

# How to Write a Declaration in a Family Law Case



Forms and Instructions



Northwest Justice Project

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## Important information

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You should use this packet **only** if you are going to write a statement for a non-criminal (civil) case filed in a Washington State court or ask someone else to do so when you are involved in such a case.

### **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, and not the Declaration form here.

[Washington Law Help](#) has a list of family law packets for many different motions. Each packet has the forms for that motion.

You can also get court forms on the court's website: [courts.wa.gov/forms](https://courts.wa.gov/forms).

### **A. Where can I find out what a Declaration is?**

Read Washington Law Help's [What is a Declaration?](#) fact sheet to learn more.

### **B. Additional legal help**

- **Apply online** with [CLEAR\\*Online](https://nwjustice.org/apply-online) - [nwjustice.org/apply-online](https://nwjustice.org/apply-online)
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at [nwjustice.org/apply-online](https://nwjustice.org/apply-online).
- **Facing Eviction?** Call 1-855-657-8387. **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR\*Sr at 1-888-387-7111.
- **Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

CLEAR and 2-1-1 will provide interpreters.

## Checklist of steps

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- 1. Make more than one copy** of the Declaration form here.
- 2. Follow the General Instructions** to fill out the caption for all Declaration forms you or someone else is going to use.
- 3. Make a draft of your Declaration**, if you are going to file one yourself, using the instructions here. **Review** your draft. If you need to make a lot of final corrections to your Declaration, start over with a fresh blank form.
- 4. If you are asking a friend or other 3rd party** to make a Declaration for you, **give them more than one blank copy** of the Declaration form. You should also give them a copy of the instructions here.
- 5. If you are using this packet with one of our other packets:**

Follow the instructions in the other packet for making copies and filing and serving all the papers you are filing with your Declaration or Declarations.

- 6. If you are just filing Declarations without a Motion:**
  - Make the needed copies of each Declaration and other papers you are filing with the court.
  - File your papers with the clerk.
  - Arrange to deliver the papers to the other parties. Have your server fill out the Proof of Mailing or Hand Delivery.
  - Deliver a set of working papers to the judge, if needed. Read [What are working copies?](#) to learn more.
  - File Proof of Mailing or Hand Delivery with the court.

## Court forms

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### A. Court forms in this packet

You **may not need** every form.

- **FL All Family 011:** “Sealed Financial Source Documents”
- **FL All Family 012:** “Sealed Personal Health Care Records”
- **FL All Family 013:** “Sealed Confidential Report”
- **FL All Family 135:** “Declaration of”

### B. Other court forms and documents you may need

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.

If you are not using other packets, you may need:

- **[Proof of Mailing or Hand Delivery, FL All Family 112](#):** Have the person who delivers the Declaration or Declarations to the other party fill this out. You can get this form at [courts.wa.gov/forms](https://courts.wa.gov/forms). You will then file the original of this form with the clerk.

## General instructions for filling out forms

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**Format:** You must use regular size (8 ½ x 11”) white paper.

You must use only one side of the paper. The 1<sup>st</sup> page of each paper you file must have 3 inches of space at the top.

The other margins (left, right and bottom, and the top from the second page on) must be at least 1 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.** Almost everything you file with the court is available to the public to look at. The next two boxes explain court rules protecting your privacy. They should help you decide if you need a sealed cover sheet.

### **Box #1: 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 4 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.

## How to fill out each form

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### A. Instructions for Declaration Form – FL All Family 135

Ask the court clerk or the family law facilitator, if there is one, if your court has its own requirements for Declarations. Also, depending on what kind of motion you are filing or responding to, you might also need special Declaration forms not in this packet. Ask the clerk or facilitator about that as well.

**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 1 form to fill out and have 1 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 #1, Exhibit #2, etc.

- 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 packet. (The information box in the General Instructions section earlier 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.

### 1. Tips on writing a Declaration

- Put your **most important points first**. Put less important ones later.
- Type the Declaration out or print 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.
- Do not make the Declaration too long.
- **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.
- Base your statement on your own personal knowledge (what you saw or experienced), not what someone else told you. One exception: You may talk about what *another party* has said.

**Examples of what you *cannot* put:** “I called the police. 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.” However, 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, how often you see who you are writing about, and in what situations.

**Example:** “Ralph has worked for me at Acme Plumbing for 15 years.”

- If appropriate, explain events from oldest to most recent.

**Example:** “Respondent has a history of committing domestic violence. In March 2021, he was convicted of fourth degree assault against me. He is currently charged with 4<sup>th</sup> degree assault against me for an incident that took place February 15, 2022.”

- Stick to issues the judge will be deciding. **Be specific** on those issues.

General statements such as “she is a bad parent” or “the children are much happier living with Mary” do not help. You should describe specific things and say when and where things happened.

