forms.

[How to Serve the Opposing Party in a Family Law Case](#): If you want to serve an Order of Protection or Restraining Order.

[Proof of Personal Service Form](#) (FL All Family 101): If your final orders include a safety restraining order or a Protection Order protecting you, and the restrained party was not in court when the order was signed and did not sign the order, have them served with a certified copy of the signed order. Get the form at courts.wa.gov/forms or you can use our [How to Serve the Opposing Party in a Family Law Case](#) packet.

-
- ❖ Law enforcement will not enforce the restraining or protection order until you give them proof that the order was served on your spouse.
 - ❖ If you have a *restraining order*, you must arrange service on the restrained party. If you have a *protection order*, the court may order law enforcement to serve your spouse for you. If not, you must arrange for service as described in the protection order.
-

[Petition for Protection Order](#) (DV PO 001): If you are asking, as part of this case, for a Protection Order, or to change one you already have. There are several ways to get the protection order forms. You can get the forms from your court clerk, domestic violence advocacy program, or from courts.wa.gov/forms. You can use our [File for a Protection Order](#) printable packet. Or you can use our do-it-yourself interview program, [Get a Protection Order](#), to fill out the forms at WashingtonLawHelp.org.

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- ❖ Talk to a lawyer before filing for a Protection Order if the court has entered a temporary parenting plan or custody order very recently.
-

[Restraining Order](#) (FL All Family 150): If your Petition asked for a Restraining Order. Download it at courts.wa.gov/forms.

[Law Enforcement Confidential Information Form](#) (LECIF - PO 003): If you are entering a Restraining Order as part of your final orders or a Protection Order. Get it from the court clerk when you file your papers. Do not serve this on your spouse.

[Divorce and Other Options for Ending Your Marriage in Washington State](#): To learn more about your legal rights in a divorce, read this before entering your final orders.

[How is Child Support Set?](#): To understand more about how child support is set.

[Mediation: Should I Use It?](#): If you want help trying to settle your divorce.

[Community Debt and Bankruptcy](#): If you are worried about paying your debts.

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

[Enforcing Your Final Divorce Order: Money and Property Issues](#): To enforce a maintenance award or property division in your Final Divorce Order.



Part 5. General instructions for filling out forms

These apply to all forms you fill out. They cover all types of family law cases. You may not use some of the information in your case.

The caption includes your case name and number, the court name, the title of the court paper, and, sometimes, the kind of case. It appears at the top of the first page of every form.

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

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

Name of the court. Put the name of the county where you are filing your case in the blank after "Superior Court of Washington County of."

Case name. Copy the case name from the petition.

Case number. When you file the papers to start the case and pay the filing fee or have it waived (excused), the court clerk assigns a case number. Put that number near the top on the right-hand section of the first page of every form after "No." When you file your case, the court clerk's may have a stamp you can use to put the case number on each paper. You

can also print it.

-
- ❖ If you do not put the case number on the first page of everything that 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 on the right-hand side of the form under the case number. Sometimes you must add more information.

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 those pleadings 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 (3 inches of space) at the top. The other margins (left, right and bottom, and the top from the second page on) must be at least one-inch wide. 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 the information. It must be readable. You must use **black or dark blue ink**. 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 filling out a form to put the date they signed it. The judge fills in puts dates in orders when the judge signs it.

Signatures.

- **Your Signature:** After you fill out a form, look for places 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 prepare and file motions, you are the moving party. After you prepare a motion, look for each place marked “signature of moving party or lawyer.” **Look carefully.** You may have to sign in more than one place. You may have to write the date and the place (city, state) you signed the form.



- When you prepare an order and plan to present it for 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.* If your spouse agrees with the orders you have written, they 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 3 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. Give a phone number where the court can reach you.

Social Security/Driver’s License, ID Numbers of Adults and Children: Put only the last four digits, not the whole number.

Bank Account, Credit Card Numbers: Put the bank name, type of account (savings, checking, and so on), and last 4 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 any papers 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. 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 you want kept other confidential items that are not on this list, you may need to file a motion to have that 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 your spouse.

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

Confidential Information Form

Vital Statistics Form

Domestic Violence Information Form

Law Enforcement Confidential Information Form





Part 6. How to fill out each form

A. Motion for Default – FL All Family 161

Petitioner: Use this when a respondent has not Responded to the petition by their deadline. You must also use the Order on Motion for Default, below. Use a separate form for each respondent in default.

Caption. Fill out the caption.

1. Put your name.

2. **Request.** Put the name of the party you believe is in default.

3. **Notice about the motion.** Check the box that applies.

Check the first box if everything in it is true in your case. Otherwise, check the second box.

4. **Service of Summons and Petition.** Put the date you had the party in default served. Check the box if they were served outside Washington state. Explain why (**example:** the party lives outside Washington state.)

5. **Timing and type of service.** Check the box that applies.

❖ You must wait the right amount of time based on how you served your spouse and where you served them before you can file a motion for default.

6. **Correct Court.** Put the information requested.

7. **Active-duty military.** You must try to find out if your spouse in default is on active military duty or a military dependent.

Check scra-w.dmdc.osd.mil/scra/#/home, or contact the Defense Manpower Data Center, 1600 Wilson Blvd., Suite 400, Attn: Military Verification, Arlington, VA22209-2593; phone (703) 696-6762 or 5790.

You must also have served the Notice to Military Dependent form. (If you already served this Notice with your petition, do not serve it again.)

Check the first box if your spouse is **not** on military duty or a military dependent. Check the first indented box underneath if you checked [SCRA](https://scra-w.dmdc.osd.mil/scra/#/home)'s website. Staple the report you got to this form. Check the second indented box underneath if you sent the party the Notice re Military Dependent. Under that, check the box and fill out the blank showing how you sent



it. Check the third indented box underneath only if it applies and explain.

Check the second box if both of these are true:

- Your spouse **is** on active military duty or a military dependent.
- They have a lawyer, **or** they have not Responded **or** the court has not postponed this matter.

Check the third box if it is true. In the blank, explain.

Example: You contacted relatives, friends, and/or employers of your spouse.

Person making this motion fills out below: Put the place you are signing this form. Sign and print your name. Put the date you are signing.

B. Order on Motion for Default – FL All Family 162

-
- ❖ You will only use this form, and the one before it, if you are the person who filed this case.
-

You should use a separate form for each respondent in default.

If you use this form, you also need the Motion for Default above.

Caption. Fill out the caption.

1. Put your name.

2.Response. Put your spouse's name. Check the box that applies.

3. Notice about the motion. Check the box that applies. If you check the first box, put the date you had your spouse served with your Motion for Default.

4. Service of Summons and Petition. Check the first box. Put the date your spouse was served.

5. Timing and type of service. Check the first box and then the box underneath that applies.

-
- ❖ Do **not** check **For a Petition to Modify Child Support Order only** or any boxes immediately underneath it.
-

6. Correct Court. Check the first box.

7. Active-duty military. Check the first box if your spouse is **not** on military duty or a military dependent. Check the second if your spouse **is** on military duty or a military dependent. The judge fills out the rest.

8. Other findings. The judge may put something here.

9. Check Granted. Put your spouse's name.

10. Other orders. The judge may put something here.

Ordered. The judge fills this out.

Presented by: check Petitioner. Sign and print where it says.

If you have had a trial and a party does not agree with your final papers, that party may ask to have a presentation hearing. (See section 11.)

C. Findings and Conclusions about a Marriage ("Findings") - FL Divorce 231

Have handy a copy of the Petition for Divorce when filling this out.

Fill out the caption.

-
- ❖ You cannot put here anything you did not ask for in the petition.

 - ❖ If you need to change what you are asking for, you must re-serve your spouse with an **amended (updated) petition** (or amended parenting plan or support worksheets, if that is what you want to change) and give your spouse another chance to respond.
-

1. Basis for findings and conclusions. Check the second box. Put the date the court signed the Order on Motion for Default, if different from the date the judge signs the Findings. If you do not know the date, leave the space blank. Make sure the judge fills it in when signing the Findings.

2. Notice. Check the second box. Put the date your spouse was served. Check the boxes immediately underneath showing what type of service.

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 filing of the petition. Then,

check at least one of the next boxes that follow. Check whichever apply.

Conclusion. 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. Copy the information about your separation date from the Petition.

6. Status of the Marriage. Check the first box, **Divorce**.

Conclusion: Most people won't have to check the **other** box.

7. Separation Contract. Check the first box and skip to 8 if there is no separation contract. (Most couples do not have one.) Check the second box if there is one. Put the date you signed it. **Conclusion:** Check the box showing what you asked for in the divorce petition.

8. Real Property. Check the first box and skip to 9 if you have no real property. Otherwise, check the box showing what you asked for in the divorce petition. If you check the second box, attach your list as an Exhibit and put the Exhibit letter or number.

