

Guardians ad Litem in Family Law Cases

When does a judge appoint a GAL?

A judge may appoint a guardian ad litem (GAL) in a court case about custody or visitation rights.

Any party to the case may ask for appointment of a GAL, or the judge can decide on his or her own to appoint one. A GAL may be a lawyer, mental health professional, or volunteer.

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- ❖ The GAL may go by a different name in your county, such as “Investigator” or “Court Appointed Special Advocate (CASA).”
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You might have to pay for the GAL’s services. The judge may enter an order against both or one parent to pay the GAL fee. If both parents have low incomes, the county may pay the costs.

If you are unable to pay the GAL fee, you can file a motion to ask the judge to waive it (excuse you from paying it). Use our [Your Family Law Case: If You Cannot Afford the GAL Fee](#) packet.

You should ask the judge to appoint a GAL if you or your children have been physically or sexually abused. If there has not been abuse but there are other serious issues about the other party’s ability to be a decent parent, you may need a GAL.

What does a GAL do?

The GAL investigates the situations of all and children. The GAL then recommends to the court what type of custody and visitation arrangement would be best for the children. The GAL must get:

- notice of all hearings

- copies of papers you file with the court

The GAL must approve any agreed court orders related to the children's custody.

The GAL may investigate past criminal records, court records, and other important papers. The GAL will interview you and the other parent. The GAL may talk to, or ask for written statements from, friends or other family. The GAL should interview any professionals (such as counselors) involved with the children or the parties.

The GAL may observe you and the children at your home and the other parent's home, in the GAL's office, or in another setting. GALs must have training on issues related to the welfare of children. The GAL must meet standards set by law.

❖ **GALs are "mandated reporters."** A GAL must report a family to law enforcement or to Child Protective Services (CPS) when the GAL has reason to believe a child in a family the GAL is investigating has been abused or neglected.

Should I ask for a GAL?

It depends.

A GAL will do an investigation and will make their own recommendation to the court for a parenting plan. You may not agree with the GAL's recommendation.

Some GALs do not understand the effects of intimate partner violence on your children. GALs often do not have much training in domestic violence. A report by a GAL who does not understand domestic violence can often be damaging. The GAL might make recommendations that do not protect you and/or the children.

What does the GAL need to know?

Most judges take the GAL's recommendations very seriously. **Cooperate as best as you can with the GAL.**

Give the GAL the names and current phone numbers of people who will tell the GAL you are a good parent. Tell those people the GAL may contact them.

Show the GAL what you have done to get past any problems you have had or have now that affect your parenting.

Tell the GAL what the other parent has done or might do to put your children at risk. Focus on how the other parent's problems will negatively affect the children. Give the GAL names, addresses, and phone numbers of people who can back up your concerns. Tell them to expect the GAL to contact them. Tell them it is important that they cooperate with the GAL.

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- ❖ Read [How to Work with GALs and Parenting Evaluators](https://www.washingtonlawhelp.org), available at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).
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How do I find a GAL?

If you can afford to pay one, and your court lets you choose your GAL, look at different GALs before choosing one. Ask if the superior court clerk has a list of possible GALs who have met the court's training requirements. Ask to review the resumes of the GALs on that list. If you have time, call a few of them. Find out how much they charge, if they are available, and if you like them. You may have to pay a private GAL a retainer fee from \$500 - \$3,000. The final cost can be even more.

If you cannot afford to pay a GAL, there may be other options. Some courts have a Family Court Services or other county-funded agency that does parenting, custody, or domestic violence evaluations. Some courts have a Court Appointed Special Advocate (CASA) program. CASA provides free volunteer GALs. Ask the family law facilitator or clerk's office if your county has these resources.

You may not be able to choose who serves as your GAL. In some counties, the judge appoints GALs off a list. You will get the next GAL on the list even if you have not asked for him/her. If the judge appoints an evaluator or GAL from a court agency (such as Family Court Services or CASA), the agency chooses the GAL.

What happens after the judge appoints the GAL?

Once the judge appoints your GAL, the GAL must give you a background statement that:

- describes the GAL's training
- states if the GAL has been removed from a case or from the GAL registry in any other county
- states any criminal history or record

How do I ask the court for a GAL?

You must file a motion to appoint a GAL. You must fill out, file, and serve the motion form on the other parties in your case.

What forms do I need?

It depends on what type of case you have.

