

# **Respond to a Motion for Temporary Family Law Orders or Immediate Restraining Orders in a Family Law Case**



**Instructions and Forms**



**Northwest Justice Project**

## Table of Contents

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<b>Part 1. Court forms in this packet .....</b>	<b>1</b>
<b>Part 2. Important! .....</b>	<b>2</b>
A. Respond on time! .....	2
B. What is the difference between a Motion for Temporary Family Law Orders and Immediate Restraining Orders?.....	2
C. What if I am in the military or I am married to someone in the military?.....	3
D. Try Using Washington Forms Online .....	3
E. What if I have questions that this packet does not answer?.....	4
<b>Part 3. Checklist of Steps .....</b>	<b>5</b>
<b>Part 4. Getting ready to respond.....</b>	<b>10</b>
A. Figure out how much time you have to respond and if the motion is filed in the right place.....	10
B. Read the papers you have been given.....	12
C. Gather your evidence .....	13
D. Should you file your own Motion?.....	13
<b>Part 5. Other court forms and documents you may want or need to get.....</b>	<b>15</b>
A. General forms .....	15
B. Responding.....	16
<b>Part 6. General instructions for filling out forms .....</b>	<b>18</b>
<b>Part 7. How to fill out each form .....</b>	<b>22</b>
A. Declaration of: – FL All Family 135 .....	22
B. Financial Declaration of: – FL All Family 131 .....	26
C. Sealed Financial Source Documents (Cover Sheet) – FL All Family 011 .....	28
D. Sealed Personal Health Care Records (Cover Sheet) – FL All Family 012 .....	29
E. Sealed Confidential Reports (Cover Sheet) – FL All Family 013.....	30
<b>Part 8. How to file forms with the court.....</b>	<b>31</b>
A. Getting ready to file and serve.....	32
B. Filing your papers in court.....	32



**Part 9. How to serve forms .....33**

- A. Mail or deliver your papers to the other parties or their lawyers..... 33
- B. Service must be completed before your deadline..... 33
- C. Instructions for the Proof of Mailing or Hand Delivery - FL All Family 112 ..... 34
- D. Filing the Proof of Mailing or Hand Delivery..... 35

**Part 10. Getting ready for and going to your hearing .....36**

- A. Responding to the other party’s reply ..... 36
- B. Going to the hearing..... 36
- C. Getting an Agreed Temporary Family Law Order ..... 39
- D. If you disagree with the court’s order..... 39

**Part 11. Blank Forms.....40**

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## Part 1. Court forms in this packet

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- ❖ Forms marked with an asterisk (\*) are Washington Forms Online interviews that will help you prepare this form.
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Court Form Title	Court Form Number
Sealed Financial Source Documents Form (Cover Sheet)	FL All Family 011
Sealed Personal Health Care Records (Cover Sheet)	FL All Family 012
Sealed Confidential Reports (Cover Sheet)	FL All Family 013
Proof of Mailing or Hand Delivery	FL All Family 112
Financial Declaration of or use <a href="#">Give Financial Information in a Family Law Case*</a>	FL All Family 131
Declaration of:	FL All Family 135



## Part 2. Important!

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- ❖ Read this *only* if you have received papers from a Washington State Superior Court.
  - ❖ You can find all the fact sheets and packets we link to here at WashingtonLawHelp.org.
- 

### A. Respond on time!

When someone serves you with legal papers, **you must respond right away**. If you do not respond on time, the other party will probably get what they are asking for.

You may have **as few as 4 business days** after being served with motion papers to file a response. You may have even less time if the other party is asking for an emergency order. It may take time to find legal resources and read this packet. Start right away.

Unless you think Washington should not have authority (jurisdiction) over you, filing at least a declaration is better than not filing anything or not appearing.

**If you do not file a response in time or go to any hearing, the moving party may get a "default" order automatically giving them everything they asked for.**

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- ❖ In many counties, court commissioners, not judges, decide family law cases. To make this packet simpler, we just say "judge."
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### B. What is the difference between a Motion for Temporary Family Law Orders and Immediate Restraining Orders?

Look at the papers you were served with:

- A **Motion for Temporary Family Law Orders** does **not** ask for the immediate entry of a restraining order before the temporary orders hearing. If you disagree with the motion, you must respond and go to the hearing.
- A **Motion for Immediate Restraining Order and Hearing Notice** asks for a hearing for a Temporary Family Law Order and for the immediate entry of a

restraining order. A judge might issue an immediate restraining order without you knowing, or after very short notice. (A phone call giving you a few hours' heads-up counts.) A judge usually only signs an Immediate Restraining Order and Hearing Notice in an emergency.

**Example:** Risk of immediate harm to children.

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- ❖ You must obey an **Immediate Restraining Order** signed by a judge. It will be in effect until the hearing date listed on the order, usually within two weeks.
  - ❖ At the temporary orders hearing, the judge will decide whether to extend the immediate restraining order *and* whether to grant other temporary orders requested in the motion.
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**All cases:** Orders issued at the temporary orders hearing might last until the judge makes a final decision in the case **or** enters other temporary orders.

### **C. What if I am in the military or I am married to someone in the military?**

Special rules that protect members of the military may mean that the court cannot make any orders while you or your spouse is away on military duty.

Before filing anything with the court and well before your deadline for filing, see your JAG office or a private attorney familiar with the Service Members Civil Relief Acts. Family law attorneys who work near military bases may be familiar with these rules.

### **D. Try Using Washington Forms Online**

**Washington Forms Online** helps people fill out family law forms on a computer. Answer interview questions on LawHelp Interactive to create completed forms and instructions that are ready for your use.

Visit [WashingtonLawHelp.org/resource/Washington-forms-online](https://www.WashingtonLawHelp.org/resource/Washington-forms-online) to see what forms are available. Other packets we recommend here may also be available.

## **E. What if I have questions that this packet does not answer?**

Talk to a lawyer familiar with family law before filing anything with the court.

