



How to Write a Declaration in a Family Law Case

What is in this packet?

- The general Declaration form
- Sealed cover sheets
- Instructions and suggestions for these forms.

What is a Declaration?

It is a written statement you swear under penalty of perjury is the truth. You make this statement if you have direct knowledge about the issues in a court case.

What is it for?

You usually use Declarations when filing or responding to motions in court.

The information in a declaration can help the judge make a decision on the motion. At a hearing on a motion, the parties do not get much time to speak. You also usually cannot testify. Anything the judge needs to know to make a decision at the hearing should be in a declaration.

If the judge has appointed a guardian ad litem (GAL), the GAL will often use the declarations:

- to understand the issues
- to help decide what is in the child's best interests
- to understand if a child has been harmed or would be harmed by living with a parent

You should file the originals of signed declarations with the court and serve copies on other parties with the motion, or with the response or reply to the motion.

Who should not use the Declaration form here?

If you are getting ready for trial, your witnesses will usually must appear in person. Judges usually do not admit declarations as evidence at a trial.

A few counties might allow or require oral testimony at motions hearings. Check your local court rules.

Some motions have special declaration forms.. If you need a declaration for a particular motion, you may need a special form used just for that motion. **Example:** *A Declaration: Personal Service Could Not be Made in Washington* form. Our [website](http://www.washingtonlawhelp.org), www.washingtonlawhelp.org, has a list of family law packets for many different motions. Each packet has the statewide court forms for that motion. You can also get court forms on the [court's website](http://www.courts.wa.gov/forms/): <http://www.courts.wa.gov/forms/>.

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- ❖ Be careful when thinking about who to ask for a declaration. The judge or the other party might then have the right to ask someone who wrote a declaration for you about other information they may have about you or the child.
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Do I write a declaration?

If you are a petitioner or respondent, you may need to write your own declaration at different pre-trial stages of the case. A declaration can help you

- tell “your side of the story”
- explain your requests
- give needed information
- respond to someone else’s declaration

Can other people write a declaration?

Maybe. You can ask people who have directly seen, heard, or otherwise witnessed important events to write declarations explaining what they know. Some people you can ask:

- teachers
- doctors
- relatives
- counselors

- friends
- scout leaders
- coaches
- clergy
- cops or other law enforcement officers
- neighbors

Generally, you do not need more than one witness to say the same thing. If several witnesses would say the same things, choose just one or two to write a declaration.

Generally, the judge gives more weight to a neutral person or professional than someone obviously supporting only one side of the case. The more specific someone can be, the better for your case. Teachers, counselors, and/or other such professionals may need a signed release of information form before writing a declaration.

❖ Some courts limit the number of declarations they will accept or the total number of pages you can file. Check your local court rules.

What is an exhibit?

It is a document -- written proof attached to a declaration that helps prove what the declaration says. **Examples:** copies of

- bills
- school records
- medical or treatment records
- police records

You should call the papers you attach to your declaration Exhibits and number (1, 2, 3) or letter (A, B, C) them. Some exhibits need a sealed records cover sheet. We explain more below.

Some counties say “attachment” instead of “exhibit.” Your county may have its own rules for using exhibits or attachments.

General instructions for the forms in this packet:

You will probably need this information when writing declarations in a case that has already been filed.

Format: You must use regular size (8 ½ x 11”) white paper. You must use only one side of the paper. The first page of each paper you file must have 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 declarations do not follow these rules, the court clerk may refuse to file them or may make you pay a fine.

The caption has the case name and number, court’s name, and court paper’s title. It appears at the top of the first page of the declaration.

- **Court name.** Put the name of the county where the case is filed in the blank after "Superior Court of Washington County of _____."
- **Case name.** Put the names the same as they are on the Petition.
- **Case number.** Put the case number from the Petition near the top on the right-hand section of the first page of the Declaration.

Identifying Information. The next two boxes explain court rules protecting your privacy. They should help you decide if you need a sealed cover sheet.

Box #1

Almost everything you file with the court is available to the public.

Things you should not put in most court papers:

Home address (where you live) and phone number: Just give an address where you can get mail from the court. You should also give the court a phone number where they can reach you.

Social Security/Driver’s License, ID numbers of adults and children: Put only the last four digits.