Divorces, legal separations, invalidity of marriage, and petition to change parenting plan cases:

- Notice of Hearing, FL All Family 185 (if your county has its own form, use that one instead)
- Motion For Temporary Family Law Order, FL Divorce 223
- Order Appointing Guardian Ad Litem for a Child, FL All Family 146 **or** Order Appointing Parenting Evaluator/Investigator, FL All Family 148

Parentage cases:

- Notice of Hearing, FL All Family 185 (if your county has its own form, use that one instead)
- Motion for Temporary Family Law Order, FL Parentage 323
- Order Appointing Guardian Ad Litem for a Child, FL All Family 146 **OR** Order Appointing Parenting Evaluator/Investigator, FL All Family 148

Non-parent custody cases:

- Notice of Hearing, FL All Family 185 (if your county has its own form, use that one instead)
- Motion for Temporary Non-Parent Custody Order, FL Non-Parent 423
- Order Appointing Guardian Ad Litem for a Child, FL All Family 146, **or** Order Appointing Parenting Evaluator/Investigator, FL All Family 148

❖ **Check with your court clerk.** Make sure you have the current forms.

Where do I get the forms?

The court clerk or courthouse facilitator will have any special forms your county uses. If your county uses the state court mandatory forms, use the forms in this publication (current as of 12/2019). You can also get them free from the Office of the Administrator of the Courts, Temple of Justice, AV-01, Olympia, WA 98504 (phone number: (360) 753-3365). You can also download them at www.courts.wa.gov/forms.

Our do-it-yourself packets available at www.WashingtonLawHelp.org have detailed instructions on filling out the forms to appoint a GAL:

- [Ask for Temporary Family Law Orders: Divorce Cases](#)
- [Ask for Temporary Family Law Orders: Petition to Change Parenting Plan Cases](#)
- [Ask for Temporary Family Law Orders: Parentage Cases](#)
- [Ask for Temporary Orders: Non-Parent Custody Cases](#)

How do I fill out the forms?

In the Motion for Temporary Family Law Order or Motion for Temporary Non-Parent Custody Order, you check the box in the section **Care of children** asking the judge to appoint a GAL or evaluator.

Fill out the Order you are proposing to show what you want. Use our Filing for Temporary Family Law Orders packets for help.

I filled out the papers. Now what?

Once you have filled out all and signed all papers, make one copy of each document for:

- each of the other parties
- the judge
- yourself

You file the original of the Notice of Hearing and the original of the Motion with the superior court clerk's office in your county. **You must mail copies of the Notice of Hearing, Motion, and your proposed Order Appointing GAL to all the other parties before your hearing date.**

Ask the court clerk or family law facilitator how many days before the hearing the other parties and court must get your motion. If you mail the other parties your papers, add three days to the amount of notice required.

Ask the clerk or facilitator if the judge hearing your case needs a copy of these documents a few days before the hearing, and if so, when. The copies for the judge and other parties are "**working papers.**" If you must provide working papers, you should hand-deliver them to the courthouse by the same date that you have to serve the other parties. Read [What are Working Copies?](#)

In most counties, you must file and mail the motion papers at least nine days before the date you set for your hearing. . Contact the facilitator, clerk's office, or law library. Find out how much notice you must give for a family law motion.

❖ Always add three days for mailing.

Ask the family law facilitator or court clerk about any local rules that apply to filing family law motions.

Do not file the original copy of the Order Appointing GAL. Take it with you when you go to court.

What happens when I go to court?

You must go to court at the time and on the date stated in your Notice of Hearing.

When they call your case, go in front of the judge. Tell the judge that you want a GAL appointed. If the other party does not want the judge to appoint a GAL, they will have a chance to tell the judge why.

If the judge agrees to appoint a GAL, you give the judge the original of your Order Appointing GAL to sign. Make sure the GAL gets a copy of the order after the judge signs it.

This publication provides general information concerning your rights and responsibilities. It is not a substitute for specific legal advice.

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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:

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

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

No. _____

Order Appointing
Guardian ad Litem for a Child
(ORAPGL)

Order Appointing Guardian ad Litem for a Child

Use this form to appoint a GAL to investigate and report on a child's best interests for a Parenting Plan, Residential Schedule, or parentage decision.

Do not use this form to appoint a GAL for a minor parent, or a child who is added as a party in this case, use form FL All Family 147 instead.

- 1.** A motion to appoint a Guardian ad Litem (GAL) for the children listed below was made by the (*check one*): Petitioner Respondent Court:

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

- 2.** The court finds it is in the best interest of the children listed in **1** to appoint a Guardian ad Litem. The court has authority to make this appointment under (*check one*):

- divorce (dissolution) law, ch. 26.09 RCW. parentage law, ch. 26.26A RCW and ch. 26.26B RCW.
 non-parental custody law, ch. 26.10 RCW. domestic violence law, ch. 26.50 RCW.

The court orders:

- 3.** (*GAL's name*): _____ is appointed Guardian ad Litem (GAL) for the children listed in 1 above. The GAL must always act in the children's best interests.

4. GAL's Rights

All parties must serve the Guardian ad Litem (GAL) with:

- Notice of any court hearing or proposed agreement involving these children, and
- Copies of all documents they file in this case.