Some counties have family law facilitators who can help fill out forms or free legal clinics where you can get legal advice:

- Do you live in King County? Call 2-1-1 weekdays 8:00 a.m. to 6:00 p.m. You can also call toll-free 1-800-621-4636. They will refer you to a legal aid provider.
- Apply online with [CLEAR\\*Online](https://nwjustice.org/get-legal-help) - [nwjustice.org/get-legal-help](https://nwjustice.org/get-legal-help)
- Call the CLEAR Legal Hotline at 1-888-201-1014.



## Part 3. Checklist of Steps

Use this checklist as you go through your case. We explain in more detail later in this packet.

### 1. Know your deadlines.

Fill in the blanks here to help keep track of when to file things and/or when to go to court.

- **Petition** (if you received one):

My deadline to Respond to the Petition is \_\_\_\_\_.

- **Adequate Cause Hearing** (Petition to Change Parenting Plan cases only):

The date of the adequate cause hearing is \_\_\_\_\_.

The deadline to respond to the Notice of Adequate Cause Hearing is \_\_\_\_\_.

- **Motion for Temporary Family Law Order or Immediate Restraining Order** and Hearing Notice:

The temporary orders hearing date is \_\_\_\_\_.

The deadline to respond to a Motion for Temporary Family Law Orders or an Immediate Restraining Order and Hearing Notice is \_\_\_\_\_.

- [     ] **I do** [     ] **do not** need to deliver working papers to the judge.

Read [What are Working Copies?](#) and ask the clerk.

- Put any other deadlines here: \_\_\_\_\_

### 2. Read the papers you have gotten.

**A.** If you have been served with a **Motion for Temporary Family Law Orders**, the party filing the motion should have given you these:

- Note for Motion Docket (Notice of Hearing)



- Motion for Temporary Family Law Order
- Declaration(s) – not required, but often included anyway
- Proposed Temporary Family Law Order (in some counties)
- Sealed Personal Health Care Records Cover Sheet (with attachments) and/or Sealed Confidential Reports Cover Sheet (with attachments) — if certain private information is filed

If the other party is asking for anything **related to money** (child support, attorney's fees), you should also have received:

- Financial Declaration
- Federal income tax returns (usually the last two years)
- Pay stubs (at least one month; some counties require more)
- Proof of any expenses being claimed
- Other Financial Information or local forms required in your county

If the other party is asking for **child support**, you should also have received:

- Child Support Worksheets
- Proposed Child Support Order (required in some counties)

If the other party is asking for a **custody order**, you should also have received:

- Proposed Temporary Parenting Plan or Proposed Temporary Residential Schedule
- Information for Temporary Parenting Plan

If the other party is asking for a **Guardian ad Litem**, you may also have received:

- Proposed Order Appointing Guardian ad Litem for a Child OR Appointing Parenting Evaluator or Investigator

If the other party is asking for **safety restraints**, you may also have received:

- Restraining Order
- Order to Surrender Weapons

If your case is a **Petition to Change Parenting Plan**, you may also receive:

- Notice of Hearing on Adequate Cause and related adequate cause papers

**B. If you have been served with a Motion for Immediate Restraining Order**, the other party should have given you the same papers as listed above **except**, instead of a Motion for Temporary Family Law Order, you should have received:

- Motion for Immediate Restraining Order and Hearing Notice
- Immediate Restraining Order and Hearing Notice showing the judge's signature

You may also have received:

- Order to Surrender Weapons

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❖ If you did not receive all the papers you should have, write the other party (or their lawyer) a letter, listing the papers you believe you should have gotten but did not. If you get the papers late, or still do not get them, put in a declaration that you did not get all the required papers. Attach a copy of your letter to your declaration.

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- 3. If you got an Immediate Restraining Order** and Hearing Notice signed by a judge, **you must follow it** until the judge ends or changes it.

**Example:** The restraining order orders you to stay away from the other party. The other party invites you over. Don't do it!

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❖ If you have questions about what the order says, talk with a lawyer.

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- 4. Check for special local rules and forms.**

Ask the court clerk or family law facilitator:

- If they have their own packets for responding to a Motion for Temporary Orders or Immediate Restraining Orders. If so, use theirs instead of ours. If you use our packet, get any other local forms you need.
  - If there are local deadlines for filing and serving motions and responses to motions.
  - If you have to prepare proposed orders with any Motions you file or respond to.
  - If there are local case schedule requirements.
  - If you have to take part in parenting seminars, settlement conferences, and/or mediation.
  - If there are limits on the number or length of declarations you can file.
  - **Petition to Change Parenting Plan cases only:** If local procedures affect scheduling temporary orders hearings. Read [Changing a Parenting Plan/Child Custody Order](#) to learn more.
- 5. Gather your evidence** and other forms not in this packet, if necessary.
- 6. Decide what you want.** Decide if you agree with the other party's requests, or which parts you deny or disagree with. Decide if you want to file your own motions.

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❖ If the other party has physically harmed or threatened to harm you or the children, or has stalked, harassed, or sexually assaulted you, you can file for a Protection Order for immediate protection. Protection orders offer strong safety restraints. [Protection Orders: Can the Civil Legal System Help Protect Me?](#) has general information.

❖ **There are several ways to get protection order forms.** You can get them from the court clerk or your local domestic violence program. You can call the National Domestic Violence Hotline at 1-800-799-7233 or the National Sexual Assault Hotline at 1-800-656-4673. You can use our do-it-yourself interview program, [Get a Protection Order](#), to fill out the forms at WashingtonLawHelp.org, or our printable [How to File for a Protection Order](#) packet.

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- 7. Follow the General Instructions.** Fill out the captions of all the forms.
- 8. Fill out the declaration form** in this packet.
- 9. Make the necessary copies of the declaration and any other documents** you are filing with the court.
- 10. File your papers** with the court clerk's office in the Superior Courthouse where this case is filed.
- 11. Arrange to Deliver the Papers** to the Other Parties.
- 12. Deliver a Set of Working Papers to the Judge**, if Necessary. Read [What are Working Copies](#) to learn more.
- 13. Fill out and file the Proof of Mailing or Hand Delivery.**
- 14. Review the other party's reply** if there is one.
- 15. Get ready for the hearing.**
- 16. Go to the hearing.**
- 17. Get copies of the Temporary Family Law Orders** the judge signed.