Dates of birth of children: Do not put them in court papers.

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, the other party and the court can still see this information. It does **not** go in the public file.

Financial Information. Attach any pay stubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders to a Sealed Financial Source Documents form.

Medical or Mental Health Records or Information. Attach anything with information about past, present, or future physical or mental health, including insurance or payment records, to a Sealed Personal Health Care Records form.

Confidential Reports such as Parenting Evaluations, CPS Reports, Domestic Violence Assessments, and Guardian ad Litem Reports for court use must have public and private sections. Attach the private section to a Sealed Confidential Reports Cover Sheet.

Retirement Plan Orders. Some 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 seal that paper or part of it. Talk to a lawyer.

Instructions and Suggestions for the Forms in this Packet

A. Instructions for Declaration Form – FL All Family 135

Read your local court rules. Your court may have other, special requirements for declarations. Also, some motions require special Declaration forms not in this packet.

❖ Your county’s local rules or forms may be [online](https://www.courts.wa.gov/court_rules/?fa=court_rules.localsupbycrt) at https://www.courts.wa.gov/court_rules/?fa=court_rules.localsupbycrt.

Caption. Fill out the caption on the top half of page 1. If you are a party, you should fill out the caption and make several copies of the declaration form **before** putting any other information. Then you will have blank forms with just your case caption on them. You can give each witness one to fill out and have one for yourself.

This declaration is made by. Put the name, age and relationship to the parties in the case.

Examples:

- (for a party) “Susan Marty, age 28, Petitioner”
- (for a witness) “David Everett, age 45, Susan Marty’s neighbor”

Blank Lines. After “I declare,” the person writing the declaration should type or print neatly in black or dark blue ink what they want to tell the judge. See below for suggestions.

Using Documents and Confidential Information.

To attach documents to Declarations, such as copies of bills, school records, medical or treatment records, you should refer to them in the declaration, explain what they are, call them “Exhibits,” and number them: Exhibit Number 1, Exhibit Number 2, and so on.

- If the documents do not need a sealed cover sheet, staple them as attachments to the declaration.
- If the documents have personal medical or mental health information, or financial records, or confidential court reports, put an exhibit number or letter on each paper you are attaching. When the person writing the declaration mentions that document, they should use that exhibit number or letter and put it is “filed with the Sealed _____ (*fill out name of confidential cover sheet*) cover sheet on _____ (*date*).” Do not staple the document to the declaration. Attach it to the right Sealed Cover Sheet form before filing and serving it.
- We describe the sealed cover sheet forms later in this packet.

You should attach a declaration that talks about personal medical or mental health information or financial records to the appropriate Sealed Cover Sheet form before filing and serving. We describe the sealed cover sheet forms later in this publication. (The information box in the General Instructions section of this publication explains the types of papers to keep out of the public file.)

Signature Line. The person making the declaration should date and sign where it says and put where they signed the statement. Declarations do not need notarizing.

B. Tips on writing a Declaration

- Declarations should be as short as possible. Stick to the main points. Put your most important points first. Put less important ones later. The judge does not want to read anything unrelated to the motion.
- The declaration must be based on your own personal knowledge (what you saw firsthand), not what someone else told you. One exception: You may talk about what another party (not another witness) has said. **Examples of what you cannot put:** “I called the cops. The responding officer told me he responded to similar calls when Petitioner was married to his ex-wife,” or “Petitioner’s mother told me he tried to commit suicide when we separated.” But the cop and Petitioner’s mother in the examples above can give their own declarations of their direct knowledge about the Petitioner. **Example of what you can put:** “Petitioner called me and threatened to disappear with our children if I filed for divorce.”
- Explain how well you know the parties or children. **Example:** “Ralph has worked for me at Acme Plumbing for fifteen years.”
- Type the declaration out or print neatly in **black or dark blue ink**. If it is hard to read, the judge may not read it.
- **Be specific.** General statements such as “she is a bad mother” or “the children are much happier living with Mary” do not help. You should describe specific things and say when and where things happened. **Examples:** “About a year ago, Joe knocked over our mailbox while driving. I ran out to the street to see what had happened. I smelled liquor on his breath. I have seen him weaving down the road in his car three other times this year.”
- **Some courts limit the number of pages** you may give the court with a motion. Ask the court clerk or family law facilitator.
- You may **attach extra pages** to the declaration if you need more space. Do not go over the page limit for declarations. The writer of the declaration must sign and date the declaration after “I declare under penalty of perjury...” Your extra pages should also have margins of at least one inch. You should number all the pages at the bottom.