9. Community Personal Property. Check the first box and skip to 10 if you have no community property at all.

Check the next-to-last 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.**

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.
- Check the ninth box to list the separate personal property the court will award the Respondent. Give the information requested about that personal property.
- Check only the tenth box only if you believe this is true.

❖ Look back at the Petition. Make sure the Findings form covers all the property listed there.

11. Community Debt. 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.

- 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.



- Check only the sixth box only if you believe 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.
- Check the ninth box to list the separate debt the court will award the Respondent. Give the information requested.

13. Spousal Support.

- Check the first box and skip to 14 if you checked the first box in section 15 of the Petition.
- Check the second box if you asked the court to enforce your separation contract in section 11 of the Petition.
- Check the third box if you checked the second box in section 15 of the Petition.

Conclusion. Check the first box if you asked for spousal support. Check the second box if you did not ask for 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.

- 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 you checked **no** in section 17 of the Petition.

Check the second box if and put your name if you checked yes in section 17 of the Petition. Put your name. **Conclusion:** Check the second box.

16. Restraining Order. Check the first box if you checked no in section 18 of the Petition.

Check the second box if you checked **yes** in section 18 of the Petition. **Conclusion:** Check the second box.

17. Pregnancy. Check the first box and skip to 18 if you answered no in section 5 of the Petition.

Check the second box if you answered **yes** in section 5 of the Petition. Then check the box showing which of you is pregnant. **Conclusion:** Read the first paragraph. Read the **Note** below. Then check the appropriate box under **Parentage Findings**.

18. Children of the marriage. Check the first box and skip to 19 if you checked the first box in section 15 of the Petition.

Check the second box if you checked the second box in section 15 of the Petition. List the children the same as you did in section 15 of the Petition.

Were other children born during the marriage (with someone else, not a spouse)? Check the second box here only if one spouse gave birth to any children with someone besides the other spouse, and give the information requested. Otherwise, check the first box and skip to 19.

19. Jurisdiction over the children. Check the same boxes and fill out the same blanks that you did in section 7 of the Petition.

20. Parenting Plan. Check the first box and skip to 21 if you checked the first box in section 8 of the Petition.

Check the second box and put the date the judge signed your Parenting Plan if that is happening in your case. Check the third box only if you checked the third box in section 8 of the Petition.

21. Child Support. Check the first box and skip to 22 if you checked the first box in section 9 of the Petition.



Check the second box and then the first box immediately beneath that if you checked Court Order in section 9 of the Petition. Check the second box and then the second box immediately underneath if you checked Administrative Order in section 9 of the Petition.

22. Other findings or conclusions (if any). The judge may put something here.

❖ **Judge signs here:** leave this for the Judge.

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 **is presented by me** in the left-hand column. Sign and print your name and the date where it says.

D. Final Divorce Order - FL Divorce 241

Caption. Fill out the Caption. Check the box for **Final Divorce Order** under the case number and again right under the caption. Check the box next to **Clerk's Action Required** if the court will be awarding one of you real property or money and make sure you fill out sections 1, 2, 6, 13, 14, 15, 16, and 18 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 be awarding one of you money.

Check the second box if the court is awarding one of you money. Put the information requested. **You cannot ask for anything you did not ask for in your petition.**

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

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. 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. **Try to 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 and skip to 5 if you did not ask for any name changes in the Petition. Check the second box if you did. In the blank, put your new name.

5. Separation Contract. Check the first box and skip to 6 if you said in your Petition that you have no 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 did **not** ask for fees in your Petition, or for payment from one spouse to the other elsewhere in the Petition.

Check the second box if you **did** ask for fees **or** for payment from one spouse to the other in the personal or real property sections of the Petition. Check the boxes showing which of you owes the other. Put the amount owed.

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

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 you said in your Petition that neither of you owns real property.
- Check the second box and skip to 8 if you want the court to follow the separation contract when it comes to your real property.
- Check the third box if you put who 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 checked the third box in section 12 of your Petition. Copy what you put in the table there into this section.
- Check the fifth box if one spouse is giving up ownership to the other in real property. The judge will put the date.
- Check the sixth box only if you said in your Petition that the court does not have jurisdiction (authority) to decide who should get which property.

8. Petitioner's Personal Property.

- Check the first box and skip to 9 if you said in the Petition that you do not need the court to divide up your personal property.
- Check the second box and skip to 9 if you are saying the court should follow the separation contract.
- Check the third box if you put who 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 checked the third box and filled out the table in section 13 of the Petition. Copy what you put in the table there into this section.
- Check the fifth box only if you said in your Petition that the court does not have jurisdiction (authority) to decide who should get which property.

9. Respondent's Personal Property.

- Check the first box and skip to 10 if you said in the Petition that you do not need the court to divide up your personal property.
- Check the second box and skip to 10 if you are saying the court should follow the separation contract.
- Check the third box if you put who 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 checked the third box and filled out the table in section 13 of the Petition. Copy what you put in the table there into this section.
- Check the fifth box only if you said in your Petition that the court does not have jurisdiction (authority) to decide who should get which property.

10. Petitioner's Debt.

- Check the first box and skip to 11 if you said in the Petition that Petitioner has no debt.
- Check the second box and skip to 11 if your Petition says that you should pay the debts in your name.
- Check the third box and skip to 11 if you want the court to follow the separation contract when it comes to your 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 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 filled out the table in section 13 of the Petition. Copy what you put in the table there into this section.
- Check the sixth box only if you said in your Petition 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 said in the Petition that Respondent has no debt.
- Check the second box and skip to 11 if your Petition says 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 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 filled out the table in section 13 of the Petition. Copy what you put in the table there into this section.
- Check the sixth box only if you said in your Petition 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 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 debt, attorney's fees and costs. **The other spouse could also sue 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 your Petition did not ask for spousal support.

- Check the second box if you want the court to follow your separation contract when it comes to spousal support.
- Check the third box if you put how Respondent 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 filled out the table in section 15 of the Petition. Copy what you put in the table there into this section.

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 the spouse paying spousal support might have a pension or benefits under the Washington State Department of Retirement Systems Check which box immediately underneath showing what you want.

14. Fees and Costs. Check the first box and skip to 15 if your Petition did not ask 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 your Petition asked for fees and costs, and you don't have a separation contract. Check the boxes showing which fees you want the Respondent to pay. **Debtor's name:** put the Respondent's name. **Creditor's name:** put your name. 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 if your Petition did not ask for a Protection Order.

Check **Approved** if you did ask for a Protection Order in your Petition.

Check **Denied** if your spouse asked for a Protection Order but you didn't want one.

Check **renewed/changed** if you got a Protection Order as part of this case and want to change, extend, or end it. Depending on what you want, you will need to file one of the proposed Orders listed immediately underneath.

16. Restraining Order. Check the first box and skip to 17 if your Petition did not ask for a Restraining Order.

Check **Approved** if you did ask for a Restraining Order in your Petition.

Check **Denied** if your spouse asked for a Restraining Order but you didn't want one.

Check the fourth box if you got a temporary restraining order but do not need it any longer. Put the police if you live inside city limits or the sheriff if you are outside them.

17. Children of the Marriage.

- Check the first box and skip to 18 if you put in your Petition that you and your spouse have no children together under age 18.



- Check the second box if you put in your children that you do have children together under age 18, and this divorce covers them.
- Check the third box if you said in your Petition that the court does not have jurisdiction (authority) to decide custody.

18. Parenting Plan.

- Check the first box and skip to 19 if you put in your Petition that you and your spouse have no children together under age 18.
- Check the second box if you submitted a parenting plan. Put the date the judge signed it, if different from the date the judge is signing this Order.
- Check the third box if the judge had appointed a GAL in this case.

19. Child Support. Check the first box if you put in your Petition that you and your spouse have no children together under age 18, or you put in your Petition that the court does not have authority to make decisions about child support.

Check **Court Order** if you asked for a Child Support Order in your Petition. Put the date the judge signed the Child Support Order, if different from the date the judge is signing this Order.

Check **Administrative Order** if you have an order from Division of Child Support (DCS) and don't need a court order. Then check the box in **Tax Issues** showing who you want to have the tax exemption for the children. Check **Post-secondary (college or vocational school)** if you want your final divorce order to say something about this. Check the first box immediately underneath to reserve the right to go to court to get help paying for the children's college. Check the second box immediately underneath if you think you can work something out with your spouse. Check the third box immediately underneath if you do not want a court order about your spouse helping to pay for the children's college.

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. You should check is presented by me. **Sign and print your name and the date** where it says.



Part 7. Filing your papers with the court

A. Giving your spouse notice of the hearing on your Motion for Default.

If your spouse has not filed anything or appeared at any hearings, and the default hearing will happen less than a year after serving your spouse with the Summons and Petition, you can file a default motion and ask the court to sign your final orders without giving your spouse notice.

We recommend you give notice anyway. We describe how below.