The court clerk must give the GAL free, certified copies of this *Order*, upon request.

5. GAL's Duties

The Guardian ad Litem's (GAL's) duties include:

- Going to all court hearings and pretrial conferences for this case that are related to the children, unless the court says otherwise, and
- Investigating and reporting factual information to the court on issues set out below.

The GAL is ordered to investigate and file a report only on the issues checked below, unless the court approves investigation into other issues (*check all that apply*):

- All issues related to making a parenting plan for these children
 - All issues related to deciding who the legal parents are for these children
 - Whether genetic testing should be done to decide who the legal parents are
 - Whether the children's names should be changed
 - Abandonment or neglect by Petitioner Respondent
 - Criminal history of Pet. Resp. Other: _____
 - Domestic violence of Pet. Resp. Other: _____
 - Mental health issues of Pet. Resp. Other: _____
 - Physical health issues of Pet. Resp. Other: _____
 - Sexual abuse allegations against Pet. Resp. Other: _____
 - Substance abuse of Pet. Resp. Other: _____
 - For cases about *changing* a parenting/custody order: whether the children have been integrated into the home of the parent who has less time under the current order.
 - Other: _____
- _____
- Any other issues discovered that could affect the **safety** of the children.

6. GAL's Report

The Guardian ad Litem's (GAL's) report must include:

- Facts about the issues listed in **5** above.
- The children's preferences for the parenting plan (if they stated any),
- Any facts about whether the children stated their preferences voluntarily, and
- Any facts about the children's level of understanding.

The report may include recommendations based on the investigation.

Deadline! Unless the court extends the deadline, the report must be filed and served on all parties by (*date*) _____, which is at least 60 days before the trial.

The parties (or their lawyers, if any) have the right to inspect and copy the GAL's file of data gathered during the investigation, including the names and addresses of everyone the GAL consulted. *Exception:* information in the GAL's file that is confidential by law or sealed by a court shall **not** be shared with the parties or their lawyers.

7. Access to the children and information

The Guardian ad Litem (GAL) is allowed reasonable access to the children, and to all records and people with information that affects the children, including:

- Child care providers
- Physical and mental health care providers
- Schools and other educational institutions
- Law enforcement agencies, Child Protective Services, and the Department of Social and Health Services (or equivalent agencies if outside Washington)

Note: agencies may withhold or black out legally protected parts of requested information.

8. Release of information

The signatures of parties or children age 12 or older below mean they give permission to the agencies and professionals listed in **7** above to share information about themselves and their children with the GAL.

9. Confidentiality

The Guardian ad Litem (GAL) will:

- Have access to all Superior Court and Juvenile Court files related to his/her duties, including sealed and confidential documents. *Exception:* The GAL will not have access to information sealed under RCW 13.50.050(7);
- Keep confidential any sealed and confidential information (unless his or her duties as GAL require otherwise);
- Tell the court if his/her report includes any sealed or confidential information; and
- File his or her report in two parts: one public and one sealed as required by GR 22.

Any party or the GAL may ask the court to make confidential any reports or documents placed in the file, if there is a good reason to do so.

10. GAL's Fees

The Guardian ad Litem's (GAL's) hourly fee is \$ _____. The GAL may not charge more than a total of \$ _____ without court review and approval.

The GAL's fees will be paid as follows (*check one*):

- _____ % paid by Petitioner _____
_____ % paid by Respondent _____
_____ % paid by (*specify*): _____

_____ % or \$ _____ paid by the County at public expense. However, if the parties' financial circumstances change, the court may order the parties to pay the fees according to their ability to pay.

Other: _____

Billing Process:

- The GAL must file an itemized statement of time and expenses with the court and provide a copy to the person/s or entity responsible for payment.
- The GAL may file any request for payment with the court, along with an itemized statement and a proposed order.

11. Appointment Ends

The GAL's appointment ends when the GAL is discharged by the court or earlier if:

- the final *Parenting Plan* or *Residential Schedule* is signed by the court.
- parentage is decided.
- other (specify): _____

12. Other orders (if any):

Ordered.

_____ ▶ _____
Date *Judge or Commissioner*

Petitioner and Respondent or their lawyers fill out below:

A party's signature authorizes release of information as described in 8 above.

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*

Children age 12 or older sign below to authorize release of information as described in 8:

▶ _____
Child signs here *Print name* *Date*

▶ _____
Other child signs here *Print name* *Date*

Guardian ad litem signs below to accept appointment:

▶ _____
GAL signs here *Print name* *Date*

Superior Court of Washington, County of _____

In re:

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

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

No. _____

Order Appointing Parenting
 Evaluator/Investigator
 (ORAPPE)

Order Appointing Parenting Evaluator/Investigator

- 1.** A motion to appoint a parenting evaluator/investigator for the children listed below was made by the (*check one*): Petitioner Respondent Court:

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

- 2.** The court finds it is in the best interest of the children listed in **1** to appoint a parenting evaluator/investigator. The court has authority to make this appointment under (*check one*):
- divorce (dissolution) law, Ch. 26.09 RCW. parentage law, Ch. 26.26 RCW.
 non-parental custody law, Ch. 26.10 RCW. domestic violence law, Ch. 26.50 RCW.

