



Washington  
LawHelp  
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# Ask for Temporary Family Law Orders: Petition to Change Parenting Plan Cases

## Instructions and Forms



Northwest Justice Project



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## Part 1. Important Info

### A. What is a Motion for Temporary Family Law Orders?

It asks for a court order giving you certain rights and/or protections after your family law case has started, but before it is final. Either party can file this motion. It can include orders related to issues including finances, property, maintenance (alimony), safety, child support, parenting plans, and Guardians ad Litem.

You cannot file this Motion unless you have a Petition to Change Parenting Plan case that has **already** started, or you are filing it at the **same time** you are filing this motion.

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- ❖ You may need to schedule your Adequate Cause hearing before, or at the same time as, your Motion for Temporary Orders hearing. Read [File a Petition to Change a Parenting Plan, Residential Schedule or Custody Order](#).
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### B. Should I use this?

Before using this, decide if you want or need Motion for Temporary Orders or Immediate Restraining Orders, or neither. For help deciding, talk with a lawyer.

The Northwest Justice Project has a new program that helps people fill out family law forms online. We are adding new forms throughout 2019-2020. Some of the forms you need for divorce and other family law cases are available now. Check out [washingtonlawhelp.org/resource/washington-forms-online](http://washingtonlawhelp.org/resource/washington-forms-online).

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- ❖ **Survivors of Domestic Violence or Harassment:** If the other parent has a history of physically harming you or the children, or has threatened to, or if you are a victim of unlawful civil harassment by the other parent, you can file for an Order for Protection for immediate protection. Orders for Protection offer strong safety restraints. [Domestic Violence: Can the Legal System Help Protect Me?](#) has general information.
  - ❖ **Protection order forms are available from** the court clerk or your local domestic violence program, or call the National Domestic Violence Hotline 1.800.799.7233.



Or use our do-it-yourself interview program, [Get a Domestic Violence Protection Order](#), to fill out the forms at WashingtonLawHelp.org.

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

### **C. What if the other party is in the military or a military dependent?**

If they are a military member on active duty,<sup>1</sup> or the dependent of someone who is, talk to a lawyer before filing your motion. Special rules for members of the military and certain dependents may limit the court's ability to make any orders adversely affecting the rights of the service member or protected dependent. [Military Service and Parenting Plan Modifications: Your Rights in Washington State](#) explains other rights the service member has in Petition to Change Parenting Plan cases.

### **D. 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. Many counties have family law facilitators who can help you fill out forms or free legal clinics where you may get legal advice about your case.

- Do you live in King County? Call 211 weekdays 8:00 a.m. - 6:00 p.m. From a pay or public phone, call 1-800-621-4636. They will refer you to a legal aid provider.
- Apply online with [CLEAR\\*Online](#) - [nwjustice.org/get-legal-help](http://nwjustice.org/get-legal-help)
- Call the CLEAR Legal Hotline at 1-888-201-1014.

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<sup>1</sup> Service members who are protected by the federal Service Members Civil Relief Act, 50 U.S.C. App. Sections 501 *et seq.* include all members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. For Washington State's Service Members Civil Relief Act, see [RCW 38.42.010](#) *et seq.*





## Part 2. Checklist of Steps

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

- 1. Check for special local rules and forms.** Ask the court clerk or family law facilitator if they have their own Motion for Temporary Orders packet. If so, use theirs. If you use our packet, get any other forms you need. Make sure you know any special deadlines for filing family law motions in the county where your case was filed. Look back at the list of local issues in your filing or responding packet.

The court must:

- ❖ check the judicial information system and databases to identify any info relevant to placing the child before entering a permanent or modified parenting plan
- ❖ in cases where a limiting factor like domestic violence or child abuse is claimed, have both parties screened to determine if a comprehensive assessment is appropriate

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

- 2. Gather your evidence and other forms or packets you need.** If possible, get the evidence you need now, to use when filling out your forms. Think carefully about what info can help show what you are telling the court is correct or what the other party is saying is not true. **Examples** include:
- **Declarations of Witnesses** – Declarations (sworn written statements) by you and people with personal knowledge about you, the other parties, or the children.
  - **Records** – including bills, past criminal convictions, medical or mental health treatment, grades and other school records, and daycare records.
  - **Photos** – if they help prove or disprove one of the issues in the case.
  - **Financial Information** – if your case has financial issues, get evidence of your income and assets, and maybe of the other party's income and assets.



**Examples:** paystubs, tax returns, official letters from Social Security, L&I, Employment Security or DSHS saying how much you get in benefits, bank account statements, and business records, or 1099 forms.