Your spouse might later file a motion to vacate and persuade a judge to vacate (cancel) orders entered by default.

Having proof that you gave your spouse another chance to respond before the entry of final orders may help keep that from happening.

-
- ❖ If more than one year has passed since you served your spouse with the summons and petition, you must give your spouse notice of the motion for default and for presentation of your final papers by certified mail or personal service.
 - ❖ If there are other parties to the case, you must get their signatures on the findings and conclusions, final order, and any parenting plan and child support papers, before presenting them to the judge.
-

Use the Notice of Hearing to set up a hearing to ask for entry of your final orders. Some counties require you to use their own form. It may be called a “Note for Motion Docket,” a “Notice of Issue,” or a “Note for Hearing.”

If your spouse appeared, you must give them notice of your motion for default. (See “If your spouse appeared but did not Respond” below.) You can note your final orders and your motion using the same Notice of Hearing.

Ask the facilitator or clerk if your county has a special form. If not, use the form here.

1. Getting a hearing date

Ask the facilitator or clerk when to schedule entry of final divorce orders by default. You can schedule hearings to enter final divorce orders only on certain days, or at certain times, in certain courtrooms, or on certain dockets. If the State is a party, you may have to schedule your hearing on a date that the prosecutor is there for family law motions.



2. How much notice to give your spouse

You must give the other parties and the court your motion and other legal papers at least **5 court days** (business days that are not court holidays) **before the hearing date**. Some counties require more than 5 court days' notice for family law hearings. Ask the court clerk of family law facilitator how many days' notice to give.

Count Day 1 as the day *after* you delivered or mailed the papers.

Mailing. If you have the papers mailed, add at least 3 days to the number of days your county's rules require.

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 the papers arrive on a business day that is not a legal holiday or weekend. Try to give more than the minimum notice of your hearing. If for some reason your spouse does not get enough notice, you must reschedule your hearing, even if your spouse does not show up.

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

Caption. Fill out the caption.

To the Clerk of the Court and all parties: Put your hearing date and time. Put the courthouse address, courtroom number, and name of the docket or judge.

2. Put "Motion for Default and Presentation of Final Divorce Orders."

This hearing was requested by: Check **Petitioner**.

Person asking for this hearing signs here: Sign and print your name and address. Put the date. Read the box about your address.

C. Filing your Notice of Hearing

Before going to the courthouse, copy and organize your papers. Make one copy of every paper – see the checklists in this packet – for yourself and one for every party who will get notice of the hearing. Any party who has appeared *is* entitled to notice. You should give notice even if you do not have to.

Include the State of Washington if your children have gotten TANF or Medicaid, or if a child is in foster care or out-of-home placement. Include the Guardian ad Litem if there is one. Make one more copy for the judge if you need working papers. See "Working Papers," below.

Do not make a copy of the Law Enforcement Confidential Information Form (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 the Proof of Mailing or Hand Delivery and the Law Enforcement Confidential Information Form).

You must file your papers in time to give the court enough notice before the hearing date. See “Getting a Hearing Date” and “How Much Notice to Give your spouse,” above.

Take the originals and the copies to the superior court clerk’s office in the courthouse where you are filing your motion. Give the clerk the originals of all your forms for filing **except** you should ask the clerk what to do with the originals of the proposed orders –the Order on Motion for Default, the Findings and Conclusions, the Final Order, and, in cases with children, the parenting plan, child support order and child support worksheets. (Your case may also include a proposed Protection Order or other papers.) **Follow the clerk’s instructions.**

Do not give the clerk the LECIF now (if you have filled out this form). You do not need it until the judge signs an order containing safety restraints.

Ask the clerk to stamp the copies to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk keeps the original.



Part 8. Serving notice of the motion for default and presentation of final orders

A. Getting ready to serve

Unless more than one year has passed between the date you served your spouse with the Summons and petition and the date of the default and final orders hearing, do not have your spouse personally served with the motion, note for hearing, and final papers. Arrange for service by first class mail or hand delivery. We explain below. If more than one year has passed, special service rules apply.

If there are other parties, you must have the papers mailed or delivered to them too.

Have your motion served in time to give your spouse enough notice before the hearing. See the Instructions for the Notice of Hearing and “How Much Notice to Give” above. Serve everyone on time, including your spouse and any other parties such as the GAL or prosecutor. Use our [Serving Papers on the State](#) packet.

Copy and Organize Your Papers. Make one copy of every paper, including the proposed orders, for each of the other parties. If you need Working Papers, make a copy for the judge. (See the Working Papers section below.)

Make a set of papers for each of the other parties and the judge. Compare it to the checklist in this packet. Make sure you included everything. Do not give the other parties the Proof of Mailing or Hand Delivery or LECIF.

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.

Here are the instructions for giving the papers to the other parties.

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

While the case is going on, if your spouse has given an address for receiving legal papers in the case, send them papers there.

Your spouse’s address may be, for example, at the end of the Summons, the Response form, a Notice of Appearance, or Notice of Address Change. If your spouse 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 your friend 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. Then, file the original certificates with the court clerk. Keep a conformed copy for your records.

The papers must be mailed or delivered before your deadline. You do not count the day of delivery or mailing, weekends, or court holidays.

Mailing: If you have the papers mailed, instead of personally delivered, add at least 3 days to the number of days' notice your county requires.

Example: If you mail a document on a Monday, the law presumed you served it on Thursday. If the third day after mailing is a weekend or holiday, add days so the papers arrive on a business day. Try to give more than the minimum number of days for notice of your hearing. If for some reason your spouse does not get enough notice of your hearing, you must reschedule your hearing, even if your spouse does not show up and object.

If you have a document sent by regular first-class mail, and you think another party will not show up at a hearing, have an extra copy sent by certified mail, return receipt requested, for more proof of mailing. Staple the green return receipt card to the Proof of Mailing or Hand Delivery.

Hand Delivery: Your friend may deliver the papers to your spouse, rather than mail them. "Delivering" the packet of papers to your spouse (or their lawyer) means one of these:

- handing it to your spouse or their lawyer
- leaving it at your spouse's attorney's office with their clerk or other person in charge of the office

❖ *Do not* serve other parties at their office 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 your spouse's home with an adult living there.

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

Make some blank copies of this. You may need to fill out and file it several times. Use it to show that copies of papers you file in court have been given to the other parties. Use a

separate form for each party to whom you had papers mailed or delivered.

Caption. Fill out 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 they served the papers. In the second blank, they put who they served. Then they should check the boxes and fill out any blanks as needed to show how they served your spouse.
3. **List all documents you served:** Your server must check the box for **every form** they sent or delivered to your spouse. If they leave a form out, you will not have 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.

2. Filing the Proof of Mailing or Hand Delivery

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

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 original Proof of Mailing. 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 the receipt later, attached to a page labeled with your case caption.



Part 9. Getting ready for and going to your hearing

A. 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.
- **Confirm the hearing** a few days before the hearing date. “Confirming the hearing” means telling the court the hearing will take place as scheduled.

Ask the facilitator or court clerk what the rules are for working papers and confirming the hearing in your county.

❖ If you do not give the judge working papers and do not confirm your hearing in a county that requires it, the court may cancel your hearing, or the judge might not consider your papers.

B. 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 and your hearing papers.

Bring copies of your proofs of service (Proof of Personal Service and the Proof of Mailing or Hand Delivery). The judge may want to see them. Bring your own copy of all papers you filed and served on the other parties earlier in the case. The judge may have a question about them, but not have the court file.

Get to Your Hearing Early. Try to dress neatly. Bring a pad of paper and black pen for making notes. Bring your set of the papers and the originals of your orders.

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, or your spouse may win.

When You Get to the Courtroom, tell the person in charge in the courtroom (the clerk or

bailiff) your name and your case name and number. 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 Papers. When they tell you to come forward, do so. Give the court the originals of your final papers (Order on Motion for Default, Findings, Final Divorce Order, and, if applicable, your Final Parenting Plan, Child Support Order and Worksheets, and Protection Order).

The judge will usually ask if any other party is there. The judge may ask you to explain what you want, and why. Be brief. Speak directly to the judge.

If your spouse appears at the hearing, the judge may allow your spouse to speak. The judge may ask you questions.

Getting a Default Judgment. If your spouse does not appear, ask the judge to sign your orders. (Order on Motion for Default, Findings, Final Divorce Order, and, if applicable, your Final Parenting Plan, Child Support Order and Child Support Worksheets, and Protection Order.)

The judge may want to see your Proof of Personal Service or Proof of Mailing or Hand Delivery.

Do not interrupt the judge. The judge may ask about your final papers to make sure they are complete and correct. The judge may swear you in and go through the Findings, asking about each paragraph.

Example: 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 “formal proof.” shows there is evidence supporting the judge signing the final orders. If you do not understand a question, ask the judge to explain.

If your spouse shows up at the hearing, the judge will probably not grant your motion for default.