The court orders:

- 3.** (*Name*): _____ is appointed as a parenting evaluator/ investigator for the children listed in **1** above.

4. Duties

The evaluator/investigator is ordered to investigate and file a report only on the issues checked below, unless the court approves investigation into other issues (*check all that apply*):

- All issues related to making a parenting plan for these children
- All issues related to deciding who the legal parents are for these children
- Whether genetic testing should be done to decide who the legal parents are
- Whether the children's names should be changed
- Abandonment or neglect by Petitioner Respondent
- Criminal history of Pet. Resp. Other: _____
- Domestic violence of Pet. Resp. Other: _____
- Mental health issues of Pet. Resp. Other: _____
- Physical health issues of Pet. Resp. Other: _____
- Sexual abuse allegations against Pet. Resp. Other: _____
- Substance abuse of Pet. Resp. Other: _____
- For cases about *changing* a parenting/custody order: whether the children have been integrated into the home of the parent who has less time under the current order.
- Other: _____

-
- Any other issues discovered that could affect the **safety** of the children.

5. Report

The Evaluator/Investigator's report must include:

- Facts about the issues listed in **4** above.
- The children's preferences for the parenting plan (if they stated any),
- Any facts about whether the children stated their preferences voluntarily, and
- Any facts about the children's level of understanding.

The report may include recommendations based on the investigation.

Deadline! Unless the court extends the deadline, the report must be filed and served on all parties by (*date*) _____, which is at least 60 days before the trial.

The parties (or their lawyers, if any) have the right to inspect and copy the Evaluator/Investigator's file of data gathered during the investigation, including the names and addresses of everyone the Evaluator/Investigator consulted. *Exception:* information in the Evaluator/Investigator's file that is confidential by law or sealed by a court shall **not** be shared with the parties or their lawyers.

6. Access to the children and information

The Evaluator/Investigator is allowed reasonable access to the children, and to all records and people with information that affects the children, including:

- Child care providers
- Physical and mental health care providers
- Schools and other educational institutions
- Law enforcement agencies, Child Protective Services, and the Department of Social and Health Services (or equivalent agencies if outside Washington)

Note: agencies may withhold or black out legally protected parts of requested information.

All parties must give the Evaluator/Investigator copies of court papers as requested by the Evaluator/Investigator.

7. Release of information

The signatures of parties or children age 12 or older below mean they give permission to the agencies and professionals listed in **6** above to share information about themselves and their children with the Evaluator/Investigator.

8. Confidentiality

The Evaluator/Investigator will:

- Have access to all Superior Court and Juvenile Court files related to his/her duties, including sealed and confidential documents. *Exception:* The Evaluator/Investigator will not have access to information sealed under RCW 13.50.050(7);
- Keep confidential any sealed and confidential information (unless his or her duties as evaluator/investigator require otherwise);
- Tell the court if his/her report includes any sealed or confidential information; and
- File his or her report in two parts: one public and one sealed as required by GR 22.

Any party or the Evaluator/Investigator may ask the court to make confidential any reports or documents placed in the file, if there is a good reason to do so.

9. Fees

The Evaluator/Investigator’s hourly fee is \$ _____. The Evaluator/Investigator may not charge more than a total of \$ _____ without court review and approval.

The Evaluator/Investigator’s fees will be paid as follows (*check one*):

- [] _____ % paid by Petitioner _____
- _____ % paid by Respondent _____
- _____ % paid by (*specify*): _____
- [] Other: _____

10. Appointment Ends

The Evaluator/Investigator's appointment ends when s/he is discharged by the court or earlier if:

the final *Parenting Plan* or *Residential Schedule* is signed by the court.

other (specify): _____

11. Other orders (if any):

Ordered.

Date ▶ Judge or Commissioner

Petitioner and Respondent or their lawyers fill out below:

A party's signature authorizes release of information as described in 7 above.

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*

Children age 12 or older sign below to authorize release of information as described in 7:

▶ _____
Child signs here

Print name *Date*

▶ _____
Other child signs here

Print name *Date*

Superior Court of Washington, County of _____

In re the marriage / domestic partnership of:

Petitioner (*person who started this case*):

And Respondent (*other spouse / partner*):

No. _____

Motion for Temporary Family Law Order
(MTTO)

[] and Restraining Order (MTTMO)

**Motion for Temporary Family Law Order
[] and Restraining Order**

Use this form in marriage/domestic partnership cases only. For other cases, use FL Parentage 323, FL Non-Parent 423, or FL Modify 623, depending on the type of case.