- 3. Follow the General Instructions** and fill out the captions of all forms.
- 4. Fill out the forms you are using from this and other packets.**
- 5. Make the needed copies of each of the completed forms and other documents** you are filing with the court.
- 6. File your papers with the superior court clerk's office** in the Courthouse where your family law case was filed.
- 7. Arrange to deliver the papers to the other parties.** Have your server fill out the correct proof of service form: Proof of Mailing or Hand Delivery if the motion was served after the Summons and Petition have been served, or Proof of Personal Service if the Motion was served with the Summons and Petition.
- 8. Deliver a set of working papers to the judge, if needed.**
- 9. File Proof of Service with the court.**
- 10. Review the other party's Response.**
- 11. Confirm your Show Cause/Temporary Orders hearing, if needed.**
- 12. Complete and file your reply** (if your county allows one) **OR prepare to reply at the hearing.**
- 13. Go to your Show Cause/Temporary Orders hearing.**
- 14. Get copies of the Temporary Orders and provide copies to the other parties.**  
If the Temporary Family Law Order includes a restraining order protecting you, and it shows that the restrained party did not appear in court for the hearing or sign the order, have the order served on the restrained party. Have your server complete a Proof of Personal Service form. File the Proof of Personal Service form with the clerk. Deliver a copy of the Proof of Personal Service to the law enforcement agency named in the order.





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**15. If you disagree with the judge’s decision, talk to a lawyer right away. You might want to file a Motion for Revision.**

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- ❖ If you and the other party reach agreement on all Temporary Orders issues, see the section on Agreed orders.
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### Part 3. Court forms in this packet

Here is a list of the blank forms in this packet. Read the next section to decide what else you will need for your motion.

Court Form Title	Court Form Number
Motion for Temporary Family Law Order	FL Modify 623
Declaration of:	FL All Family 135
Financial Declaration or use <a href="#">Give Financial Information in a Family Law Case</a> , a Washington Forms Online interview that will help you prepare this form at Washington LawHelp.org.	FL All Family 131
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
Temporary Family Law Order	FL Modify 624
Restraining Order	FL All Family 150
Order Appointing Guardian Ad Litem for Child	FL All Family 146
Order Appointing Parenting Evaluator/Investigator	FL All Family 148
Notice of Hearing	FL All Family 185
Proof of Mailing or Hand Delivery	FL All Family 112



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

Our packets provide only the forms you need at the stage you need them. You will need more than one packet to file and finalize your case. Read the info below carefully. Check the boxes by the other packets you need. The Northwest Justice Project has a new program called Washington Forms Online. It helps people fill out family law forms. We are adding new forms throughout 2019-2020. Some of the forms you need are available now. Visit [WashingtonLawHelp.org](http://WashingtonLawHelp.org) to download packets or use Washington Forms Online.

If you have a very low income, you can get packets by mail by calling CLEAR at 1-888-201-1014.

- [Make a Parenting Plan Packet](#) - Where children are involved in your case, and you want a Temporary Family Law Order about custody and visitation (a parenting plan). Or use [Make a Parenting Plan](#), a Washington Forms Online interview that will help you prepare this form.
- [Child Support Worksheets and Order](#) -if a party is asking for child support.
- [File, Respond and Finalize a Petition to Change Parenting Plan, Residential Schedule or Custody Order](#). See [WashingtonLawHelp.org](http://WashingtonLawHelp.org). You probably should schedule an adequate cause hearing before or on the same day as the hearing on your motion for Temporary Orders.
- Law Enforcement Information Sheet (LEIS). WPF All Cases 01.0400.** If your Temporary Family Law Order includes a restraining order protecting you, you need this form when you file the signed order. Do not serve this form on the other parties. Get it at [www.court.wa.gov/forms](http://www.court.wa.gov/forms) or from the court clerk.
- Proof of Personal Service Form, FL All Family 101.** If your temporary family law order includes a safety restraining order protecting you, the restrained party was not in court when the judge entered the order, and the restrained party did not sign the order, you must have the restrained party served with a certified copy of the order signed by the judge. **Law enforcement will not enforce the restraining or protection order until they get proof that the order was served.** Get the form at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms). [How to Serve the Opposing Party in a Family Law Case](#) packet has the form and instructions.



- Declaration about Public Assistance: FL All Family 132.** This optional form is not in our packets. We tell you to serve the State in any case where TANF, Medicaid, or foster care is involved. We tell you to get the State’s signature on all default and agreed orders where the State might have an interest in the child support obligation in your case. You may need the form if your county requires it or to verify that no public assistance has been paid or that the children are not in foster care or out-of-home placement. Get it at [www.court.wa.gov/forms](http://www.court.wa.gov/forms).
- [Serving Papers on the State](#) - If any party is asking for a child support order, and any of the children has gotten public assistance (TANF), or medical coupons or Medicaid, or is in foster care or out-of-home placement, get this packet. Include the state as a party. Serve them with papers you file.
- [Getting a Court Order for the Surrender of Weapons: Family Law Cases](#) – If you want this.
- Note for Motion Docket and other Local County Court Forms and Rules.** Many counties have their own special *Note for Motion Docket* form (also called *Notice of Hearing* or *Calendar Note*). If yours does, use it to let other parties know the hearing date. Some counties have other special forms you will need that are not in this packet. Most have special “local rules” you need to know about to file your motion. Get more info from the Clerk or facilitator.

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❖ **Some counties’ forms and local rules are available online at**  
[www.courts.wa.gov/court\\_rules/?fa=court\\_rules.local&group=local](http://www.courts.wa.gov/court_rules/?fa=court_rules.local&group=local)

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- Financial Information.** If you are filing a motion about child support, attorney’s fees or any financial issues, in general you need:
  - Your federal income tax returns from the last two years.
    - ❖ If you have no copies of your returns, ask the IRS for copies. (There is a fee.) Your local IRS office has the request form. Or ask them for a computer printout of your returns. These are not as good as copies, but are better than not having your tax returns. If you did not file income tax returns, explain that in your declaration. Give the court other papers verifying your income.
  - Your pay stubs. Provide stubs for at least a month. You should give the last six months of pay stubs or back to January 1, whichever is longer.