Ask the judge for an order setting a deadline for your spouse to file a Response, and a review (repeat) hearing to make sure your spouse files the Response.

- If the respondent does not file a Response by the court’s deadline, go to the review hearing. Ask the judge to sign your Order on Motion for Default and your final papers.

- If the respondent files a Response before the review hearing, you cannot get an Order on Motion for Default against that respondent. You must either reach agreement or get ready for trial.
- ***Do not leave the courthouse with or change or destroy court orders the judge has signed.*** If the clerk in the courtroom gives you the signed original orders, file them with the court 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. You need copies of the signed orders. You need certified copies of any order with a safety restraint and of any Protection Order.

Get one certified copy for yourself and one certified copy for each restrained party you need to serve. Get conformed copies of other orders.

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

- The clerk makes *certified copies*. There may be a fee (**Example:** \$5 for the first page and \$1 for every extra page).
- For *conformed copies*:
 - The clerk may let you make copies of the originals in the library or clerk's office.
 - If the copies of proposed orders you brought to court are the same as those the judge signed, the clerk may let you stamp those copies with the date filed stamp and judge's signature stamp.

If the judge signed your order(s), properly deliver copies of the papers to the other parties.



Part 10. If your spouse files a Response and you do not reach an agreement, get ready for trial

You must go to trial if all of these are true:

- Your spouse files a Response fighting (called *contesting*) the petition
- The court does not dismiss the case
- You reach no agreement about final orders

Follow the court's rules about trial preparation. Some counties have a case schedule or other notice stating some things to do to get ready. Get more information from your family law facilitator.

If you do not have a case schedule, do not wait until the last minute to get ready for trial. Start weeks, if not months, in advance. Find out how the court schedules trials. The court might announce the trial date on its own or you might have to ask for a trial date.

If custody or visitation is an issue, and there is a Guardian ad Litem or other custody evaluator, you should get a report from the GAL before the trial.

At trial, each party gets to tell the judge why the judge should rule in that party's favor. Each party must present the judge with evidence (**Examples:** Admissible documents or testimony) that helps prove that party's claims.

We have no packet about preparing for trial. Talk to a lawyer.

These resources may help:

- [Subpoenaing Witnesses and Documents](#)
- [How Do I "Do Discovery?" Help with Interrogatories and Requests for Production in Family Law Cases](#)
- [Preparing for a Court Hearing or Trial](#)
- [Family Law Cases: Trial Tips](#)

At the end of the trial, the judge announces a decision and reasons for it. The case is not final until the judge signs final papers: Findings and Conclusions, a Final Divorce Order,

and, in some cases, other papers.

If there are dependent children, the final papers will include a parenting plan and a Child Support Order and Worksheets, if the court has jurisdiction to decide these. The judge usually asks one of the parties or their lawyer to prepare the final papers for the judge to approve.

Those papers get presented to the judge at a “presentation” hearing. The judge at the end of the trial might tell you the presentation hearing date. If not, the person who prepares the final orders must give the other parties advance notice of the time and place of this hearing.

The person preparing the orders must give the other parties copies of the papers the party wants the judge to sign. That person should prepare the final papers to say exactly what the judge ordered – not what that party wanted.

-
- ❖ If another party prepares final orders after trial and asks you to sign them, read them carefully. Make sure they accurately state what the judge decided at trial. If you believe that something does not show the judge’s decision correctly, or you are not sure, **insist that your spouse set a “presentation” hearing** and give you notice of that hearing. Go to the presentation hearing. Explain why you believe the language in the final orders does not show the judge’s decision. You may have to prepare your own proposed final papers.
-

After the judge signs the final papers, read the information in the “Going to Your Hearing” section about getting copies of the signed orders. If the judge signed your order(s), properly deliver copies of the papers to the other parties.



Part 11. Words and expressions you should know

❖ You may not need every definition in this section.

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 Court hearing or in writing. Most people file and serve a Notice of Appearance. Some informal actions, such as negotiating, phoning about the case, or writing a letter, might also 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 format rules for court forms. (The General Instructions section of this packet has basic information 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.

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

Case Schedule: A printed schedule some courts issue. 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 with an official stamp stating it is a true copy. Usually, you pay 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. Each courthouse has a Superior Court Clerk's Office. Someone from the clerk's office is also usually in the courtroom during hearings.

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

Confirm a Hearing or Trial: Notifying the court that you still plan to have the hearing or trial scheduled in your case. How to confirm varies by county. Not all counties require it. Check your local rules. If confirmation is required and you do not give it, the court may cancel the hearing or trial.

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

Continuance: Delaying your court hearing to a later date. You might have to ask the judge for permission to continue a case.

Custodian (Custodial Parent): The person the children live with most of the time.

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

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

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

Default Order: An order that a petitioner can request if one of these is true:

- Respondent does not file a Response before the deadline
- If Respondent has appeared in the case but does not file a Response after being served with a Motion for Default.

Dispute Resolution: The part of the parenting plan that states how the parties will try to resolve disagreements about the parenting plan (mediation, counseling, court action).

Dissolution: The legal word for divorce in Washington State.

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

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. (The General Instructions section of this packet has basic information about format rules.)

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 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, like a motion to dismiss, may end the case. In many counties, the court does not allow live witness testimony at hearings. Instead, the parties must file and serve materials in advance in writing.

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

LECIF: Law Enforcement Confidential Information Form.

Long distance transportation: The expense of having to get the children from one parent's home to another when the parents live far apart.

Maintenance (used to be “alimony”): The amount a court orders one spouse or partner to pay for the other’s support during the case and/or after it ends.

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.

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

Motion Docket: The court’s schedule of motions it will hear.

Noncustodial parent: The parent the child does not live with most of the time.

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

Notice of Appearance: A paper you file with the court and serve on the other parties showing you want to take part in the case, and saying where to send papers filed about the case.

Order: A court document signed by a judge requiring someone to do (or not do) something. **Examples:** Restraining orders, parenting plans, or Findings and Conclusions. If you disobey a court order, the judge may hold you in contempt. An order is not in effect until a judge has signed it. Check if an order you are served with is only a proposed order or if the 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 a particular party. **Example:** When the Motion for Default says “other party,” it means the party you believe is in default.

Parenting Plan: A proposal or, if signed by a judge, a court order stating when the child will be with each party, who will make major decisions about the child, and how you will resolve future disputes about the child.

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

Petition: The document that starts a case and asks for a Final Divorce Order, judgment, or final order.

Proposed Order: A document you will ask the judge to sign. It becomes an order if the judge signs it. Many counties require parties to file and serve proposed orders with motions or responses to motions. Even if yours does not require it, you should still prepare and serve proposed orders.

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 with the court. It also describes the papers someone files 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, including, for example, responses to motions as well as petitions.

Restraining Order: A court order to keep a party from doing something that may harm your spouse or child.

Separate household: Where you live, and what you own, when you and your spouse or partner are no longer together.

Service: Giving court papers to your spouse. The law defines how to serve. When you start a case, you must arrange for the Summons, Petition, and other papers starting the case to be properly hand-delivered or, in some cases, with court permission, sent by certified mail or published in a newspaper. After service of the initial Summons and Petition, you can have many later papers served by mail, with enough notice.

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

Summons: A written notice that you have filed a case.

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

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

Waiver: Asking to be excused from something. Filing a motion for a fee waiver is asking the court to excuse you from paying the fee.

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. Check with the Family Law Facilitator or court clerk. [What are Working Copies](#) has general information.



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 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 available at courts.wa.gov/forms.

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 Mailing or Hand Delivery
(for documents after Summons and
Petition)
(AFSR)

Proof of Mailing or Hand Delivery
(for documents after Summons and Petition)

Warning! Do **not** use this form to prove you mailed or delivered a Summons, Petition, Order to Go to Court, or any kind of Restraining Order. For those documents, use Proof of Personal Service (FL All Family 101), or if you have court permission to serve by mail, use Proof of Service by Mail (FL All Family 107).

I declare:

1. I am (*check one*): the Petitioner the Respondent (*name*): _____
_____ and I am competent to be a witness in this case.

2. On (*date*): _____, I served copies of the documents listed in **3** below to
(*name of party or lawyer served*): _____ by:

mail (*check all that apply*): first class certified other _____

Mailing Address *City* *State* *Zip*

email to (*address*): _____
(*only if allowed by agreement, order, or your county's Local Court Rule*)

fax to (*number*): _____
(*only if allowed by agreement, order, or your county's Local Court Rule*)

Hand delivery at (*time*): _____ a.m. p.m. to this address:

Street Address *City* *State* *Zip*

I left the documents (*check one*):

- with the party or lawyer named above.
- at the attorney's office with the clerk or other person in charge.
- at the attorney's office in a conspicuous place because no one was in charge.
- with (*name*): _____,
at the address listed in court documents where the party agreed to receive legal papers for this case.
- (*For a party or lawyer who has no office or whose office is closed*) at their home with (*name*): _____,
a person of suitable age and discretion who lives in the same home.