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

You must schedule a hearing on this motion. You may use the *Notice of Hearing* (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling information.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side, and propose your own *Parenting Plan* or *Child Support Worksheets*.

1. My name is _____ . I ask the court for temporary orders approving the requests listed below.

2. **Children**

No request.

I want my children under 18 listed below to be included in the court's orders:

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

3. **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.)

My spouse/domestic partner is **not** covered by the state or federal Servicemembers Civil Relief Acts.

My spouse/domestic partner is covered by the state federal Servicemembers Civil Relief Act.

For persons covered only by the **state** act – Military duty may keep the service member or dependent from responding or coming to the hearing on this motion. I ask the court to approve temporary orders even if the covered person asks for a stay or doesn't respond. It would be very unfair (a manifest injustice) not to make temporary orders now because: _____

4. **Care and safety of children** (check all that apply)

No request.

Approve the parenting plan proposed by me my spouse/domestic partner.

Order my spouse/domestic partner not to take the children listed in **2** out of Washington State.

Appoint a person to investigate and report to the court about what is in the children's best interest, and order who will pay this person's fees. This person should be a/n (check one):

Guardian ad Litem (GAL) or Evaluator/Investigator as chosen by the court.

Guardian ad Litem (GAL).

Evaluator/Investigator.

(Name): _____

Other: _____

5. Provide support

No request.

Order child support according to the Washington state child support schedule.

Order (*check one*): me my spouse/domestic partner to pay spousal support (maintenance/alimony) in the amount of: \$ _____ every month until (*date or event*): _____.

6. Family home

No request.

Stay in the home

I want to continue living in the family home.

My spouse/domestic partner may continue living in the family home.

Move out

Order my spouse/domestic partner to move out of the family home by (*date*): _____
_____.

7. Use of property

No request.

Order that I can possess and use (*specify*):

property in my possession now.

vehicle(s): _____

other: _____

Order that my spouse/domestic partner can possess and use (*specify*):

property in his/her possession now.

vehicle(s): _____

other: _____

8. Protect property

- No request.
- Order (*check one*): my spouse/domestic partner both parties not to move, take, hide, damage, borrow against, sell or try to sell, or get rid of any property, unless it is a usual business practice or to pay for basic necessities. (If the court makes this order, both spouses/domestic partners must notify each other about any expenses that are out of the ordinary.)

9. Household expenses

- No request.
- Order household expenses to be paid as follows:

Expense	Who should pay
<input type="checkbox"/> First Mortgage	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Second Mortgage/Line of Credit	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Rent or Lease Payment	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Utilities	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Homeowner's Insurance	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Property Taxes	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Vehicle (<i>specify</i>):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Vehicle (<i>specify</i>):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Child Care	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
<input type="checkbox"/> Other:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

10. Divide debts

- No request.
- Order my spouse/domestic partner and me to:
 - Each be responsible for his/her own future debts, including debt from credit cards, loans, security interest, and mortgages.
 - Divide our debts as follows (*list debts and who should pay each one*):

Debt (<i>describe</i>)	Who should pay
1.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
2.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
3.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
4.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
5.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
6.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

11. Do not change insurance

- No request.
- Order (*check one*): my spouse/domestic partner both parties not to make changes to any medical, health, life, or auto insurance policy that covers either spouse/domestic partner or any child listed in **2**. That means s/he must not transfer, cancel, borrow against, let expire, or change the beneficiary of any policy.

Pay insurance premiums as follows (*list policies and who should pay each one*):

Policy (<i>describe</i>)	Who should pay
1.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
2.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
3.	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

12. Pay fees and costs

- No request.
- Order my spouse/domestic partner to:
 - Pay my lawyer's fees for this case. *Amount:* \$ _____
Make payments to (*name*): _____
 - Pay other professional fees and costs for this case. *Amount:* \$ _____
to (*name*): _____
for (*purpose*): _____

13. Restraining Order

- No request.
- The Court already signed a *Restraining Order* on (*date*): _____ in this case.
 - I am not asking the court to make any changes to this *Restraining Order*.
 - I ask the Court to remove (terminate) this *Restraining Order*.
 - I ask the Court to change this *Restraining Order* as follows (*specify*):

- I ask the Court for a *Restraining Order* (form FL All Family 150) that orders my spouse/domestic partner to obey the restraints and orders checked below. (*Check all that apply; also check the "and Restraining Order" boxes in the form titles on page 1*):
 - Do not disturb** – Do not disturb my peace or the peace of any child listed in **2**.
 - Stay away** - Do not go onto the grounds of or enter my home, workplace, or school, and the daycare or school of any child listed in **2**.
 - Also, do not knowingly go or stay within _____ feet of my home, workplace, or school, or the daycare or school of any child listed in **2**.
 - Do not hurt or threaten**

- Do not assault, harass, stalk, or molest me or any child listed in **2**; and
- Do not use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.