- If you get some type of benefits, official letters from Social Security, L&I, Employment Security, or DSHS showing how much you get in benefits.
  - If you are self-employed, or have no pay stubs or tax returns, get papers proving your income. **Examples:**
    - Bank account statements and check registers
    - Business tax returns or records, or 1099 forms
  - Any other info needed to support your request for financial relief (**examples:** the other party's income tax returns or pay stubs, bank account statements, copies of bills, and so on).
  - Some counties' local rules may require you to provide more financial info. Talk to the clerk or facilitator.
- Notice of Address Change (FL All Family 120):** Use this form if you move during or after your case. Fill it out, file it with the court, and get all other parties a copy.



## Part 5. General instructions for filling out forms

Read these before you start filling out any forms.

The caption is the name of your case. It is a section appearing at the top of the first page of every form. See the sample below:

<p style="text-align: center;">↓ <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;">Jane Brown _____</p> <p>And Respondent (<i>other spouse</i>):</p> <p style="padding-left: 40px;">John Brown _____</p>	<p>No. _____</p> <p>Notice of Hearing (NTHG)</p> <p><input checked="" type="checkbox"/> Clerk's action required: <b>1</b></p>
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This **case type** is for a divorce.

Put the **county** where you are filing this form.

Put the **case number**. The court clerk assigns this number when the Petitioner files the case.

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

**The caption** includes the case name and number, court name, title of the court paper, and, sometimes, type of case. Put the name of the county the case is filed in the blank after "Superior Court of Washington County of \_\_\_\_\_."

**Case name.** Copy the case name from the petition.

**Case number.** When petitioner first files the papers to start the case and pays the filing fee, the court clerk assigns a case number. You must put that number on every paper you file with the court and serve on the other parties during the case. Put it near the top on the right

hand section of the first page of every form after "No." (abbreviation for "number") You can print or stamp the case number.

- 
- ❖ 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 to you. Some courts will fine you for filing incorrect forms.
- 

**Title.** Each form has a title on the right-hand side of the form under the case number. You might have to add to it. (**Example:** on a declaration, you put the name of the person filling out the declaration.)

- 
- ❖ **Format:** Pleadings (legal forms) you file with the court and attachments to pleadings must follow court rules about size and margins (GR 14(a)). You must use regular size (8 ½ x 11") white paper. You may write on only one side. The first page of each paper you file must have a three-inch margin (three inches of space) at the top. 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 the rules, the court clerk may refuse to file them or may make you pay a fine.
- 

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

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

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

### **Signatures.**

- **Your Signature:** 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 the place (city, state) you signed.

When you file motions, you are the moving party. After preparing a motion, look for each place marked **person making this motion (or asking for this order) fills out below.**



When you prepare an order to present to the judge to sign, look for the place at the end for your signature. Check **is presented by me**.

- **Judge's Signature:** Leave the judge's signature line and the date blank.
- **Other party's signature:** Some forms have a place for other parties to sign. You cannot force another party to sign a court paper. If you have prepared an order after a hearing, the other party may be willing to sign it if they agree it accurately states the judge's decision, or the judge may require them to sign.
  - Agreed orders. If the other party agrees with the orders you have written, they should sign in the right place on each court order they agree to.
  - May be signed by the court without notice to me. If you are the respondent or nonmoving party, or you did not prepare the order, the other party may ask you to check this box and sign underneath. If you do, you are agreeing the judge should sign the order as written AND the other party can give the order to the judge to sign without letting you know when they are going to do it.
- **Other signatures:** A witness or person serving papers who must sign a form must fill out all info correctly and sign in the right space.

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

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

Court General Rules [22](#) & [31](#) try to protect privacy in family law cases. Almost everything filed with the court is available to the public. It may also be available publicly online.

Except where instructions about a specific form tell you otherwise (**example:** the forms in Box #3), use these rules for papers you file with the court.

**Address (Where you Live) and Phone Number:** You must put an address where you can get mail from the court. **It does not have to be your home address.** 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, not the whole number.

**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 info you should file with sealed cover sheets:**

If you use a sealed cover sheet, this info 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. Then the public cannot access them.

**Medical or Mental Health Records or Information:** You must attach anything you file with info about someone's past, present, or future physical or mental health, including insurance or payment records, to a Sealed Personal Health Care Records form. Then the public cannot access them.

**Confidential Reports:** Reports intended for court use must have public and private sections. You should attach the private section to a Sealed Confidential Reports Cover Sheet.

**Retirement Plan Orders:** Certain retirement info belongs in the public file. "Retirement Plan Orders" do not. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See [GR 22](#), or 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 asking to have that paper, or part of it, sealed under General Rule [\(GR\) 15](#). Talk to a lawyer.

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

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

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

Confidential Information Form

Vital Statistics Form

Domestic Violence Information Form

Law Enforcement Information Sheet.