- **Use headings** to organize the declaration. This makes it easy to find the subject. Take time to organize your ideas before you write.
- If appropriate, explain events from oldest to most recent. **Example:** “Respondent has a history of committing domestic violence. In March 2015, he was convicted of fourth degree assault against me. He is currently charged with fourth degree assault against me for an incident that took place February 15, 2016.”
- **Tell your side of the story.** If you are responding to the other party’s motion, or writing a reply declaration, respond to the major points the other party’s declaration made.
- **Re-read the declaration** after writing it. Any corrections must be neat and readable. Do not write in the margins of any page.
- Follow the instructions about using sealed cover sheets.

C. What do I put in my Declaration?

It depends on what the motion is about and what you know about that subject.

In general, the declaration is a chance to give important facts related to the motion.

Example: If you need declarations about parenting, a witness might write about some or all of these (if they know):

- Times they have seen each parent with the children
- Each parent’s relationship and interactions with the children
- Each parent’s living situation, and if it is appropriate for children
- Any problem issues affecting a party or child, such as alcohol or drug use, domestic violence, child abuse or neglect, criminal behavior, or mental health issues
- Any special needs a child has
- What they have heard a parent say to or in front of the children about the other parent
- Each parent’s dependability, truthfulness, and if they would trust the parent to care for their children
- Which parent makes the children’s meals, takes them to doctor’s appointments, grooms them, washes and irons their clothes, and so on

D. Instructions for the Sealed Personal Health Care Records (Cover Sheet) – FL All Family 012

Generally, you use this when filing anything with the court that mentions health information. Then those records will not be available to the public. Some papers you should file with this cover sheet are:

- medical and mental health records and bills
- letters or declarations from doctors or counselors
- medical bills & statements of medical coverage (or denial)
- cost estimates for medical care
- social security, 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 and chiropractors

❖ Keep a blank copy of this form in case you file more health care records later.

Attach the confidential personal health care records to this form.

- **Caption:** Fill out the caption.
- Check the boxes next to each type of paper you are filing. If you are afraid of giving the other parties your address, block out that information on the copies you make.
- At the top of the first page of each set of health care records, about one inch from the top of the paper, put “Sealed.”

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

E. Instructions for the Sealed Confidential Report (Cover Sheet) – FL All Family 013

Use this when filing certain confidential reports with the court. This includes reports such as these, if intended as reports to the court in a family law case:

- Parenting evaluations
- Domestic Violence Assessment Reports created by certain qualified people

- CPS reports
- The form lists other types of reports

If you are afraid of giving your address to the other parties, block that info out on the copies you make.

Attach the confidential part of the report to this form.

The person who made the report also needs to file a public portion listing:

- materials or information they reviewed
- who they contacted
- what tests they conducted or reviewed
- their conclusions or recommendations

Caption: Fill out the caption.

Check the boxes next to the type of report.

At the top of the first page of the report, about one inch from the top of the paper, put “Sealed.”

Submitted by: Check the box that applies to you. In the blanks, sign and print your name.

F. Instructions for the Financial Source Documents (Cover Sheet) – FL All Family 011

Use this when filing private financial documents with the court. Keep a blank copy of this form. You might file more financial documents later. You may attach one form to a stack of documents.

- **Caption:** Fill out the caption.
- Check the boxes next to each type of paper you are filing.
- If you are afraid of giving your address or employer’s address to the other parties, block out that information on the copies you make.
- **Submitted by:** Check the box that applies to you. Sign and print your name. At the top of the first page of each set of financial papers, about one inch from the top of the paper, put “Sealed.”

Blank Forms in this Packet

You may not need every form. You may also need special declaration forms from other packets. See the main family law packet you are using to decide what other forms you need.

- Declaration of : – FL All Family 135
- Sealed Personal Health Care Records (Cover Sheet) – FL All Family 012
- Sealed Confidential Reports (Cover Sheet) – FL All Family 013
- Sealed Financial Source Documents (Cover Sheet) – FL All Family 011

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