If the orders include a Restraining Order protecting you, and it shows that restrained party did not appear at the hearing or sign the order, you must have the orders hand-delivered to the restrained party.

Have your server fill out a Proof of Personal Service form. File that with the clerk.

Bring a copy of the Proof of Personal Service to the law enforcement agency named in the order.



## Part 4. Getting ready to respond

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- ❖ If you are a military service member or military dependent, talk with your JAG office about special legal protections you may have.
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### A. Figure out how much time you have to respond and if the motion is filed in the right place

When you get the papers, look at the Notice of Hearing (also called Note for Motion, Note for Calendar Hearing, and Note for Motion Docket) or the Immediate Restraining Order and Hearing Notice.

You must file your response before the hearing date **and** by your county's deadline for responding to a motion. Often, the notice will **not** state this deadline.

If there is no deadline in the notice, immediately call the court clerk or family law facilitator to ask the deadline.

In most counties, the other parties, court clerk and judge must get your papers by 4:30 p.m. the **court day before the hearing**. In some courts, you must respond earlier. Court days are business days.

#### 1. Did the other party file the motion in the right state and county?

If you have never lived in Washington, this state might not have jurisdiction (authority or power) to enter orders telling you to do certain things.

If another state (or tribal court) has entered orders about your children, or the children have not lived in Washington for at least six months, Washington may not have jurisdiction over the children.

Read [Which Court can Enter Custody Orders? Questions and Answers about Jurisdiction](#) to learn more.

If you think Washington may not have jurisdiction over you or your children, talk to a lawyer.

Do not do anything that could give Washington jurisdiction, such as responding, signing agreed orders, or showing up at a hearing **without challenging jurisdiction**.

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- ❖ The other party must also have filed the motion in the right county. Read [File for Change of Venue](#) to learn more. It can also help you try to move the case to a different county.
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## 2. Did the other party give you enough notice?

You usually must receive the papers least five court days before the hearing. Do not count the date you got the papers.

- Some counties require more than five days' notice.
- If the other person mails you the papers, you should get an extra three days to respond after the date they mailed the papers.

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- ❖ **Exception:** If the moving party asks for an Immediate Restraining Order, you might get only a few hours' notice, or none. You should still get the usual notice for the temporary orders hearing.
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## 3. Do you need more time for the temporary family law orders hearing?

You can ask for a continuance if:

- You did not get enough notice of the hearing.
- You got enough notice under the rules, but you need more time to respond or to try to get legal help.

You should still be as ready as possible for the hearing. The court might deny a continuance.

As soon as you know you want a continuance, contact the other party if you can (or their lawyer, if they have one). Email or fax is best. State that you need more time to respond to the motion. Ask for a new hearing date. Depending on your reasons for asking, you could ask for a week or longer.

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- ❖ You must ask the other party for a continuance **before** the hearing if you know you need one. If you just ask at the start of the hearing, the judge may make you pay the other party for wasting their time. This is especially true if the other party has a lawyer.
- 

**If the other person agrees to a continuance**, ask for an e-mail or letter stating they have rescheduled the hearing. If they do not give you this, go to the originally scheduled court date.

If the other person will **not** agree to a continuance, you can:

- 1. Respond as best you can and get ready for the hearing.** Make a quick declaration. It should explain that you want a continuance. If you did not get enough notice, say that. If you did, but you need more time, say that. Describe how you tried to get the other person to agree to the continuance.
- 2. Make a Motion for Continuance.** Use our [Family Law: How to Get a Continuance of Your Hearing](#) packet. You may not have enough time to give the other party enough notice for this motion. You may need to get an Order Shortening Time (an order letting you bring your motion quickly). Ask the family law facilitator or court clerk about a Motion Shortening Time.
- 3. Ask for a Continuance at the Hearing.** Go to the hearing. When they call your case, stand up. State your name. State that you want a continuance. The judge may ask you why. The judge may ask the other party why they do not want a continuance. Tell the judge if you tried to get the other party to agree before the hearing.

#### **4. What If the hearing already happened?**

If you did not get any notice in advance, **talk with a lawyer as soon as possible**. You may be able to ask the court to vacate (cancel) the orders. **Act fast**. The longer you wait, the harder it can be.

### **B. Read the papers you have been given**

Carefully read each paper you received.

Highlight, or note separately, the main points (and those you disagree with):

- The hearing date, time, and place

- What the other party wants
- If the other party provided all required forms and proof of their income
- Claims the other party has made about you or the case

You must understand what the papers say so you can write a good response to the motion and get ready for your hearing.

### C. Gather your evidence

Try to get the evidence you will need first. You can use it when filling out forms. Think about what can help show what you are telling the court is correct or what the other party is saying is not true.

Your evidence could include:

- **Declarations of Witnesses:** People with personal knowledge about you, the other party, or your children. Use our [How to Write a Declaration in a Family Law Case](#) packet.
- **Records:** Such as bills, records of past criminal convictions, medical or mental health treatment, grades and other school records, or daycare records.
- **Photos:** Of injuries to you or the children, or damage to your home or other property.
- **Financial Information:** If the motion includes financial issues, get proof of your income and assets, and the other parties, as well.

**Examples:** Your tax returns from the last two years, pay stubs, official letters from Social Security, L&I, Employment Security or DSHS saying how much you get in benefits, bank account statements, business tax returns or records, or 1099 forms.

### D. Should you file your own Motion?

You might want an order about something the other party's motion does not cover. If so, you can file your own motion for Temporary Orders.

If you can do this before the hearing on the other party's motion, the judge might hear both motions on the same (later) date.

For help deciding if you should file a motion, talk with a lawyer. Part 5 of this packet has the list of temporary orders packets.



## Part 5. Other court forms and documents you may want or need to get

Often, all you really need to do is file a declaration in response to a Motion for Temporary Orders and/or Immediate Restraining Order and Hearing Notice.

You might have time to do more now. You might need to do more. You might want to do more at a later stage in the case.

Read the list below. Check off what else you will want or need.