3. 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"/> Notice of Hearing (<i>hearing date</i>): _____	<input type="checkbox"/> Notice Re: Military Dependent
<input type="checkbox"/> Motion for Temporary Family Law Order <input type="checkbox"/> and Restraining Order	<input type="checkbox"/> Sealed Financial Documents
<input type="checkbox"/> Proposed Temporary Family Law Order	<input type="checkbox"/> Financial Declaration
<input type="checkbox"/> Proposed Parenting Plan	<input type="checkbox"/> Declaration of: _____
<input type="checkbox"/> Proposed Child Support Order	<input type="checkbox"/> Declaration of:
<input type="checkbox"/> Proposed Child Support Worksheets	<input type="checkbox"/> Declaration of:
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

4. Other: _____

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

Superior Court of Washington, County of _____

In re:

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

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

No. _____

Motion for Default

(MTDFL)

Motion for Default

Important! *The person making this motion must ask the court to sign the Order on Motion for Default (FL All Family 162) either at a hearing or at ex parte.*

- *If you must notify the other side about this motion, you may use the Notice of Hearing form (FL All Family 185) unless local rule requires a different form. Contact the court for scheduling information.*
- *If you don't have to notify the other side, you may ask the court to sign the Order "ex parte" (without the other party there). Contact the Superior Court Clerk's office for the procedure in your county.*

1. My name is: _____.

2. Request

I ask the court to find the other party, (*name*): _____,
in default, and to approve final orders in this case without the other party's participation
because the other party has not filed a *Response*.

3. Notice about the motion (*check one*):

[] I must give the other party a copy of this motion and advance notice of the hearing
because:

- s/he has filed a *Notice of Appearance* or appeared in this case in some other way,
OR
- it has been more than one year since s/he was served with the *Summons* and
Petition.

I do **not** have to give the other party a copy of this motion and advance notice of the hearing because s/he:

- has **not** filed a *Notice of Appearance*,
- has **not** appeared in this case in any other way, AND
- was served with the *Summons* and *Petition* less than one year ago.

Note: *Even if you do not have to notify the other party, you may choose to do so.*

4. Service of Summons and Petition

The other party was properly served on (date): _____ with a *Summons* and *Petition* for this case and any other documents listed in the proof of service filed with the court.

State (or foreign country) where the other party was served: _____

The other party had to be served outside of Washington State because (*explain*):

5. Timing and type of service

The other party was served with the *Summons* and *Petition* by (*check one*):

- personal service in Washington State, at least 21 days ago.
- personal service outside of Washington State, at least 61 days ago.
- mail, at least 91 days ago.
- publication, at least 61 days ago.
- For a *Petition to Modify Child Support Order* only:**
 - by mail in Washington State. Service was effective at least 21 days ago.
 - by mail outside of Washington State. Service was effective at least 61 days ago.

6. Correct Court (venue and jurisdiction)

At the time this case was filed:

The Petitioner lived in (*county and state*): _____

The Respondent lived in (*county and state*): _____

The children (if any) lived in (*county and state*): _____

The *Petition* describes how this court has jurisdiction over this case and the parties.

Other (*specify*): _____

7. Active duty military

(The **federal** *Servicemembers Civil Relief Act* covers:

- *Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;*
- *National Guard or Reserve members under a call to active service for more than 30 days in a row;*
and
- *commissioned corps of the Public Health Service and NOAA.*

Superior Court of Washington, County of _____

In re:

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

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

No. _____

Order on Motion for Default

ORDFL (Granted)

ORDYMT (Denied)

Clerk's Action Required: 9

Order on Motion for Default

1. The court has considered the *Motion for Default* filed by (*name*): _____.

➤ **The Court Finds:**

2. Response

The other party, (*name*): _____, (*check one*):

has **not** filed a *Response* to the *Petition*.

has filed a *Response* to the *Petition*.

3. Notice about the motion

The other party (*check one*):

is entitled to notice of the motion because s/he appeared or was served with the *Summons* and *Petition* more than one year ago. (*Check one*):

Notice was given. The other party was served with the *Motion for Default* and notice of the hearing on (*date*): _____.

Notice was not given. The *Motion* should be denied.

is **not** entitled to notice of the *Motion for Default* because s/he has not filed a *Notice of Appearance*, has not appeared in this case in any other way, AND was served with the *Summons* and *Petition* less than one year ago.

Notice was given even though it was not required. The other party was served with the *Motion for Default and notice of the hearing on (date):* _____.

4. Service of Summons and Petition

The other party was properly served on *(date):* _____ with a *Summons* and *Petition* for this case and any other documents listed in the proof of service filed with the court.

Valid proof of service has **not** been filed.

5. Timing and type of service

The other party was served with the *Summons* and *Petition* by *(check one)*:

personal service in Washington State, at least 21 days ago.

personal service outside of Washington State, at least 61 days ago, because service could not be made within Washington State.

mail, at least 91 days ago.

publication, at least 61 days ago.

For a *Petition to Modify Child Support Order* only:

by mail in Washington State. Service was effective at least 21 days ago.

by mail outside of Washington State. Service was effective at least 61 days ago.

Does not apply. No valid proof of service was filed.

6. Correct Court (venue and jurisdiction)

A Washington court can decide this case because it has jurisdiction over the case and the parties. This case should be heard in this county court (venue is proper).

Other *(specify):* _____

7. Active duty military

*(The **federal** Servicemembers Civil Relief Act covers:*

- *Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;*
- *National Guard or Reserve members under a call to active service for more than 30 days in a row;*
and
- *commissioned corps of the Public Health Service and NOAA.*

*The **state** Service Members' Civil Relief Act covers those service members listed above who are either stationed in or residents of Washington state, and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)*

The other party is **not** covered by the state or federal Servicemembers Civil Relief Act.

The other party **is covered** by the state or federal Servicemembers Civil Relief Act. S/he *(check one)*:

may be defaulted because:

- s/he is represented by a lawyer in this case, AND

Superior Court of Washington, County of _____

In re:

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

And Respondent/s (other party/parties):

No. _____

Notice of Hearing
(NTHG)

Clerk's action required: **1**

Notice of Hearing

To the Court Clerk and all parties:

1. A court hearing has been scheduled:



for: _____ at: _____ a.m. p.m.
date *time*

at: _____ in _____
court's address *room or department*

docket / calendar or judge / commissioner's name

2. The purpose of this hearing is (specify): _____

Warning! If you do not go to the hearing, the court may sign orders without hearing your side.

This hearing was requested by: Petitioner or his/her lawyer Respondent or his/her lawyer

Person asking for this hearing signs here

Print name (if lawyer, also list WSBA #) *Date*

I agree to accept legal papers for this case at:

address

city *state* *zip*

(Optional) email: _____

This does **not** have to be your home address. 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). A party must also update his/her *Confidential Information* form (FL All Family 001) if this case involves parentage or child support.

Superior Court of Washington, County of _____

In re the marriage of:

Petitioner (*person who started this case*):

Respondent (*other spouse*):

No. _____

Findings and Conclusions About a Marriage

(FNFCL)

Findings and Conclusions about a Marriage

1. Basis for findings and conclusions:

Spouses' agreement

Order on Motion for Default (*date*): _____.

Trial on (*date*): _____, where the following people were present (*check all that apply*):

Petitioner

Petitioner's lawyer

Respondent

Respondent's lawyer

Other (*name and relationship to this case*): _____

Other (*name and relationship to this case*): _____

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

2. Notice (*check all that apply*):

Respondent was served with the *Summons* and *Petition* to start this case on (*date*): _____ by this method (*check all that apply*):

in person mail publication

Respondent has appeared in this case or responded to the *Petition*.

Respondent has signed an agreement to join the *Petition*.

3. Jurisdiction over the marriage and the spouses (*check all that apply*):

At the time the *Petition* was filed,

Petitioner lived did not live in Washington State.

Respondent lived did not live in Washington State.

Petitioner and Respondent lived in this state while they were married, and the Petitioner still lives in this state or is stationed here as a member of the armed forces.

Petitioner is a member of the armed forces and has been stationed here for at least 90 days.

Petitioner and Respondent may have conceived a child together in this state.

Other (*specify*): _____

Conclusion: The court **has** does **not have** jurisdiction over the marriage.

The court **has** does **not have** jurisdiction over Respondent.

4. Information about the marriage

The spouses were married on (*date*): _____ at (*city and state*): _____.

Before they married, the spouses were registered domestic partners. Their domestic partnership was registered with the State of _____ on (*date*): _____ and:

it converted into a marriage by law on June 30, 2014. (*RCW 26.60.100.*)

they were married on (*date*): _____ at (*city and state*): _____.

5. Separation Date

The marital community ended on (*date*): _____. The parties stopped acquiring community property and incurring community debt on this date.