## Part 6. Checklists of forms according to your specific needs

### List A: If you want to file a Motion for Temporary Orders with No Children:

- Notice of Hearing – use your local form if there is one
- Motion for Temporary Family Law Order
- Declaration(s)
- Proposed Temporary Family Law Order
- Any locally required forms
- LEIS (LEIS) – if you asked for safety restraints (Do not have this form served on the other party. Get it at the court clerk’s office when the judge signs your Temporary Family Law Order)
- Proof of Mailing or Hand Delivery(or, if the Motion was served with the Summons and Petition, make sure the Proof of Personal Service form lists the motion papers)

#### If you are asking for Financial Relief, also include:

- Financial Declaration
- Sealed Financial Source Documents Form
- Financial Documents

### List B: If you want to file a Motion for Temporary Orders with Children:

- Notice of Hearing – use your local form if there is one
- Motion for Temporary Family Law Order
- Declaration(s)
- Proposed Temporary Family Law Order
- Any locally required forms
- Restraining Order – if you want this
- Order to Surrender Weapons – if you want this



- Law Enforcement Information Sheet (LEIS) – if you asked for safety restraints (this form is not served on the other party. Get it at the court clerk’s office when the judge signs your Temporary Family Law Order)
- Proof of Mailing or Hand Delivery (or, if the Motion was served with the Summons and Petition, make sure the Proof of Personal Service form lists the motion papers)

**If you are asking for a Temporary Parenting Plan or custody order, also include: (these are in the packet [Make a Parenting Plan](#))**

- Proposed Temporary Parenting Plan
- Information for Temporary Parenting Plan

**If you are asking for a Guardian ad Litem (GAL), also include:**

- Order Appointing Guardian ad Litem on Behalf of Minor

**If you are asking for financial relief or child support, also include: (these are located in the packet [Child Support Worksheets and Order](#))**

- Financial Declaration (if asking for child support or financial relief)
- Sealed Financial Source Documents Form
- Financial Documents

**If you are asking for child support, also include: (from the packet [Child Support Worksheets and Order](#))**

- Child Support Worksheets
- Proposed Temporary Child Support Order & Child Support Summary Report

**List D: If you are filing confidential information, use one or more of the following sealed records cover sheets:**

- Sealed Financial Source Documents Form
- Sealed Personal Health Care Records (Cover Sheet)
- Sealed Confidential Reports (Cover Sheet)



**List E: After the judge signs your orders, if they have no safety restraints, use the following to show proof the order was delivered to the other party:**

- Proof of Mailing or Hand Delivery (if there is no safety restraining order, or the party to be restrained signed the Temporary Family Law Order or was present in court when the judge signed it). This form is in this packet.

**List F: If the court enters your Temporary Orders containing safety restraints against the other party, use:**

- Law Enforcement Information Sheet (LEIS). Get this form at the court clerk's office. Do not have it served on the other party.
- Proof of Personal Service form (if the judge signed the order you presented and the restrained party was not in court and did not sign the Temporary Family Law Order). Get this form (FL All Family 101) from [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms). Instructions for personal service and this form are in [How to Serve the Opposing Party in a Family Law Case](#).



## Part 7. How to fill out each form

### A. Motion for Temporary Family Law Order - FL Modify 623

- 
- ❖ Mark an “X” in each box describing something you want the court to do. If you check a box on the far left of the paper, you must check the appropriate boxes or fill out the blanks in that section.
- 

**Caption.** Fill out the caption. Check **and restraining order** on the right and again in the title under the caption if you are asking for anything in section 13.

1. Put your name.

2. **Children.** Check the first box and skip to 3 if there are no children you want the order to cover. Otherwise, check the second box. In the table, put the children’s information.

3. **Active military duty.** Check the first box and skip to 4 if this does not apply to the other party.

Otherwise, check the second box. Put who is in the military or a military dependent. Check the boxes that apply. Check the last box in this section if you do not think you should have to wait on a temporary order. In the blank, explain why.

4. **Care and safety of children:** Check the first box and skip to 5 if you do not want an order about this. Otherwise, check the boxes showing what you want.

- 
- ❖ If you want a parenting plan, you can use [Make a Parenting Plan](#).
  - ❖ If you think the children may not be safe with the other parent (**examples:** due to domestic violence, alcohol or drug abuse, or abuse of the children), check the box for a guardian ad litem (GAL). Read [Guardians ad Litem in Family Law Cases](#) and [How to Work with GALs and Parenting Evaluators](#).
- 

5. **Provide support.** Check the first box and skip to 6 if you do not need a child support order. If you do, check the second box.

6. **Pay fees and costs.** Check the first box and skip to 7 if you do not want an order about this. If you do, check the second box. Check the boxes immediately underneath and fill out blanks as needed showing what you want.



**7. Restraining order.** Check the first box and skip to 8 if you do not want this.

Check the second box if you already have a restraining order in this case. Put the date the court issued that order.

- Check the first box immediately underneath if you want that order to stay the same.
- Check the second box immediately underneath if you want that restraining order to end.
- Check the third box immediately underneath if you want changes to your restraining order. In the blank, explain how you want it changed.