Some forms below can be completed on [Washington Forms Online](#), which helps create completed forms and instructions. If you have a very low income, you can get packets by mail by calling CLEAR at 1-888-201-1014.

### A. General forms

- [How to Write a Declaration in a Family Law Case](#): If any witness will write a declaration supporting your response.
- [Make a Parenting Plan Printable Packet](#) or use [Washington Forms Online](#): If either party is asking for a temporary order about custody and visitation (a parenting plan).
- [Child Support Worksheets and Order Printable Packet](#) or use [Washington Forms Online](#): If either party is asking for a temporary order about child support.
- Ask for Temporary Family Law Orders: [Parentage Cases](#); [Divorce Cases](#); [Petition to Change Parenting Plan Cases](#)

Get the right packet for your type of case if you want to make your own Motion for Temporary Orders. You might want the judge to decide things that the other party's motion does not cover (such as where the children will stay until the judge signs final orders).

If you file your motion before the hearing on the other party's motion, the court might schedule both motions for the same hearing date.

- Ask for Immediate Restraining Orders: [Parentage Cases](#); [Divorce Cases](#); [Petition to Change Parenting Plan Cases](#)



If you have an emergency and need a court order immediately, before there can be a hearing.

- [How to File for a Protection Order](#) or use [Washington Forms Online](#): If you are a victim of domestic violence, harassment, stalking, or sexual assault and you need immediate protection.
- [Parentage Cases: File a Motion for Genetic Testing](#): You can use this if the State is not involved in your parentage case. Someone might deny being the child's parent. You might want to rule out someone as parent.
- [Guardians ad Litem in Family Law Cases](#): If you want the judge to appoint someone to investigate and make a recommendation about parenting time

## B. Responding

If you were also served with a petition and summons, we have packets to help you respond to the underlying petition.

This is **in addition to** responding to the motion:

- [Respond to a Petition to Decide Parentage](#)
- [Respond to a Petition for a Parenting Plan, Residential Schedule and/or Child Support: Parentage Cases](#)
- [Respond to a Divorce](#) or use [Washington Forms Online](#).
- [Declaration about Public Assistance](#), FL All Family 132: You might need this form if your county requires it, or to verify that no child in the case has gotten public assistance or been in in foster care or out-of-home placement. You can get this form at the Courts website: [courts.wa.gov/forms](https://courts.wa.gov/forms).
- [Serving Papers on the State](#): If a party is asking for a child support order, and any of the children has gotten public assistance, medical coupons, or Medicaid, or is in foster care or out-of-home placement, you must include the state as a party and serve them with papers you file.
- **Local County Court Forms and Rules**: Some counties have other special forms you will want or need that are not in this packet. Most will have special

local rules you must know to file your motion. The clerk or facilitator should have more information.

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

**Financial Information.** If the other party's motion includes any financial issues:

- Your federal tax returns from the last two years.

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❖ **If you do not have copies of your returns**, ask the IRS for copies. There is a fee. Your local IRS office has the request form. Or ask that office to give you a free computer printout of your returns. While not as good as copies, this is better than not having your returns.

❖ **If you did not file tax returns**, explain that in your declaration. Give other proof of your income.

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- Your pay stubs (for at least the previous month. Try to give the last six months or back to January 1, whichever is longer).
- If you get benefits, get official letters from Social Security, L&I, Employment Security, or DSHS showing how much.
- If you are self-employed, or you have no pay stubs or tax returns, get other proof of your income.

**Examples:**

- Bank account statements and check registers
- Business tax returns or records, or 1099 forms
- Other information supporting your request for financial relief

**Examples:** The other party's tax returns or pay stubs, bank account statements, copies of bills)

Your local court rules may require still more financial information. Ask the clerk or facilitator.



## Part 6. General instructions for filling out forms

Read these **before** filling out any forms. These apply to all forms. They cover all types of family law cases. You may not use some of the information.

**The Caption** is the name of your case. It is a section appearing at the top of the first page of every form. It includes the case name and number, court name, title of the court paper, and, sometimes, type of case.

Here is a sample:

<p style="text-align: center;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;">                     This <b>case type</b> is for a divorce.                 </div> </p> <p><b>Superior Court of Washington, County of _____</b></p> <p>In re <u>the marriage of:</u></p> <p>Petitioner (<i>person who started this case</i>):</p> <p style="padding-left: 40px;"><u>Jane Brown</u></p> <p>And Respondent (<i>other spouse</i>):</p> <p style="padding-left: 40px;"><u>John Brown</u></p>	<p>No. _____</p> <p>Notice of Hearing (NTHG) ← <div style="border: 1px solid black; padding: 5px; display: inline-block;">This is the form's <b>title</b>.</div></p> <p><input checked="" type="checkbox"/> Clerk's action required: <b>1</b></p>
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**Name of court.** Copy this from the papers you were served with.

**Case name.** Copy the case name from the papers you were served with.

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

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

- ❖ You may be able to use a special stamp at the court clerk's counter to stamp the case number on each paper.

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

**Title.** Each form has a title directly under the case caption. You may have to add to it.

**Example:** On a declaration, you put the name of the person filling out the declaration.

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

**The contents.** Fill out each form according to its instructions. In most counties, you can print or type. It must be readable. After filling out each form, re-read it. Make sure you have correctly filled in all blanks you need to. Any corrections must be neat and readable.

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

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

**Signatures.** After you fill out a form, look for the place(s) to sign your name:

Some forms have one signature line for “petitioner” or “respondent.” After filling out a form such as the petition, sign at the place that applies to you. **Look carefully.** You may have to sign in more than one place. You may have to put the date and place (city, state) you signed the form.

When you prepare an order to present to the judge, 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 them to sign. If you have filled out an order after a hearing, they may sign it if they agree it accurately states the judge's decisions, or the judge may make them sign.

**Agreed orders.** A party who agrees with your proposed orders 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, the other party may ask you to check this box and sign underneath. Doing this is agreeing the judge should sign the order as written **and** the other party can give the order to the judge to sign without letting you know when that will happen.

- **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.

**Place signed.** Declarations and Proofs of Service must where you signed them and the date. (**Example:** Signed this 10th day of October 2014 at Seattle, WA.)