6. Status of the marriage

Divorce – This marriage is irretrievably broken, and it has been 90 days or longer since the *Petition* was filed and the *Summons* was served or the Respondent joined the *Petition*.

Legal Separation – The (*check one or both*): Petitioner Respondent want/s to be legally separated.

Invalidity – The (*check one or both*): Petitioner Respondent want/s to invalidate (annul) this marriage, and the court finds the following facts about the validity of this marriage by clear and convincing evidence: _____

Conclusion: The *Petition* for divorce, legal separation, or invalidity (annulment) should be approved.

Other: _____

7. Separation Contract

Note – A separation contract is a written agreement between the spouses that covers some or all of the issues that must be decided in this divorce. Prenuptial or community property agreements are **not** separation contracts but may be the basis for a separation contract or final orders.

There is no separation contract.

The spouses signed a separation contract on *(date)*: _____.

Conclusion: The parties should *(check one)*:

be ordered to comply with the terms of the contract.

not be ordered to comply with the terms of the contract because:

The contract provides that it shall **not** be set forth, filed, or made an exhibit to the order.

8. Real Property (*land or home*)

Neither spouse owns any real property.

The spouses' real property is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.

The spouses' real property is listed in the separation contract described in 7.

The spouses' real property is listed below:

Real Property Address	Tax Parcel Number	Community or Separate Property
		<input type="checkbox"/> community property <input type="checkbox"/> Petitioner's separate property <input type="checkbox"/> Respondent's separate property
		<input type="checkbox"/> community property <input type="checkbox"/> Petitioner's separate property <input type="checkbox"/> Respondent's separate property
		<input type="checkbox"/> community property <input type="checkbox"/> Petitioner's separate property <input type="checkbox"/> Respondent's separate property

The court does not have jurisdiction to divide real property because the real property is not in Washington State.

Other (*specify*): _____

Conclusion: The division of real property described in the final order is fair (*just and equitable*).

9. Community Personal Property (*possessions, assets, or business interests of any kind*)

There is no community personal property. All personal property is separate property.

The community personal property has already been divided fairly between the spouses. Each spouse should keep any community personal property that spouse now has or controls.

The spouses' community personal property is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.

- The spouses' community personal property is listed in the separation contract described in **7**.
- The spouses' community personal property is listed below. *(Include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last 4 digits of any account number. For vehicles, list year, make, model, and VIN or license plate number.)*

1.	2.
3.	4.
5.	6.
7.	8.

- The court does not have jurisdiction to divide property because the court does not have personal jurisdiction over one of the spouses as described in **3** above.
- Other (specify): _____

Conclusion: The division of community personal property described in the final order is fair (*just and equitable*).

10. Separate Personal Property (*possessions, assets, or business interests of any kind*)

- Neither spouse has separate personal property. All personal property is community property.
- The **Petitioner** has no separate personal property.
- The **Respondent** has no separate personal property.
- The separate personal property has already been divided fairly between the spouses. Each spouse should keep any separate property that spouse now has or controls.
- The **Petitioner's** separate personal property is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.
- The **Respondent's** separate personal property is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.
- The spouses' separate personal property is listed in the separation contract described in **7**.
- The **Petitioner's** separate personal property is listed below. *(Include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last 4 digits of any account number. For vehicles, list year, make, model, and VIN or license plate number.)*

1.	2.
3.	4.
5.	6.
7.	8.

- The **Respondent's** separate personal property is listed below. *(Include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list*

more than the last 4 digits of any account number. For vehicles, list year, make, model, and VIN or license plate number.)

1.	2.
3.	4.
5.	6.
7.	8.

- The court does not have jurisdiction to divide property because the court does not have personal jurisdiction over one of the spouses as described in **3** above.
- Other (*specify*): _____

Conclusion: The division of separate personal property described in the final order is fair (*just and equitable*).

11. Community Debt

- There is no community debt.
- The community debt has already been divided fairly between the spouses.
- The spouses' community debt is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.
- The spouses' community debt is listed in the separation contract described in **7**.
- The spouses' community debt is listed below:

Debt Amount	Creditor (person or company owed this debt)	Account Number (last 4 digits only)
\$		
\$		
\$		
\$		

- The court does not have jurisdiction to divide debt because the court does not have personal jurisdiction over one of the spouses as described in **3** above.
- Other (*specify*): _____

Conclusion: The division of community debt described in the final order is fair (*just and equitable*).

12. Separate Debt

- Neither spouse has separate debt.
- The **Petitioner** has no separate debt.
- The **Respondent** has no separate debt.
- The separate debt has already been divided fairly between the spouses.
- The **Petitioner's** separate debt is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.

- The **Respondent's** separate debt is listed in Exhibit _____. This Exhibit is attached and made part of these Findings.
- The spouses' separate debt is listed in the separation contract described in 7.
- The **Petitioner's** separate debt is listed below:

Debt Amount	Creditor (person or company owed this debt)	Account Number (last 4 digits only)
\$		
\$		
\$		
\$		

- The **Respondent's** separate debt is listed below:

Debt Amount	Creditor (person or company owed this debt)	Account Number (last 4 digits only)
\$		
\$		
\$		
\$		

- The court does not have jurisdiction to divide debt because the court does not have personal jurisdiction over one of the spouses as described in 3 above.
- Other (*specify*): _____

Conclusion: The division of separate debt described in the final order is fair (*just and equitable*).

13. Spousal Support (*maintenance/alimony*)

- Spousal support was **not** requested.
- Spousal support should be based on the separation contract listed in 7.
- Spousal support was requested.

Conclusion: Spousal support should (*check one*):

be ordered because: _____

not be ordered because: _____

14. Fees and Costs

- Each party should pay their own fees or costs.
- Fees and costs should be paid according to the separation contract listed in 7.
- The (*check one*): Petitioner Respondent incurred fees and costs, and needs help to pay those fees and costs. The other spouse has the ability to help pay fees and costs and should be ordered to pay the amount as listed in the final order. The court finds that the amount ordered is reasonable.
- Fees for a Guardian ad Litem (GAL) or other court-appointed professional should be paid as listed in the final order. The court has considered relevant factors including each party's ability to pay, and finds the fees as ordered are reasonable.
- Other findings: _____

15. Protection Order

- No one requested a *Protection Order* in this case.
- (*Name*) _____ requested a *Protection Order* in this case.

Conclusion: The court should (*check one*):

- not** approve a *Protection Order* because: _____

- approve a *Protection Order* because: _____

16. Restraining Order

- No one requested a *Restraining Order* in this case.
- The (*check one*): Petitioner Respondent requested a *Restraining Order*.

Conclusion: The court should (*check one*):

- not** approve a *Restraining Order* because: _____

- approve a *Restraining Order* because: _____

17. Pregnancy

- Neither spouse is pregnant.
- One of the spouses is pregnant (*check one*): Petitioner Respondent

Warning: The law considers the other spouse to be the parent of any child born during the marriage or within 300 days after it ends. If the other spouse is **not** the parent, either spouse may file a *Petition to Decide Parentage* (FL Parentage 301) in court. In most cases, the deadline to file the *Petition to Decide Parentage* is before the child turns 4. (See RCW 26.26A.115, 26.26A.435.)

If everyone agrees, both spouses and the child's other parent can sign an *Acknowledgment (and Denial) of Parentage*. Both forms must be filed with the Washington State Registrar of Vital Statistics to be valid.

Conclusion: The pregnancy shall not delay finalization of this case. Finalization of this case shall not affect any future case about the unborn child's parentage that is filed within the time limits allowed by law.

Parentage Findings

- None.
- Parentage case filed.** A case about the parentage of the unborn child has been joined (combined) with this case. The court's *Findings and Conclusions about Parentage* will be filed separately.
- Agreed denial of parentage. Further action needed.** Both spouses agree that (name) _____ is **not** the parent of the unborn child. The spouses have signed a *Denial of Parentage*. This has no legal effect until a valid *Acknowledgement of Parentage* and the *Denial* are both filed with the state Registrar of Vital Statistics and the baby is born.
- Other (specify): _____

18. Children of the marriage

- The spouses have **no** children together who are still dependent.
- The spouses have the following children together who are still dependent (*only list children the spouses have together, not children from other relationships*):

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	
5.		6.	

If there are children listed above who do not have both spouses listed on their birth certificates, the State Registrar of Vital Statistics should be ordered to amend the children's birth certificates to list both spouses as parents.

Were other children born during the marriage (with someone else, not a spouse)?
(Check one):

- Neither spouse gave birth to any other children during the marriage.
- A spouse gave birth to the following other children with someone else during the marriage (*list each child's name, age, and how parentage was addressed*):

Warning! If parentage has **not** been addressed, both spouses are responsible for these children and the court must enter a *Parenting Plan* and *Child Support Order*.