Check the third box if you want a restraining order. Then check the boxes underneath showing what you want it to say:

- Check **do not disturb** to stop the other party from bothering or harassing you or any children (called “disturbing the peace”).
- **Stay away.** If you check the first box immediately underneath, a common number of feet to put is 500 (about the length of a football field).
- **Do not hurt or threaten.** Check this if you want and order keeping the other party from molesting, harassing, stalking, assaulting, or threatening to hurt you and/or the children.

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❖ The term “molesting” here can be confusing. It does not mean sexually molesting. You are asking the court to order the other person not to bother you or the children.

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- **Intimate partner.** Check all the choices here to see if any of them describe your relationship. If so, check **intimate partner** and check which one describes you.
- **Prohibit weapons.** Check the box next to **police chief or sheriff**.

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❖ If you want a restraining order, you must also fill out a proposed Restraining Order, FL All Family 150 (in this packet). If you want an Order Surrendering Weapons, get [Getting an Order to Surrender Weapons: Family Law Cases](#).

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**8. Other temporary orders:** Most people will not put anything here.

**9. Why are you asking the court for the orders you checked above?** Put the important points you want the judge to know showing why you have made these requests. Fill out



**Reasons for “Prohibit weapons and order surrender”** request if you checked the prohibit weapons in 7.

**If this section does not have enough room**, put “See my Declaration submitted with this motion, separately.” Then use the **Declaration of Witness** form. Read the instructions for that form. Your total pages must not go over your court’s page limits for motions. Any pages you attach must meet format rules for pleadings. The “General Instructions” section has a summary of the format rules.

- 
- ❖ If you include personal health records, financial information, or confidential reports, use sealed cover sheets. This will protect them from the public file.
- 

**Person asking for this order fills out below:** Date the form and sign where it says. Print or type your name in the next blank.

Check the second box. Put your name and address. If you do not want the other party to know where you live, put a P.O. box number if you have one, or put the address of a friend or relative you trust to tell you immediately if you receive any legal papers.

## **B. Declaration of: – FL All Family 135**

At your hearing, you will probably only have ten minutes at most to speak. The judge usually will not let you testify about facts in your case. The forms you file with the court must explain why you need these orders. The judge decides whether to grant your orders based mainly on your written info. You must include all evidence in support of your motion with the motion papers so the other party can read it before the hearing and write a response to the judge. The best way to get evidence to the court and other party is by using Declarations.

A declaration is a statement, sworn to be true, by someone with direct knowledge about the issues. **Declarations are important in custody cases. They give the court detailed information about the issues. You or your witnesses can tell the court**

- **what has happened**
- **what you have done**
- **what you or they have observed that relates to the case**

You can also attach documents, such as police reports, as exhibits, to prove your case. (See the “General Instructions” section for a summary). You should number them (1, 2, 3) or letter them (A, B, C). If the exhibit refers to private health or financial info, do not attach



the exhibit directly. Follow the procedures for sealed cover sheets in the General Instructions and below.

You should write out your own declaration on a Declaration of Witness form to give more info about why the court should approve your other Temporary Orders. You should also try to get Declarations from relatives, friends, teachers, counselors, or other people who have directly seen, heard or otherwise witnessed important events affecting your situation.

- 
- ❖ By presenting a declaration from a witness, you may be giving up the right to keep confidential other info that witness may have about you or the children.
- 

### 1. Some brief rules about witness Declarations

Put the most important points first. Less important points should come later.

The person making the declaration should base the statement on their own personal knowledge (what they saw or experienced firsthand), not what someone else told them.

**Exception:** the writer may talk about what a party has said.

The person making the declaration should explain how well they know you or the people they are writing about, how often they see the people, and in what situations. **Example:** “Mr. Jones has worked for me at Acme Plumbing for fifteen years. I see him almost every day at the office. Our sons are on competing soccer teams. I have also seen him coaching his son’s games three or four times this season. I have been invited into his home two or three times for dinner with his family over the years I have known him.”

The declaration must be typed or printed neatly in **black or dark blue ink**. (A few courts require you to type all declarations.) If the declaration is hard to read, the judge may not try.

- 
- ❖ Do not make the declaration too long.
- 

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

**Example:** general statements, such as “she is a bad mother,” or “the children are much safer now living with me,” do not help. The declaration should describe specific things, and state when and where things 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.”



Attach extra pages to the declaration if you need more space. The person making the declaration must sign and date it at, "I declare under penalty of perjury..." Your extra pages should have margins of at least one inch. You should number all the pages at the bottom.

- 
- ❖ Some courts limit how many pages you can file with a motion or response. Check local rules, or ask the court clerk or facilitator.
- 

You can attach documents to a declaration, such as printouts of bills, school records, medical or treatment records, police records, and so on. You must number them Exhibit Number 1, 2, and so on, and refer to them that way in the declaration.

- 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 attachments have personal medical or mental health info, financial records, or confidential court reports, put an exhibit number or letter on each paper you are attaching. When the declaration mentions that paper, the declaration writer should use that exhibit number or letter 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 the paper to the appropriate Sealed Cover Sheet form before you file and serve it.

We describe the sealed cover sheet forms elsewhere in this packet. (Also, see the General Instructions section about types of papers to keep out of the public file.)

## 2. Filling out the Declaration form

**Caption:** Fill out the caption and make as many copies of this form as you will need before adding any other info. Then you will have blank forms with just the caption on them. You may give a copy to each witness to fill out and have one for you to use, where needed.