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

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

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

Except where instructions about a specific form say otherwise, use these rules for papers you file with the court. **Example:** The forms in Box #3

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

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

**Bank Account, Credit Card Numbers:** Put the bank name, type of account (savings, checking, and so on), and last four digits of the account number.

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

If you use a sealed cover sheet, this information is usually available to the other party 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 info:** You must attach any 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 the paper you want kept confidential is not in the above list, you may need to file a motion to have that paper, or part of it, sealed. Talk to a lawyer.

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

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

You must fill 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 7. How to fill out each form

### A. Declaration of: – FL All Family 135

- 
- ❖ If you include personal health records, financial info, or confidential reports in any declaration, or as an attachment to a declaration, follow the instructions at the end of the declaration form about using sealed cover sheets to protect the information from the public file.
- 

The Declaration form is the main form for responding to a Motion for Temporary Family Law Orders or for Immediate Restraining Orders. A declaration is a written, sworn statement you give the court and other party.

In it, you can say whether you agree with each request in the other party's motion. If you do not agree, explain why.

**Example:** The other party asked the court for temporary custody. You may agree with that, or you may want temporary custody for yourself.

The declaration is your chance to present the facts you think are important, and to answer, deny or explain any claims or statements in the other party's motion. Attach supporting evidence to your declarations, such as medical or treatment records, police records, bills, pay stubs, or school records. Number them (1, 2, 3). The attachments should follow format rules. (See the "General Instructions" section.)

If you refer to private health or financial information in a declaration, or want to include it with the declaration, do not attach the exhibit directly. Follow the procedures for sealed cover sheets, described in "General Instructions."

Depending on your case, your declaration may cover some or all of these areas:

***Child Residential Arrangements - Custody and Visitation:*** If the other party asked for a parenting plan, custody, or visitation, and you want something different, you must convince the judge to rule in your favor. File your own declaration, proposed temporary Parenting Plan, and Information for Temporary Parenting Plan. Use our [Make a Parenting Plan](#) packet or our [Washington Forms Online interview](#).

In your declaration:



- Describe your relationship with the children. Explain what you do daily to care for them, and what you and the other party have done to care for their daily needs for the past year.
- Describe the other party's relationship with the children. If the other party has not helped in the daily care of the children, explain that.
- If appropriate, explain why you think the judge should limit the other party's contact with the children.

**Examples:** Physical or emotional abuse of you or the children, or drug or alcohol abuse.

Courts do not like to deny a parent visitation with their children. If you want the judge to limit the other party's time, you must give facts showing time with that parent will hurt the children's best interests.

On the other hand, if you want the other party to have custody of or reasonable visitation with the children (**Example:** Alternating weekends and holidays), say so.

***Deny or Explain the Other Party's statements about you:*** The declaration is your chance to tell your side of the story.

If the other party has said things in their papers that you disagree with, your declaration must say you think what they are saying is wrong. Then give the correct version of what happened.

***Asking for Specific Temporary Orders:*** Generally, when you respond to a Motion for Temporary Orders, you cannot ask for things the other party's motion did not cover. **If you want an order about something the other party's motion did not cover, or you want restraining orders against the other party, file your own Motion.** Your motion can also ask for orders about subjects that the other party's motion did cover.

**Example:** The other party asked for an order about where the children will live temporarily. You can ask for a different order about where the children will live, who will make decisions about the children on a temporary basis, and whether the other party's contact with the children should be limited.

If you are not sure whether to file your own motion, try to talk with a lawyer.



There is a Temporary Family Law Order form here for you to fill out and bring to the hearing, if needed. In some counties, you must file and serve a proposed order in advance if you disagree with the motion.

Do not check any boxes on that form that your declaration does not request. You should support and explain each order you request with facts in your declaration.

## 1. Brief rules about Declarations

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❖ When you are making the declaration, you are the **Declarant**.

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1. Put the most important points at the start. Less important points should come later.
2. Base your statement on your own personal knowledge (what you saw or experienced), not what someone else told you. **Exception:** you can talk about what the other party said.
3. You should explain how well you know anyone you are writing about, how often they see the people, and in what situations.
4. You must type the declaration or print it neatly in **black or dark blue ink**.

A few courts require that you type all declarations. If you type, remove the underlining. If the declaration is hard to read, the judge may not try.

5. Do not make the declaration too long.
6. Stick to issues the judge will be deciding. Be specific on those issues.

In a custody or visitation dispute, general statements, such as “she is a bad mother,” or “the children are much happier now living with me,” do not help. The declaration should describe specific things, and state when and where incidents happened.

**Example:** “I live on the same street as Joe. About a year ago, Joe knocked over our mailbox while driving. I ran out to the street to see what had happened. Joe was standing next to his car. I smelled liquor on his breath. I have seen him weaving down the road in his car three other times this year.”

In a child support dispute without custody or visitation issues, the above type of statement may not be related. **If it is not related, do not include it.**

7. Attach extra pages to the declaration if you need more space. Any extra pages should also have margins of at least one inch. You should number all the pages at the bottom.

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❖ Some courts limit the number of pages you can file with a motion. Check your local rules, or ask the court clerk or facilitator.

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You can attach documents to declarations, such as printouts of bills, school records, medical or treatment records, police records, and so on. If you do, you must refer to them in the declaration and call them exhibits. Number each document Exhibit Number 1, Exhibit Number 2, and so on.

If the papers you are attaching do not require a sealed cover sheet (see the General Instructions section), staple them to the declaration.

If the papers you are attaching have personal medical or mental health information, or financial records, or confidential court reports, put an exhibit number on each paper you attach. When you mention that paper, you should use that exhibit number and put it is “filed with the Sealed Personal Health Care Records cover sheet on \_\_\_\_\_ (date).” **Do not staple** the paper to the declaration.

Attach it to the appropriate Sealed Cover Sheet form before filing and serving it. We describe the sealed cover sheet forms in the How to Fill Out Each Form section. (See the General Instructions section about what to keep out of the public file.)

## 2. Filling out the Declaration form

**Caption.** Fill out the caption. On the right side of the caption, after *Declaration of...*, put your name. Do the same next to **Declaration of** under the caption.