Warning! *If the court makes this order, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.*

Prohibit weapons and order surrender

- Do not access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses until the Order ends, and
- Immediately surrender any firearms, other dangerous weapons, and any concealed pistol licenses that he/she possesses to (*check one*): the police chief or sheriff. his/her lawyer. other person (*name*): _____.

Other: _____

14. Other temporary orders

No request.

(*Specify*): _____

Reasons for my requests

15. Why are you asking the court for the orders you checked above? (*Explain*):

- If you need additional space use the *Declaration* form FL All Family 135.
- If you are asking for a parenting plan, also fill out the *Information for Temporary Parenting Plan*, form FL All Family 139, and a proposed *Parenting Plan*, form FL All Family 140.
- If you are asking for child support, also fill out the *Child Support Worksheets*. If you have received public assistance for any child in this case, also fill out the *Public Assistance Declaration*, form FL All Family 132.
- If you are asking for any order involving money (including child support), also fill out the *Financial Declaration*, form FL All Family 131, and file the required financial records.
- If you are asking to prohibit weapons or order surrender, give your reasons at the end of this section.
- If you are asking to change an earlier temporary order, give the date of the earlier order and explain how circumstances have changed since then.

(Name): _____'s possession of firearm presents a serious and imminent threat (harm that may happen immediately) to public health or safety, or to the health or safety of any individual. (Describe):

Person asking for this order fills out below:

1. I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

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

▶ _____
Person asking for this order signs here Print name here

2. I agree to accept legal papers for this case at (check one):

my lawyer's address, listed below.

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

street address or PO box city state zip

3. Note: You and the other party/ies may agree to accept legal papers by email under Civil Rule 5 and local court rules.

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

Lawyer (if any) fills out below:

▶ _____
Lawyer signs here Print name and WSBA No. Date

Lawyer's street address or PO box city state zip

5. Email (if applicable): _____

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a Sealed cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents.

Superior Court of Washington, County of _____

In re parentage / parenting and support:

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

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

No. _____

Motion for Temporary Family Law Order
(MTTO)

[] and Restraining Order
(MTTMO)

**Motion for Temporary Family Law Order
[] and Restraining Order**

Use this form for unmarried parents (parentage) cases only. For other cases, use FL Divorce 223, FL Non-Parent 423, or FL Modify 623, depending on the type of case.

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

You must schedule a hearing on this motion. You may use the Notice of Hearing (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling information.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side, and propose your own *Parenting Plan, Residential Schedule, or Child Support Worksheets*.

1. My name is: _____ . I ask the court for temporary orders approving the requests listed below.

2. Children

No request.

I want these children under 18 listed below to be included in the court's orders:

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

3. 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.)

None of the other parties are covered by the state or federal Servicemembers' Civil Relief Acts.

(Name): _____

is covered by the state federal Servicemembers Civil Relief Act.

For persons covered only by the **state** act – Military duty may keep the service member or dependent from responding or coming to the hearing on this motion. I ask the court to approve temporary orders even if the covered person asks for a stay or doesn't respond. It would be very unfair (a manifest injustice) not to make temporary orders now because: _____

4. Care and safety of children (check all that apply)

No request.

Approve the *Parenting Plan* (form FL All Family 140) or *Residential Schedule* (form FL Parentage 304) proposed by (check one): me (name): _____

Order (name): _____ not to take the children listed in **2** out of Washington State.

- Appoint a person to investigate and report to the court about what is in the children's best interest, and order who will pay this person's fees. This person should be a/n (*check one*):
 - Guardian ad Litem (GAL) or Evaluator/Investigator as chosen by the court.
 - Guardian ad Litem (GAL).
 - Evaluator/Investigator.
 - (*Name*): _____
- A *Sexual Assault Allegation* form has been filed saying the child was conceived by a
 - A *Sexual Assault Allegation* form has been filed saying the child was conceived by a sexual assault. The fact-finding hearing on this allegation has not happened yet.
 - No residential time or decision making should be ordered until after the fact-finding hearing.
 - I have a bonded and dependent relationship with the child that is parental in nature. It is in the child's best interests to order residential time or decision making now.
- Other: _____

5. Provide support

- No request.
- Order child support according to the Washington state child support schedule.