On the right side of the caption, after **declaration of**, put the witness's name.

**Declaration of:** The witness puts their name here.

1. In the first blank, the witness puts their name again. Then they put their age and check the box showing what they are.

2. The witness tells their story here.

**Signed at (city and state):** The witness must sign, date, and print their name where it says.





## C. Financial Declaration of: – FL All Family 131

**Caption.** Fill out the caption.

### 1. Your personal information

**Name:** put your name. Put the other info requested.

If you check **yes**, put the info requested and skip to 2. If you check **no**, give the info requested.

### 2. Summary of your financial information.

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

### 3. Income. Put the income information and income deduction information requested.

You must use the correct column for each party named at the top of the column. **Do not include income from needs-based public assistance** (TANF, SSI, VA benefits, food stamps) in section A. [RCW 26.19.071\(4\)](#). If a parent gets Social Security Disability (SSDI) or workers' compensation (L&I, or other disability benefits from an employer), put that amount in under 4.

**B. Monthly Deductions:** If you include deductions from income other than income tax, FICA, and L&I payments, you should also show proof of each deduction. [RCW 26.19.071\(5\)](#). Pay stubs may show union and pension plan deductions. You will need extra proof (such as some pages from a collective bargaining agreement or employee handbook, or a letter from the employer) these deductions are required. If pension deductions are voluntary, you must have proof that the deduction has been taken for at least two years. If you are claiming business expenses, be ready with business records and receipts showing your expenses if the other party disputes your claims.

---

❖ Follow the instructions at the end of the Financial Declaration Form about how to submit private financial info.

---

**C. Net Monthly Income:** Follow the instructions.

### 4. Other Income and Household Income.

**A. Other income** - Put any money you get regularly. Describe it in the blanks. This is the place to put how much TANF, SSI, and/or food stamps a party gets.



**B. Household Income** - Put any gross monthly income of any other adults in the household. The judge will not include that income in calculating child support. The judge might consider it if someone asks for a deviation from the standard support amount.

**5. Disputed income.** Read the instructions. Use this space if you need to.

## **6. Available Assets.**

Follow the instructions in this section.

## **7. Monthly Expenses after Separation.**

Put your best estimate of each expense. If there are expenses you do not pay every month, you should put the monthly average. **Example:** You pay your car insurance every six months. You should divide the amount you pay by 6. Put that amount in F (**auto insurance**).

Your total monthly expenses may end up being more than your net monthly household income. When you do not have enough to meet all your expenses, you may put off paying a certain bill. You might make other cutbacks in your expenses. Your monthly expenses do not need to be equal to or less than your income. On the other hand, if your expenses are much more than your income, the court might ask how you are meeting your expenses. Be ready to answer that question.

## **8. Debts included in Monthly Expenses listed in section 7 above.**

This section is for more details about expenses you already listed in section 7. **Example:** You would put your mortgage and your car loan here, even though you should already have included them as expenses in 7A and 7B.

## **9. Monthly payment for other debts.**

This is for any other debts you have, such as credit card debts that you have not already listed in section 7.

## **10. Explanation of expenses or debts (if any).** Use this if needed.

- 
- ❖ **Work-Related Disability Benefits:** If the children get dependent benefits because the parent gets SSDI, L&I, some employer-paid disability benefits, or Social Security retirement, **you should explain that here so the paying parent gets credit for benefits as child support paid by the parent.** The paying parent's support should go down dollar for dollar by the amount of benefits the children get directly for current support.
- 



## 11. Attorney Fees.

Complete this section

- if you hired a lawyer for this case
- to list any costs (for serving the other party, mailing, filing fees, and so on)

---

❖ If you owe a lawyer for another case, put that in section 9.

---

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

You must use this form whenever filing private financial documents with the court. Keep a blank copy in case you must 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.** The instructions to the support worksheets say what to file if you are submitting worksheets.

If you are afraid for your safety or the children’s safety, you can block out info 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.

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

Unless a local procedure requires otherwise, use this form whenever filing papers with the court that mention any mental health care, physical health care, health insurance, or medical bills, to make sure the records are not available to the public.

Some of the papers that should have this cover sheet are:

- medical and mental health records and bills
- letters or declarations from doctors and counselors
- medical bills & 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.

---

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

---

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

This form is the cover for some confidential reports filed with the court. These include reports such as the following when intended as reports to the court in a family law case:

- Parenting evaluations
- Domestic Violence Assessment Reports created by certain qualified people
- CPS reports
- See the form for other types of reports

The person preparing the report must also file a public portion listing just the materials or information reviewed, individuals contacted, tests conducted or reviewed, and conclusions or recommendations reached.

### **Instructions for the Sealed Reports form:**

1. **Caption.** Fill out the caption.
2. Check the boxes next to the type of report.
3. At the top of the first page of the report, about one inch from the top of the paper, put **Sealed**.
4. Attach the confidential part of the report to this form. If you are afraid for your safety or the children's safety, block out info identifying place and address 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.



## G. Temporary Family Law Order – FL Modify 624

You ask the judge to sign this at your Temporary Orders hearing. It is your proposal. The judge may change it after your hearing.