1. In the first blank, put your name. In the second, put your age. Check the box showing which party you are.
2. **I declare.** Type or print neatly in black ink what you the judge to know. (A few courts require typing. If you type, remove the underlining.)

**I declare under penalty...** Check the box and put the number of pages you are attaching if the declaration is longer than two pages.

**Signed at:** Put the place and date you are signing this declaration. Underneath, sign and then print your name.

## **B. Financial Declaration of: – FL All Family 131**

The Financial Declaration tells the court how much you make, and how much you must pay in monthly expenses and bills.

**Fill this out if** the motion you are responding to asks for any financial relief. Read [Child Support Worksheets and Order](#) for more about how to fill out a Financial Declaration.

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- ❖ Instead of filling out the financial declaration form in this packet, you can use our do-it-yourself interview program, [Washington Forms Online](#), to complete this form at WashingtonLawHelp.org.
- 

**Caption.** Fill out the caption, including your name.

### **1. Your personal information.** Give the information requested.

- Check **yes** if you are working. Put your hire date.
- Check **no** if you are **not** working and give the information provided.

### **2. Summary of your financial information.** Skip this section.

Come back to it after filling out the rest of the form.

### **3. Income.**

- 
- ❖ If you do not know the other parent's income, give your best estimate, or use the support schedule's instructions for imputing income.
- 

Use the column **You** for your information. Use the other one for the other party. **Put the income information and income deduction information requested.**

**Income from Benefits:** If a parent gets Social Security Disability (SSDI) or workers' compensation (L&I, or other disability benefits from an employer), put that amount in **Other Income**.

**Work-Related Disability Benefits:** If a parent gets SSDI, L&I, employer-paid disability benefits, or Social Security retirement, and the children get dependent benefits as a result, the payments they get directly count as income to that parent even if the money actually goes to the other parent or custodian.

Add those amounts under 3A to the income of the parent getting benefits.

**Those benefits should also be credited as child support paid by the parent.** The paying parent's support should go down dollar for dollar by the number of dependent benefits their children get directly for current child support.

**Deductions from Income:** You must be able to prove any deductions from income other than income tax, FICA, and L&I payments that you include here. Paystubs may show union and pension plan deductions.

You must have extra proof (such as pages from a collective bargaining agreement or employee handbook, or a letter from the employer) that these deductions are required. If you have any voluntary pension deductions, you must have proof that you have had the deduction taken for at least two years.

If the other parent disputes your claims, be ready with proof of any business expenses you are claiming. Follow the instructions at the end of the Financial Declaration Form. Attach private financial information to the Financial Source Documents Cover Sheet.

#### 4. Other Income and Household Income.

- A. **Other income.** Put the name and amount of any other income (including TANF, SSI, or food stamps) a party gets regularly.
- B. **Household Income.** List the gross monthly income of other adults in the household.

The court does not usually include this in calculating child support. The court might look at it if someone asks for a deviation (change) from the standard child support amount.

#### 5. Disputed income.

- If you think anyone will challenge a party's income, state what you believe their income is. Explain why you believe that is the true amount.

## 6. Available Assets.

- List your cash, and things you own that you could easily sell for cash.

**Examples:** Stocks, bonds, etc.

## 7. Monthly Expenses after Separation.

- Put your monthly household expenses. Put your best estimate of each. Many expenses are not monthly. For those, take the actual amount you pay. Calculate the monthly average.

**Example:** You pay your car insurance every six months. Divide the amount you pay by 6. Put that amount in the blank under 7F.

Your total monthly expenses may end up being more than your net monthly household income. You may put off paying a bill or make other cutbacks in your expenses.

Your monthly expenses do not need to be the same as or less than your income. But if your expenses are far more than your income, the court might ask how you are meeting your expenses. Be ready to answer this with proof.

**8. & 9.** Section 8 is for more information about expenses you listed in 7.

## 11. Attorney Fees.

- If you hire a lawyer for this case, put those expenses here.

**Signed at:** Put the city or town and state where you are signing this form, and the date. Sign and print where it says.

## C. Sealed Financial Source Documents (Cover Sheet) – FL All Family 011

You must use this form whenever filing private financial information with the court.

Keep a blank copy in case you must file more financial documents later. You can attach one form to a stack of documents.

- 1. Caption:** Fill out the caption.

**Check the boxes next to each type of paper you are filing.** The instructions to the child support worksheets tell you which documents to file if you are submitting worksheets.

If you are afraid for your safety or the children's safety, you can block out information identifying your location on the copies you file with the court and give the other parties.

**Submitted by:** Check the box that applies to you. Sign and print your name.

#### **D. Sealed Personal Health Care Records (Cover Sheet) – FL All Family 012**

Use this cover sheet on any records or correspondence with information relating to someone's past, present, or future physical or mental health condition, including past, present, or future payments for health care.

Some of the papers you should use this cover sheet for are:

- Medical or mental health records and bills
- Letters or declarations from doctors and counselors
- Medical bills and statements of medical coverage (or denial)
- Cost estimates for medical care
- Social security and L&I and other disability program letters and records
- Medical evaluations
- Medical insurance records
- Dental records
- Records of alternative health care practitioners such as massage therapists, acupuncturists, or chiropractors
- Genetic parentage testing

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❖ Keep a blank copy of this form. You might need to file more health care records later.

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Attach the confidential personal health care records to this form.

Fill out the caption. Check the boxes showing what type of records you are attaching.

**Submitted by:** Check the box that applies to you. Sign and print your name.

### **E. Sealed Confidential Reports (Cover Sheet) – FL All Family 013**

This is the cover for some confidential reports filed with the court, including:

- Parenting evaluations
- Domestic Violence Assessment Reports created by certain qualified people
- CPS reports
- See the form for other types of reports
- The person who made the report must also file a public portion listing just the materials or information reviewed, people contacted, tests conducted or reviewed, and conclusions or recommendations reached.

Instructions for the Sealed Reports form:

- 1. Caption.** Fill out the caption.

Check the boxes next to the type of report.