Other (specify): _____

19. Jurisdiction over the children (RCW 26.27.201 – .221, .231, .261, .271)

Does not apply. The spouses have **no** children together who are still dependent.

The court can approve a *Parenting Plan* for the children the spouses have together because (check all that apply; if a box applies to all of the children, you may write “the children” instead of listing names):

Exclusive, continuing jurisdiction – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for (children’s names): _____

Home state jurisdiction – Washington is the children’s home state because (check all that apply):

(Children’s names): _____ lived in Washington with a parent, or someone acting as a parent, for at least the 6 months just before this case was filed, or if the children were less than 6 months old when the case was filed, they had lived in Washington with a parent or someone acting as a parent since birth.

There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they were less than 6 months old), but those were temporary absences.

(Children’s names): _____ do not live in Washington right now, but Washington was the children’s home state sometime in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.

(Children’s names): _____ do not have another home state.

No home state or home state declined – No court of any other state (or tribe) has the jurisdiction to make decisions for (children’s names): _____

_____’
or a court in the children’s home state (or tribe) decided it is better to have this case in Washington **and**:

- The children and a parent or someone acting as a parent have ties to Washington beyond just living here; **and**
- There is a lot of information (substantial evidence) about the children’s care, protection, education, and relationships in this state.

Other state declined – The courts in other states (or tribes) that might be (children’s names): _____’s home state have refused to take this case because it is better to have this case in Washington.

Temporary emergency jurisdiction – Washington had temporary emergency jurisdiction over (children’s names): _____

when the case was filed, and now has jurisdiction to make a final custody decision because:

- When the case was filed, the children were abandoned in this state, or the children were in this state and the children (or children’s parent or sibling) was abused or threatened with abuse;
- The court signed a temporary order on *(date)* _____ saying that Washington’s jurisdiction will become final if no case is filed in the children’s home state (or tribe) by the time the children have been in Washington for 6 months;
- The children have now lived in Washington for 6 months; **and**
- No case concerning the children has been started in the children’s home state (or tribe).

Other reason *(specify)*: _____

The court cannot approve a *Parenting Plan* because the court does not have jurisdiction over the children.

20. Parenting Plan

The spouses have **no** children together who are under 18 years old.

The court signed the final *Parenting Plan* filed separately today or on *(date)*: _____.

Both parents agreed to and signed the *Parenting Plan*.

Other *(specify)*: _____

The court cannot approve a *Parenting Plan* because the court does not have jurisdiction over the children.

21. Child Support

The spouses have **no** children together who are still dependent.

The dependent children should be supported according to state law.

The court signed the final *Child Support Order* and *Worksheets* filed separately today or on *(date)*: _____.

There is no need for the court to make a child support order because the DSHS Division of Child Support (DCS) has already established an administrative child support order for the children of this marriage in DCS case number(s) _____

Other *(specify)*: _____

22. Other findings or conclusions (if any)

Date



Judge or Commissioner

Petitioner and Respondent or their lawyers fill out below.

This document (*check any that apply*):

- is an agreement of the parties
- is presented by me
- may be signed by the court without notice to me

This document (*check any that apply*):

- is an agreement of the parties
- is presented by me
- may be signed by the court without notice to me

Petitioner signs here **or** lawyer signs here + WSBA #

Respondent signs here **or** lawyer signs here + WSBA #

Print Name Date

Print Name Date

Superior Court of Washington, County of _____

In re the marriage of:

Petitioner (*person who started this case*):

And Respondent (*other spouse*):

No. _____

Final Divorce Order (Dissolution Decree) (DCD)

Final Legal Separation Order (Decree) (DCLGSP)

Invalid Marriage Order (Annulment Decree) (DCINMG)

Valid Marriage Order (Decree) (DCVMO)

Clerk's action required: **1, 2, 6, 13, 14, 15, 16, 18**

Final Divorce Order

Legal Separation Order

Invalid Marriage Order

Valid Marriage Order

1. Money Judgment Summary

No money judgment is ordered.

Summarize any money judgments from sections 6 or 14 in the table below.

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
Money judgment (section 6)			\$	\$
Fees and costs (section 14)			\$	\$
Other amounts (describe):			\$	\$
Yearly Interest Rate: ____% (12% unless otherwise listed)				
Lawyer (name):		represents (name):		
Lawyer (name):		represents (name):		

2. Summary of Real Property Judgment (land or home)

No real property judgment is ordered.

Summarize any real property judgment from section 7 in the table below.

Grantor's name <i>(person giving property)</i>	Grantee's name <i>(person getting property)</i>	Real Property <i>(fill in at least one)</i>	
		Assessor's property tax parcel or account number:	Legal description of property awarded <i>(lot/block/plat/section, township, range, county, state)</i>
Lawyer <i>(name)</i> :		represents <i>(name)</i> :	
Lawyer <i>(name)</i> :		represents <i>(name)</i> :	

➤ **The court has made Findings and Conclusions in this case and now Orders:**

3. Marriage

- This marriage and any domestic partnerships or civil unions are dissolved. The Petitioner and Respondent are divorced.
- The Petitioner and Respondent are granted a Legal Separation.
- This marriage is invalid (annulled) as of the date it began.
- The *Petition to Invalidate (Annul) Marriage* is denied. This marriage is valid (not annulled).

4. Name Changes

- Neither spouse asked to change their name.
- The Petitioner's name is changed to *(new name)*:

First *Middle* *Last*

- The Respondent's name is changed to *(new name)*:

First *Middle* *Last*

5. Separation Contract

- There is no enforceable separation contract.
- The spouses must comply with the terms of the separation contract signed on *(date)*: _____. This contract is *(check one)*:
 - attached as an Exhibit and made part of this Order.
 - not** filed with the court and is incorporated by reference. *(RCW 26.09.070(5))*
 - filed with the court as a separate document and is incorporated by reference.

6. Money Judgment *(summarized in section 1 above)*

- None.

The (*check one*): Petitioner Respondent must pay the other party (*amount*) \$_____. The court grants a judgment for this amount.

The **interest rate** is 12% unless another amount is listed below.

The interest rate is ____% because (*explain*): _____
_____.

Money judgments in temporary orders (other than child support):

are **not** affected by this order.

are affected by this order as follows (*clerk's action required*): _____
_____.

Other: _____
_____.

7. Real Property (land or home) (*summarized in section 2 above*)

Neither spouse owns any real property.

The real property is divided according to the separation contract described in **5** above.

The real property is divided as listed in Exhibit _____. This Exhibit is attached and made part of this Order.

The real property is divided as explained below:

Real Property Address	Tax Parcel Number	Given to which spouse as that spouse's separate property?
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

The spouse giving up ownership must sign a *Quit Claim Deed and Real Estate Excise Tax Affidavit* to transfer the real property to the other spouse by (*date*): _____.

The court does not have jurisdiction to divide real property because the real property is not located in Washington State.

Other (*specify*): _____

_____.

8. Petitioner's Personal Property (possessions, assets or business interests of any kind)

The personal property that Petitioner now has or controls is given to Petitioner as their separate property. No transfer of property between Petitioner and Respondent is required.

- The personal property listed as Petitioner's in the separation contract, described in **5** above, is given to Petitioner as their separate property.
- The personal property listed in Exhibit _____ is given to Petitioner as their separate property. This Exhibit is attached and made part of this Order.
- The personal property listed below is given to Petitioner as their separate property. *(Include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last 4 digits of any account number. For vehicles, list year, make, model, and VIN or license plate number.)*

1.	2.
3.	4.
5.	6.
7.	8.

- The court does not have jurisdiction to divide personal property because the court does not have personal jurisdiction over one of the spouses as described in Section **3** of the *Findings and Conclusions* for this case.
- Other (specify): _____

9. Respondent's Personal Property (possessions, assets, or business interests of any kind)

- The personal property that Respondent now has or controls is given to Respondent as their separate property. No transfer of property between Petitioner and Respondent is required.
- The personal property listed as Respondent's in the separation contract described in **5** above is given to Respondent as their separate property.
- The personal property listed in Exhibit _____ is given to Respondent as their separate property. This Exhibit is attached and made part of this Order.
- The personal property listed below is given to Respondent as their separate property. *(Include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last 4 digits of any account number. For vehicles, list year, make, model, and VIN or license plate number.)*

1.	2.
3.	4.
5.	6.
7.	8.