Your proposed order should list everything your Motion asked for. Look back at your Motion. Check the same items. Fill out any blanks as needed. **The Order boxes are not in the same order as the Motion boxes. The restraints may be in a different section of the Temporary Family Law Order. Read each item to mark the correct ones.**

You may also need:

- Temporary Parenting Plan, Information about Temporary Parenting Plan, and Child Support Order
- Order Appointing Guardian ad Litem or Evaluator if you want this

---

❖ These instructions are for a proposed order. If you fill this out after the hearing, have it show what the judge ordered.

---

**Caption.** Fill out the caption. If you propose a safety restraining order (see paragraph 13) OR the order includes a money judgment, check *Clerk's Action Required*

**1. Money Judgment Summary.** Check the first box and skip to 2 if there will be no money judgment.

Check the second box AFTER filling out section 12 if the judge will order one party to pay the other a lump sum, such as for attorney's fees. Fill out the table.

**2. Findings.** Check the box showing which party you are.

**3. Active duty military.** Check the first box and skip to 4 if the other party is not in the military or a military dependent. Check the second box if the other party is on active military duty or a military dependent as described in this section. The judge fills out the rest. You may need to an Order re Service Members Civil Relief Act, FL All Family 170, available at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms).

### ***The Court Orders***

**4. Care and safety of children.** Check the first box and skip to 5 if the order does not cover any children. Check the second box if the order covers children. Put their info in the table.





Check the first box immediately underneath the table if you want a parenting plan or the judge ordered one. Check the second box immediately underneath the table if you want an order that the children not leave Washington State, or the judge ordered this. Then check the boxes showing who you want this to apply to.

Check the third box immediately underneath the table if you want a Guardian ad Litem or Investigator, or the judge appointed one.

**5. Provide support.** Check the first box and skip to 6 if no one asked for an order about support.

Check the second box if the other party asked for a support order but you do **not** want one or the judge denied the request.

Check the third box if you want child support or the judge ordered it.

Check the fourth box if one of you asked for spousal support or the judge ordered it. Then check which party should pay support or the judge ordered to pay. Put the amount you want or the judge ordered. Put the other info requested based on what you asked for or what the judge ordered.

**6. Pay fees and costs.** Check the first box and skip to 13 if no one asked for a court order about this.

Check the second box if you do not want such an order or the judge court denied the request for this kind of order.

Check the third box if you want the judge to make this order at the end of the case, or the judge decided to wait.

Check the fourth box if you want an order now for payment of fees and costs, or the judge made such an order. Check the boxes immediately underneath and fill out blanks showing what you want or what the judge ordered.

**7. Restraining order.** Check the first box and skip to 14 if no one asked for this.

Check the second box if you do not want a restraining order, or the judge denied the request for one.

Check the third box if you want a restraining order, or the judge ordered one. Then check the box immediately underneath showing if you want or the court ordered payment of a bond or security, and who should pay it. Put the amount and the deadline by which to pay. You must also fill out the Restraining Order in this packet, FL All Family 150.



**8. Other temporary orders.** The judge may put something here.

**So Ordered.** LEAVE THIS FOR THE JUDGE.

**Petitioner and Respondent or their lawyers fill out below:** There are two columns of boxes to check, one column for each party. You should check **is presented by me** in the column that applies to you. Sign and print your name and the date where it says.

## H. Restraining Order – FL All Family 150

**1. This Order restrains.** Put whom your motion asked the court to restrain. Give the info requested.

**2. This Order protects.** Put your name. If you want this order to cover any of your children, fill out the table underneath with the info requested.

**3. To the Restrained Person listed in 1.** The judge puts the date this Order expires (ends).

### 4. Findings.

Authority: Do not make any changes to this.

Notice: Check the boxes showing how the other party got notice and whether they were at the Temporary Orders hearing.

Credible Threat: Check this only if you want the judge to order the other party to surrender weapons.

Intimate Partner: Check this if true in your case.

Military: Check **Petitioner** if true of Petitioner. Check **Respondent** if true of a respondent.

### 5. Court Orders to the Restrained Person listed in 1.

Do not disturb: Check this if your motion asked for this.

Stay away: Check this if your motion asked for this. Home addresses: check the first box if you do not want your address to be part of the court record. Check the second box if you can list your address, and put it here. Distance: Check this box if your motion asked to keep your spouse a certain distance from you. Put that distance.

Do not hurt or threaten: Check this if your motion asked for this.



Prohibit weapons and order surrender: Check this if your motion asked for this. You will also need [Getting a Court Order for the Surrender of Weapons: Family Law Cases](#). **Findings:** Check **must** if you can check either box immediately underneath. Otherwise, check **may** and all boxes immediately underneath that apply.

**6. Service.** Check “the other party does not need to be served” if true. Otherwise, check “the other party must be served” and everything underneath that applies.

**You have a right to have law enforcement serve this order free of charge:** Most people will check the first box underneath this.

**The other party does not have to be served:** check this only if true.

**7. To the clerk.** Put the name of the sheriff department or police department that will enforce this order.

**Petitioner and Respondent or their lawyers fill out below:**

There are two columns of boxes to check, one for each of up to two petitioners and two other parties. You should check **is presented by me**. You should sign and print your name and the date where it says.