Attach the confidential part of the report to this form. If you are afraid for your safety or the children's safety, block out any information identifying your location on the copies you file with the court and give the other parties.

**Submitted by:** Check the box that applies to you. Sign and print your name.



## Part 8. How to file forms with the court

After filling out the forms, you file them with the court, serve the other parties, and file your proof that service has been made. The next sections explain how.

**Re-check Your Deadlines.** Make sure to file your response and serve the other party far enough before your hearing date. In most counties, you must file and complete service of your response no later than one court day before the hearing. (Some counties require an earlier response.) Check with the clerk or facilitator.

If you miss the deadline, file and serve your papers anyway.

If the other party objects at the hearing, ask for a continuance of the hearing so the judge will consider your papers. Try to be ready to go ahead with the hearing. The court may deny the continuance.

**Make sure you know who must be served or is a party to the case.** Usually there is only one other party. The caption lists any other individual parties. Each must be served.

If the children have ever gotten public assistance or Medicaid, or if they are in foster care or out-of-home placement, you must serve the State of Washington. (Use our [Serving Papers on the State](#) packet.)

If the court has appointed a GAL, you must serve them as well. Talk with a lawyer if you are not sure who to serve, or if someone not named in the caption has or claims a right to custody or visitation with the children.

**Make sure you have everything you need.** You must have the other party served with everything you file with the court.

**How to serve: Try not to serve the papers yourself.** Have someone else hand-deliver or mail the papers. We explain below.

**When to serve:** In some counties, the deadline for serving the other parties is one day before the hearing. **For others, the deadline is earlier.**

If you are mailing your papers, add at least three extra days. We explain below. If you do not know your deadline for serving, ask the facilitator or clerk.



## A. Getting ready to file and serve

### 1. Figure out how many copies of each form you will need. Make the copies.

You will file the original of each form with the court clerk in the county where the case has been filed.

Make copies as follows:

- \_\_\_\_\_ One copy of each form for yourself
- \_\_\_\_\_ One copy of each form for the other party
- \_\_\_\_\_ If there are other individual parties, one copy of each form for each (1 x \_\_ number of other parties)
- \_\_\_\_\_ One for the state (if the state is a party)
- \_\_\_\_\_ One for the GAL if there is one in your case
- \_\_\_\_\_ One copy as working papers, if your local court requires you to give the judge “working papers” before a hearing and you have upcoming hearings
- \_\_\_\_\_ **Total.** This is how many copies to make of each document

### 2. Organize your papers.

### 3. Make a set of the papers for the court and for each party. Put all the original forms into the set for the court.

Put each of the other parties’ sets of papers in an envelope addressed to that party at the legal address they have provided.

Add your return address for legal mail. (For your return address, use the address on your Response or Notice of Appearance.)

## B. Filing your papers in court

**Take the originals and the copies to the superior court clerk’s office in the courthouse where the case has been filed.** Give the clerk the originals for filing. If you have any original proposed orders for a hearing, ask the clerk what to do with those.



## Part 9. How to serve forms

After filing your papers with the court, you must have them properly served on (delivered to) the other parties. **This is required.** The other parties have the right to know your response to the papers you have received.

**The court does not serve the other parties for you.** You must arrange for service and make sure your server delivers the papers properly. Carefully follow the rules about service.

After service is complete, file proof of service with the court. We explain below.

### A. Mail or deliver your papers to the other parties or their lawyers.

Since you are responding, you can serve your papers by mail or hand delivery. If a party has given you an address for service of legal papers.

**Examples:** In the Summons form, a Notice of Appearance, or a Response, serve them at that address. If a party has a lawyer, have the papers delivered to the lawyer.

### B. Service must be completed before your deadline.

Not all courts let you do your own service. To be safe, **try not to serve the papers yourself.** Ask an adult friend or relative to do it for you.

When your friend has mailed or delivered the papers to a party, have them fill out the Proof of Mailing or Hand Delivery the same day. Your server should fill out a separate form for each person they mail or deliver the papers to.

You then file the original Proof of Mailing or Hand Delivery forms. Keep a conformed copy for your records.

**Mailing.** If your friend mails the papers, they must add 3 days to the number of days' notice required for your response. You do not count the day of service (or mailing), weekends, or court holidays.

**Example: A document mailed on a Monday is considered served on Thursday.** This is important when setting up or responding to hearings. If the third day is on a weekend or holiday, the document is not "served" until the next court day.



If you are serving by mail, have an extra copy sent by certified mail, return receipt requested. Then you have more proof of mailing. Staple the green return receipt card to the Proof of Mailing or Hand Delivery.

**Hand Delivery.** You can have the papers hand-delivered to the other party, instead of mailed.

This means one of these:

- A. Handing it to the lawyer or party.
- B. Leaving it at office with their clerk or other person in charge of the office.

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❖ You should only serve someone at their offices if they have used that as their service address in a Notice of Appearance, Petition, Notice of Address Change, or Response form.

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- C. If no one is in charge, leaving it in a place in the office where someone can easily find it.

**Example:** On top of the front desk.

- D. If the office is closed or the person has no office, leaving it at their home with an adult living there.

## C. Instructions for the Proof of Mailing or Hand Delivery - FL All Family 112

Make some blank copies of this form. You may need to fill it out and file it several times. Use this form to show that copies of papers you file in court have been given to the other parties. Use a separate form for each party to whom papers were mailed or delivered.

**Caption.** Fill in the caption.

1. Have your server check the third box and put their name.
2. In the first blank, the server should put the date they delivered the papers. In the second blank, the server should put who they delivered the papers to. Then the server should check the boxes and fill out any blanks as needed to show how they delivered the other party.

3. **List all documents you served:** Your server must check the box for **every form the server** delivered to the other party. If the server leaves out a form, you will have no proof it was served.

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

#### **D. Filing the Proof of Mailing or Hand Delivery**

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

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

Make a copy for your records.

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



## Part 10. Getting ready for and going to your hearing

**Make sure your hearing is happening.** Call the court clerk one day before the hearing. Tell the clerk or leave a message stating your name, the case number and name, your scheduled hearing date, that you are calling to make sure the hearing is taking place, and your phone number.