**Example:** “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.”

- **Attach extra pages** to the Declaration if you need more space. Do not go over the page limit for Declarations.
- **Use headings** to organize the Declaration. This makes it easy to find the subject. Take time to organize your ideas before you write.
- **Re-read the Declaration** after writing it. Any corrections must be neat and readable. Do not write in the margins of any page.
- 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.
- Follow the instructions about using sealed cover sheets.

## 2. 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 key 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 substance 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, etc.

### B. Instructions for the 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 of this form in case you have to file more financial documents later. You can 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 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. At the top of the first page of each set of financial papers, about one inch from the top of the paper, put “Sealed.”

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

You should use this when filing anything with the court relating to someone’s past, present, or future physical or mental health condition, including past, present, or future payments for health care. Then those records will not be available to the public.

Some examples of papers you should file with this cover sheet:

- 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
- Genetic parentage testing

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❖ Keep a blank copy of this form in case you 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.

### **D. 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 Parenting evaluations, Domestic Violence Assessment Reports, and CPS reports. The form lists other types of reports.

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

Attach the confidential part of the report to this form.

**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. Sign and print your name.

## How to file forms

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If you are using this packet with one of our Motion packets, the instructions there apply to filing the forms here, too. You can skip this section.

**If you are just filing declarations, and not using another packet, read this section.**

After all Declarations are completed, you must file them with the court. This section explains how. The next section explains how to serve the other parties to the case with copies of the Declarations you have filed.

If you are filing Declarations for the judge to consider at an upcoming hearing, make sure you file and serve the Declarations before any related deadlines for doing so. Ask the court clerk or family law facilitator, if your county has one, about deadlines for this.

### **A. Make copies of the Declarations**

**Make at least 2 copies of every Declaration.** One copy is for the other party, and one is for you. Make extra copies if there is more than one other party to the case.

**Make 3 (or more) full sets of the Declarations you are going to file, one set of originals and 2 sets of copies.**

### **B. File the Declarations**

**Take the originals and the copies to the county court clerk's office** in the superior courthouse where the case is filed. Give the clerk the original of all Declarations.

If your county requires working papers, ask the clerk how to give the judge copies of the Declarations.

**Ask the clerk to stamp your copies** to show the date you filed the originals of the Declarations. Take the stamped copies back from the clerk. The clerk keeps the originals.

## How to serve forms

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If you are using this packet with one of our Motion packets, the instructions there apply to serving the forms here, too. You can skip this section.

### **If you are just serving declarations, read this section.**

After filing your Declarations, **you** must have them properly served on (delivered to) the other parties. **The court does not serve the other parties.** You must arrange for service and make sure your server delivers the papers properly. **Do not serve the Declarations yourself.** The next paragraphs explain the rules for service. **Carefully follow them.**

You must serve every party to the case. The caption should name any other parties in your case.

### **A. Make any extra needed copies of the Declarations.**

You will need:

- \_\_\_ one set for you
- \_\_\_ one set for each other party (1 x \_\_\_ number of other parties = \_\_\_)
- \_\_\_ one for the judge if your county requires “working papers”
- \_\_\_ Total = This is how many copies you need of each Declaration

### **B. Organize the sets of Declarations:**

- Organize the forms into sets. Each set should have a copy of each Declaration you filed.
- Keep a full set of copies for yourself.
- Put each of the other parties’ sets of Declarations in an envelope, addressed to that party, with your return address. You will use these sets for service.

### **C. Serving the other party**

If the party you are serving has given an address for receiving legal papers in the case, send them the copies of your Declarations there. (The other party’s address

may be, for example, at the end of the Response form, a Notice of Appearance, a Summons, or Notice of Address Change.) If the party has a lawyer in this case, serve the lawyer.

**Do not deliver or mail the copies of the Declarations yourself.** Ask an adult friend or relative to do it for you.

If you are having the Declarations delivered before a hearing, make sure you get the copies to the other parties before any deadline related to the hearing. Ask the court clerk or family law facilitator, if your county has one, about deadlines for this.

**When your friend has mailed or delivered the copies of the Declarations to a party, have them fill out the Proof of Mailing or Hand Delivery the same day.**

Your friend should fill out a separate form for each person they mail or deliver the papers to. You then file the original certificates with the court clerk. Keep a conformed copy for your records.

**Hand delivery:** Your friend may deliver the papers to the other party instead of mailing them. “Delivering” the set of papers to another party (or the other party’s lawyer) means one of these:

- Handing it to the lawyer or to the party.
- Leaving it at their office with their clerk or other person in charge of the office.
- If there is no one in charge, leaving it in a place in the office where someone can easily find it (**Example:** On top of the front desk).
- If the office is closed or the person to be served has no office, leaving it at their home with an adult living there.

## Blank forms

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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 lots of changes. You may need forms from other packets. You may not need all the forms in this packet.

The Washington Administrative Office of the Courts has Microsoft Word versions of many of these forms available on their web site at [courts.wa.gov/forms](https://courts.wa.gov/forms).