- The court does not have jurisdiction to divide personal property because the court does not have personal jurisdiction over one of the spouses as described in Section **3** of the *Findings and Conclusions* for this case.
- Other (specify): _____

10. Petitioner's Debt

The Petitioner must pay all debts the Petitioner incurred (took on) since the date of separation, unless the court makes a different order about a specific debt below. (*Check one*):

- The Petitioner has no debt.
- The Petitioner must pay the debts that are now in the Petitioner's name.
- The Petitioner must pay debts as required by the separation contract described in **5** above.
- The Petitioner must pay the debts listed in Exhibit _____. This Exhibit is attached and made part of this Order.
- The Petitioner must pay all debts listed below:

Debt Amount	Creditor (person or company owed this debt)	Account Number (last 4 digits only)
\$		
\$		
\$		
\$		

- The court does not have jurisdiction to divide debts because the court does not have personal jurisdiction over one of the spouses as described in Section **3** of the *Findings and Conclusions* for this case.
- Other (*specify*): _____

11. Respondent's Debt

The Respondent must pay all debts the Respondent incurred (took on) since the date of separation, unless the court makes a different order about a specific debt below. (*Check one*):

- The Respondent has no debt.
- The Respondent must pay the debts that are now in the Respondent's name.
- The Respondent must pay debts as required by the separation contract described in **5** above.
- The Respondent must pay the debts listed in Exhibit _____. This Exhibit is attached and made part of this *Order*.
- The Respondent must pay all debts listed below:

Debt Amount	Creditor (person or company owed this debt)	Account Number (last 4 digits only)
\$		
\$		
\$		
\$		

The court does not have jurisdiction to divide debts because the court does not have personal jurisdiction over one of the spouses as described in Section 3 of the *Findings and Conclusions* for this case.

Other (specify): _____

12. Debt Collection (hold harmless)

Does not apply.

If one spouse fails to pay a debt as ordered above and the creditor tries to collect the debt from the other spouse, the spouse who was ordered to pay the debt must hold the other spouse harmless from any collection action about the debt. This includes reimbursing the other spouse for any of the debt that spouse paid and for attorney fees or costs related to defending against the collection action.

Other (specify): _____

13. Spousal Support (maintenance/alimony)

No spousal support is ordered.

Spousal support must be paid as required by the separation contract described in 5 above. Spousal support will end when either spouse dies, or the spouse receiving support gets married or registers a new domestic partnership, *unless* the separation contract provides differently.

Spousal support must be paid as described in Exhibit _____. This Exhibit is attached and made part of this Order. Spousal support will end when either spouse dies, or the spouse receiving support gets married or registers a new domestic partnership, *unless* the Exhibit provides differently.

The (check one): Petitioner Respondent must pay spousal support as follows:

Amount:	Start date:	End date :	Payment schedule:
\$ _____ each month	_____ Date 1 st payment is due	_____ (If any)	_____ Day(s) of the month each payment is due (for example, "the 5 th ," "weekly," or "half on the 1 st and half on the 15 th ")

Whether or not there is an end date; as a matter of law, spousal support will end when either spouse dies, or the spouse receiving support gets married or registers a new domestic partnership, unless expressly stated below. (RCW 26.09.170(2).)

Other (specify): _____

Make all payments to (check one):

the other spouse directly by (check one):

mail to: _____
Street Address or PO Box City State Zip

direct deposit/transfer to a bank account identified by the receiving party.

The receiving party must notify the paying party of any address or account change.

the Washington State Support Registry (WSSR). The Registry will forward the support to the other spouse (only if child support is also ordered). (If you check this box, also check the "Clerk's action required" box in the caption on page 1.) DSHS Division of Child Support (DCS) can collect the support owed from the wages, earnings, assets, or benefits of the parent who owes support, and can

enforce liens against real or personal property as allowed by any state's child support laws without notice to the parent who owes the support.

To the Clerk: forward a copy of this order to WSSR.

- the court clerk, who will forward the support to the other spouse (only if there is **no** child support order). (If you check this box, also check the "Clerk's action required" box in the caption on page 1.)
- Other (specify): _____

The spouse paying support has public (state) retirement benefits. (RCW 26.09.138)

The spouse owed support may ask, without giving notice, for the other spouse's retirement benefits to be assigned to them if:

- \$100 or more in spousal support is more than 15 days late, or
- The other spouse asks to take money out of their public retirement account. (RCW 41.50)

The Department of Retirement Systems may pay all or part of a withdrawal from a retirement account directly to the spouse owed support. (RCW 41.50.550(3))

Other (specify): _____

14. Fees and Costs (Summarize any money judgment in section 1 above.)

Each spouse will pay their own fees and costs.

Fees and costs must be paid as required by the separation contract described in 5 above.

The court orders a money judgment for fees and costs as follows:

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
<input type="checkbox"/> lawyer fees			\$	\$
<input type="checkbox"/> guardian ad litem (GAL) fees			\$	\$
<input type="checkbox"/> court costs			\$	\$
<input type="checkbox"/> other fees and expenses (specify):			\$	\$

The **interest rate** is 12% unless another amount is listed below.

The interest rate is _____% because (explain): _____

Judgments for fees and costs in temporary orders:

are **not** affected by this order.

are affected by this order as follows (clerk's action required): _____

Other: _____

15. Protection Order

- No one requested a *Protection Order*.
- Approved** – The request for a *Protection Order* is approved. The *Protection Order* is filed separately.
- Denied** – The request for a *Protection Order* is denied. The *Denial Order* is filed separately.
- Renewed/Changed** – The existing *Protection Order* filed in or combined with this case is renewed or changed as described in following order, filed separately (*check one*):
 - Order on Renewal of Protection Order*
 - Order Modifying/Terminating Protection Order*
- Other: _____

16. Restraining Order

- No one requested a *Restraining Order*.
- Approved** – The request for a *Restraining Order* is approved. The *Restraining Order* is filed separately.
- Denied** – The request for a *Restraining Order* is denied.
- Check this box if the court previously signed a temporary Restraining Order and is **not** signing a final Restraining Order in this case. Also check the “Clerk’s action required” box in the caption on page 1.*

Name of law enforcement agency where the Protected Person lived when the *Restraining Order* was issued: _____

To the Clerk: Provide a copy of this Order to the agency listed above within 1 court day. The law enforcement agency must remove the temporary Restraining Order from the state’s database.

17. Children of the Marriage

- The spouses have **no** children together who are still dependent.
- This court has jurisdiction over the children the spouses have together as explained in the *Findings and Conclusions* for this case.

If there are children of both spouses listed in the *Findings and Conclusions* who do not have both spouses listed on their birth certificates, the State Registrar of Vital Statistics is ordered to amend the children’s birth certificates to list both spouses as parents upon receipt of a certified copy of this order and the *Findings and Conclusions*.

Important! The court does not forward this *Order* to the State Registrar. To amend the birth certificate, a party must provide a certified copy of this *Order* and the *Findings and Conclusions* to the State Registrar of Vital Statistics. Other information may be required by the State Registrar of Vital Statistics. If the child was **not** born in Washington, contact the appropriate agency in the state where the child was born.

- This court does **not** have jurisdiction over the children as explained in the *Findings and Conclusions* for this case.

18. Parenting Plan

- Does not apply. The spouses have no children together who are under 18 years old, or the court does not have jurisdiction over the children.
- The court signed the final *Parenting Plan* filed separately today or on (date): _____.
- The Guardian Ad Litem (GAL) is discharged. (If you check this box, also check the “**Clerk’s action required**” box in the caption on page 1.)

19. Child Support

- Does not apply. The spouses have no dependent children together, or the court does not have jurisdiction over child support.
- Court Order** – The court signed the final *Child Support Order* and *Worksheets* filed separately today or on (date): _____.
Tax issues and post-secondary (college or vocational school) support are covered in the Child Support Order.
- Administrative Order** – The court is **not** issuing a child support order. There is an administrative child support order established by DSHS Division of Child Support (DCS) for the dependent children of this marriage. DCS case number(s):
_____.

DCS child support orders do not cover tax issues or post-secondary (college or vocational school) support. Therefore, the court orders:

- Tax Issues** – The parties have the right to claim the children as their dependents for purposes of personal tax exemptions and associated tax credits on their tax forms as follows (describe):

_____.

For tax years when a non-custodial parent has the right to claim the children, the parents must cooperate to fill out and submit IRS Form 8332 in a timely manner.

Important! Although the personal tax exemptions are currently suspended under federal law through tax year 2025, other tax benefits may flow from claiming a child as dependent.

- Post-secondary (college or vocational school)** – The court orders:
 - A parent may ask the court for post-secondary support at a later date, but the parent must file that request before the duty to pay child support ends.
 - The parents must pay for the children’s post-secondary support. The parents will make a post-secondary support plan or the court will order one.
 - Post-secondary support is **not** required.

- Other (specify): _____

20. Other Orders (if any):

Ordered.

_____  _____
Date **Judge or Commissioner**

Petitioner and Respondent or their lawyers fill out below.

This document (*check any that apply*):

is an agreement of the parties

is presented by me

may be signed by the court without notice to me

This document (*check any that apply*):

is an agreement of the parties

is presented by me

may be signed by the court without notice to me

 _____
Petitioner signs here/Lawyer signs here WSBA #

 _____
Respondent signs here/Lawyer signs here WSBA #

Print Name

Date

Print Name

Date