**Cancelling (called “striking”) your hearing:** If you and the other party agree on temporary orders before the hearing, you can cancel the hearing. Usually, the person who filed the motion must call the court to cancel the hearing. You should call the court one day before the hearing date to make sure it was cancelled. If it was not, go to the hearing as originally planned, even if you think you and the other party have an agreement.

If your hearing is cancelled because you have agreed about temporary orders, one of you must still take the agreed temporary orders to a judge to have them signed. Ask the facilitator or court clerk how to do this.

### A. Responding to the other party’s reply

Most courts do not let the other party file a reply to your response. If your court does allow this, read any reply the other party files carefully. Be ready to respond to it at the hearing. The other party cannot bring up new issues in the reply. They can only reply to things that you talked about in your response.

If the other party brings up new issues, or serves you with many declarations and other evidence for the first time with the reply, tell the judge at the hearing that you object to the judge considering that evidence, or you want a continuance and a chance to file a response to the reply.

### B. Going to the hearing

**If the other party gets a lawyer.** If the other party’s lawyer contacts you just before the hearing or shows up at the hearing, you may decide to try to get one yourself.

If so, tell the lawyer and judge that you need to postpone (continue) the hearing. Do not panic. You can try getting the other party to agree in advance to a continuance. But you will likely have to go to court as scheduled.

At the hearing, you can ask for a continuance. Be ready to go forward with the hearing if the judge says no. The other party's lawyer may ask you to sign some things. **Do not sign anything you do not understand.**

**Get ready for the hearing.** Go to court before the day of your hearing. Watch how the court generally conducts hearings. Try to make some notes about the main points you want to make when it is your turn to talk during your hearing.

**Get to your hearing early.** Try to dress neatly. Bring a pad of paper and black pen to write notes. Bring your set of the papers and your copies of any papers the other parties gave you in response. Do not bring your children if you can help it. The judge will usually not let them sit in the courtroom. If you are not there on time, the judge will cancel the hearing (or the other party 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 your case for hearing.

Come forward when they tell you to do so. Give the court the originals of your proposed Temporary Family Law Order, if you have one.

**Presenting your case.** If the other party shows up at the hearing, each of you will have a chance to talk. The other party goes first.

When it is your turn, stand while speaking. Tell the judge briefly what you want, and why. Keep your argument short. Only outline your main points. In most cases, the judge will have read your papers before the hearing. Do not repeat everything in your papers. Make notes to use at the hearing.

**Do not interrupt the judge.**

**Hearing the Judge's decision.** After hearing both sides, the judge decides on your requests. Listen carefully. Make notes. The judge may change the orders one party prepared, or may direct you, the other party, or the other party's lawyer to do it.

If the other party's lawyer makes changes to the orders, read them carefully. Make sure they say what the judge said.

*If you are not sure about any changes, do not sign.* Ask the lawyer to go back before the judge to make sure the order says what the judge said.

Usually, you should have your **court orders signed on your hearing day**. Some counties require they be signed before you leave the courthouse.

**Do not leave the courthouse with, change, or destroy court orders the judge has signed.** If the clerk in the courtroom gives you the original orders the judge has signed, file them with the court clerk's office.

**Getting copies of the orders.** You will need copies of the orders signed by the judge. You need certified copies of any order with a safety restraint. (Get one certified copy for yourself. If the order protects you, you should also get one certified copy for each restrained party you must serve.) Get conformed copies of other orders.

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

- *Certified copies:* the clerk makes these. You may have to pay for them (example: \$5 for the first page, \$1 for every extra page).
- *Conformed copies:*
  - The clerk may let you take the original orders and make copies in the library or at the clerk's office.
  - If the copies of proposed orders you brought to court are exactly the same as the orders the judge signed, the clerk may tell you to stamp those copies with the date filed stamp and the judge's signature stamp.

If the judge signed the order you presented, all parties must get copies of the orders showing the judge's signature as follows:

- If your orders do not have safety restraints, or the restrained party or their lawyer appeared and/or signed the orders, mail conformed (not certified) copies of the signed orders to the other party. Mail conformed copies to any other parties against whom there are no restraints.
- Use our [How to Serve the Opposing Party in Your Family Law Case](#) packet to have the other party personally served if all these are true:
  - The order includes safety restraints.
  - You are the protected party.

- Neither the restrained party nor lawyer appeared for the hearing.
- Neither the restrained party nor lawyer signed the order.
- Serve a certified copy of the order containing safety restraints. Conformed copies of any other orders will do. File a new Proof of Personal Service with the court showing service of these orders. Deliver a copy of the Proof of Personal Service to the law enforcement agency named in the order.

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❖ **Warning:** The safety restraints may not be effective until the other party is personally served with the order.

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### C. Getting an Agreed Temporary Family Law Order

If you have reached an informal agreement with the other party, try to get an Agreed Temporary Order. You may also need an agreed Temporary Parenting Plan, Temporary Child Support Order, and child support worksheets. You can use our other packets or find the forms online at [courts.wa.gov/forms](https://courts.wa.gov/forms).

Make sure you and the other parties agree about what should happen to any children, support, and any other issues discussed in your paperwork before getting your Agreed order. If you agree the judge should appoint a GAL or evaluator, you will need that order as well.

**All parties must check *is an agreement of the parties* on the last page and sign the order.** A judge must also sign it. Ask the court clerk how to have an agreed order signed by the judge.

If you and the other party agree on the Temporary Orders before the hearing, you may want to cancel the hearing. In most cases, the person who filed the motion must call the court to strike the hearing. Call the court one day before the hearing date to make sure this happened. If it did not, go to the hearing, even if you think you and the other party have an agreement.

**Get a copy of the order for your records.** Give the other party a copy of the order showing the date filed and the judge's signature. Use the Proof of Mailing or Hand Delivery procedure to prove you have provided a copy.

### D. If you disagree with the court's order

Talk to a lawyer right away. Your timeline may be short!



## Part 11. Blank Forms

The rest of this packet has blank forms for your use. Make a copy of each form so that you have an extra in case your first draft needs many changes. You may need forms from other packets. You may not need all the forms here.