6. Pay fees and costs

- No request.
- Order (*name*): _____ to:
 - Pay my lawyer's fees for this case. *Amount*: \$ _____
 Make payments to (*name*): _____
 - Pay other professional fees and costs for this case. *Amount*: \$ _____
 to (*name*): _____
 for (*purpose*): _____
- Based on the Sexual Assault Allegation, award lawyer's fees consistent with RCW 26.09.140. RCW 26.26.760(12).
 Order (*name*): _____ to:
 Pay my lawyer's fees for this case. *Amount*: \$ _____
 Make payments to (*name*): _____

7. Restraining Order

- No request.
- The Court already signed a *Restraining Order* on (*date*): _____ in this case.
 - I am not asking the court to make any changes to this *Restraining Order*.

- I ask the Court to remove (terminate) this *Restraining Order*.
- I ask the Court to change this *Restraining Order* as follows (*specify*):

- I ask the Court for a *Restraining Order* (form FL All Family 150) that orders (*name/s*): _____ to obey the restraints and orders checked below. (*Check all that apply; also check the "and Restraining Order" boxes in the form titles on page 1*):

- Do not disturb** – Do not disturb my peace or the peace of any child listed in **2**.

- Stay away** – Do not go onto the grounds of or enter my home, workplace or school, and the daycare or school of any child listed in **2**.

- Also, do not knowingly go or stay within _____ feet of my home, workplace or school, or the daycare or school of any child listed in **2**.

- Do not hurt or threaten**

- Do not assault, harass, stalk, or molest me or any child listed in **2**; and
- Do not use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.

Warning! *If the court makes this order and the parties are intimate partners, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.*

- Intimate Partner:** The Restrained Person and the Protected Person are/were intimate partners because they are (*check all that apply*):

- current or former spouses or domestic partners, or parents of a child-in-common.

- age 16 or older and are/were in a dating relationship, and are currently residing together or resided together in the past.

- age 16 or older and are/were in a dating relationship, but have *never* resided together.

- Prohibit weapons and order surrender**

- Do not access, possess or obtain any firearms, other dangerous weapons, or concealed pistol licenses until the Order ends, and
- Immediately surrender any firearms, other dangerous weapons, and any concealed pistol licenses that he/she possesses to (*check one*): the police chief or sheriff. his/her lawyer. other person (*name*): _____.

- Other:** _____

8. Other temporary orders

- No request.

- (*Specify*): _____

Reasons for “Prohibit weapons and order surrender” request (check all that apply):

(Name): _____ has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony. (Describe):

(Name): _____ previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040. (Describe):

(Name): _____'s possession of firearm presents a serious and imminent threat (harm that may happen immediately) to public health or safety, or to the health or safety of any individual. (Describe):

Person asking for this order fills out below:

6. I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

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



Person asking for this order signs here

Print name here

7. I agree to accept legal papers for this case at (check one):

my lawyer's address, listed below.

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

street address or PO box

city

state

zip

8. Note: You and the other party/ies may agree to accept legal papers by email under Civil Rule 5 and local court rules.

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

Lawyer (if any) fills out below:



Lawyer signs here

Print name and WSBA No.

Date

Lawyer's street address or PO box

city

state

zip

Email (if applicable): _____

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a Sealed cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents.

Superior Court of Washington, County of _____

In re custody of:

Children:

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

Respondents (*parents and any guardian or custodian*):

No.

Motion for Temporary Non-Parent
Custody Order (MTTO)

[] and Restraining Order (MTNPO)

Motion for Temporary Non-Parent Custody Order [] and Restraining Order

Use this form in non-parent custody cases only. For other cases, use FL Divorce 223, FL Parentage 323, or FL Modify 623, depending on the type of case.

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

You must schedule a hearing on this motion. You may use the *Notice of Hearing* (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling information.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side, and propose your own *Residential Schedule* or *Child Support Worksheets*.

1. My name is: _____ . I ask the court for temporary orders approving the requests listed below.

2. Children

I want the children under 18 listed below to be included in the court's orders:

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

3. Adequate Cause

- The court found there was adequate cause to allow this case to move forward on (date): _____.
- The court has not yet decided whether there is adequate cause to allow this case to move forward.
- An adequate cause hearing is scheduled for (date): _____.

Warning! The court cannot approve temporary non-parent custody orders before deciding adequate cause.

4. Indian Children

*(An **Indian child** is a child who is a member of an Indian tribe, or who is the biological child of an Indian tribe member and eligible for membership. You must try to find out if any child in this case is an Indian child. If so, the federal and state Indian Child Welfare Acts will apply to your case.)*

- None of the children are Indian children. I ask the court to find that the federal and state *Indian Child Welfare Acts* do not apply to this case.
- The children are or may be Indian children.

Jurisdiction – The court has jurisdiction over the Indian children because they are:

- not** domiciled or living on an Indian reservation, and are not wards of a tribal court.
- domiciled or living on an Indian reservation, and (*check all that apply*):
 - The children's tribe agrees to Washington State's concurrent jurisdiction.
 - The children's tribe decided not to use its exclusive jurisdiction (expressly declined). (RCW 13.38.060)
 - Washington State should claim emergency jurisdiction for children temporarily located off the reservation to protect the children from immediate physical damage or harm. (RCW 13.38.140)

Notice to tribes – Petitioner (*check one*): provided or is providing did **not** provide the required *Indian Child Welfare Act Notice* (form FL Non-Parent 402) and a copy of the Petition to the children’s tribe/s, the parents and any Indian custodian.

5. 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.)

None of the other parties are covered by the state or federal *Servicemembers Civil Relief Acts*.

(*Name*): _____ is covered by the state federal *Servicemembers Civil Relief Act*.

For persons covered only by the **state** act – Military duty may keep the service member or dependent from responding or coming to the hearing on this motion. I ask the court to approve temporary orders even if the covered person asks for a stay or doesn’t respond. It would be very unfair (a manifest injustice) not to make temporary orders now because: _____

6. Care and safety of children (*check all that apply*)

- No request.
- Give me custody of the children.
- Approve my proposed *Residential Schedule* (form FL Non-Parent 405).
- Order (*name/s*): _____ not to take the children out of Washington State.
- Appoint a person to investigate and report to the court about what is in the children’s best interest, and order who will pay this person’s fees. This person should be a/n (*check one*):
 - Guardian ad Litem (GAL) or Evaluator/Investigator as chosen by the court.
 - Guardian ad Litem (GAL).
 - Evaluator/Investigator.
 - (*Name*): _____
- Other: _____

7. Lawyer for Children.

- No request.
- Request an appointment of a lawyer to represent the interests of a minor or dependent child with respect to custody, support, and visitation.

8. Support, insurance and taxes

- No request.
- Order child support according to the Washington state child support schedule.
- Order (*name/s*): _____ to provide and keep health insurance for the children.
- Order (*name/s*): _____ to pay children’s uninsured medical, day care, or other necessary expenses (*check one*):
 - as listed on the proposed *Child Support Order*.
 - as follows (*specify*): _____
- Order that (*name/s*): _____ may claim the children as dependents on tax forms.
- Other: _____

9. Fees and costs

- No request.
- Order (*name/s*): _____ to:
 - Pay my lawyer’s fees for this case. *Amount*: \$ _____
Make payments to (*name*): _____
 - Pay other professional fees and costs for this case. *Amount*: \$ _____
to (*name*): _____
for (*purpose*): _____

10. Restraining Order

- No request.
- The Court already signed a *Restraining Order* on (*date*): _____ in this case.
 - I am not asking the court to make any changes to this *Restraining Order*.
 - I ask the Court to remove (terminate) this *Restraining Order*.
 - I ask the Court to change this *Restraining Order* as follows (*specify*):

- I ask the Court for a *Restraining Order* (form FL All Family 150) that orders (*name/s*): _____
to obey the restraints and orders checked below. (*Check all that apply; also check the “and Restraining Order” box in the form titles on page 1*):
 - Do not disturb** – Do not disturb my peace or the peace of any child listed in **2**.
 - Stay away** – Do not go onto the grounds of or enter my home, workplace, or school, and the daycare or school of any child listed in **2**.

Also, do not knowingly go or stay within _____ feet of my home, workplace, or school, or the daycare or school of any child listed in **2**.

Do not hurt or threaten

- Do not assault, harass, stalk, or molest me or any child listed in **2**; and
- Do not use, try to use, or threaten to use physical force against me or children that would reasonably be expected to cause bodily injury.

***Warning!** If the court makes this order, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.*

Prohibit weapons and order surrender

- Do not access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses until the Order ends, and
- Immediately surrender any firearms, other dangerous weapons, and any concealed pistol licenses that he/she possesses to (*check one*): the police chief or sheriff. his/her lawyer. other person (*name*): _____.

Other: _____

11. Other temporary orders

No request.

(*Specify*): _____

Reasons for my requests

12. Why are you asking the court for the orders you checked above? (*Explain*):

- If you need additional space use the *Declaration* form FL All Family 135.
- If you are asking for child support, also fill out the *Child Support Worksheets*. If you have received public assistance for any child in this case, also fill out the *Public Assistance Declaration*, form FL All Family 132. Child support is based upon the income of both parents, not the income of the non-parent custodian.
- For parents – If you are asking for any order involving money (including child support), also fill out the *Financial Declaration*, form FL All Family 131, and file the required financial records.
- For non-parents – If you are asking for any order involving money (other than child support), also fill out the *Financial Declaration*, form FL All Family 131.
- If you are asking to prohibit weapons or order surrender, give your reasons at the end of this section.
- If you are asking to change an earlier temporary order, give the date of the earlier order and explain how circumstances have changed.