### **I. Order Appointing Guardian Ad Litem for a Child – FL All Family 146**

Use this if your motion asks the judge to appoint a Guardian Ad Litem for your children, or the judge appointed one at your hearing. If you have no children in common with the other party, or you do not want a GAL, skip this form and section.

The judge can appoint a GAL if there are concerns about the children’s safety and well-being, and the judge believes a GAL is needed to make recommendations about what is in the children’s best interests. In some counties, the judge orders a custody evaluation or investigation routinely.

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❖ If the court orders an evaluator or investigator instead of a GAL, or that is what you asked for, use the next form in this packet.

---

**Caption.** Fill out the caption.

**1.** Check the box to show who asked for the GAL. Put the full names and ages of the children this order covers.

**2.** Check the divorce box.





### ***The court orders:***

**3.** You usually will not put the name of the GAL before your hearing. If you know the name of the GAL the court should appoint, you can put it. The GAL must agree to serve and the other party must agree to that GAL. Otherwise, the court will choose the GAL. Most counties usually just appoint the next name off a rotating list of available GALs.

**4. GAL's Rights.** Read this section.

**5. GAL's Duties.** The first paragraph explains the GAL's duties.

If this is a proposed order, check all boxes showing what the GAL should investigate and make recommendations about. Check boxes showing which party you want the GAL to investigate in a particular area.

If your case has special circumstances, check **other**. Put specific directions for issues the GAL must investigate. **Example:** The effect of abuse directed specifically at the child.

**6. GAL's Report.** The due date for the GAL report is in this section. The judge might order a specific date. Otherwise, the report is due to you and all parties or your lawyers at least 60 days before trial.

**7. Access to the children and information.** This lists holders of info that should be made available to the GAL, including health records, CPS records, criminal records, and school records. The GAL has court permission to talk to anyone with info needed for your case, and to meet with you, the other party, and your children with or without either parent.

**8. Release of Information.** If you have no children age 12 or older, skip to 9. Otherwise, read this section. **Do not make any changes to it.** The GAL needs the consent of a child 12 or older to get medical, psychiatric or other info from experts who have treated the child. If possible, ask the child to sign this order at the bottom of the last page.

**9. Confidentiality.** Read this.

**10. GAL's Fees.** Fill out the first blank if you know the GAL's hourly fee. Otherwise, the judge should fill out that and the next blank. [RCW 26.12.183](#).

The next paragraph is about who pays for the GAL and how much. Check the first box if you believe the parties can pay and put the percentage each should pay (the blanks are for the parties' names) OR the judge ordered this. Check the second box if you believe the parties need help paying OR the judge ordered this. Put how much the county should pay.

Usually, the judge will do one of these:



- have each parent pay their share according to the child support worksheets
- have them split it 50/50

---

❖ If one party cannot afford to pay the GAL, you can put that the other party should pay 100%. **The judge may change this.**

---

**11. Appointment Ends:** Check the first box if you want the GAL's appointment to end when the court enters a final parenting plan, or that is what the judge ordered.

Check the second box if you want the GAL's appointment to end on some other date or this is what the judge ordered. Put the date in the blank.

**12. Other orders (if any).** The judge may put something here.

**So Ordered:** LEAVE THIS FOR THE JUDGE.

**Petitioner and Respondent or their lawyers fill out below:** There are two columns of boxes to check, one column for each party. You should check **is presented by me**. You sign and print your name and the date where it says.

## **J. Order Appointing Parenting Evaluator/Investigator - FL All Family 148**

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❖ If the court appoints a GAL instead of a parenting evaluator or investigator, or that is what you asked for, use the form before this one.

---

**Caption.** Fill out the caption.

1. Check the box showing which party you are. Put the children's names and ages.
2. Check the box showing which type of case this is.
3. You usually will not fill this in before your hearing. Fill in the blank if you know who you want the judge to appoint. **That person will have to agree to the appointment.** Also, either the other party will have to agree to that person or the court will choose the specific person for your case.
4. **Duties.** Check everything you want the evaluator or investigator to do. Check which party you want them to look into regarding the particular issue. If you want them to look into, for example, a member of a party's household, check **Other** and put that household member's name.





**5. Report.** The judge will fill this out.

**6 – 8.** Read these.

**9. Fees.** If you know the investigator’s hourly fee, put it in the blank. Otherwise, the judge should fill out this and the next blank.

In the second paragraph in this section, check the box and fill out the blanks showing who you want to pay the fees and costs, and how.

**10. Appointment Ends.** Check the box showing when you want the evaluator’s appointment to end.

**11. Other orders.** The judge may add something here.

**Ordered.** LEAVE THIS FOR THE JUDGE.

**Parties or their lawyers fill out below.** There are two columns of boxes to check, one for Petitioner and one for Respondent. You should check **is presented by me**. You should each sign and print your name and the date where it says.

**Children age 12 or older** must sign at the bottom.

## **K. Notice of Hearing – FL All Family 185**

This form lets the court and other parties know the hearing date, time, place, and reason. **Many counties require you to use a special form.** Ask the facilitator or clerk if your county has its own Notice of Hearing or Note for Motion form. If not, use the form here.

**How to Get a Hearing Date:** Check local court rules (at the law library or online), or ask the facilitator or when to schedule your hearing. Motions for Temporary Orders are usually scheduled in the family law department or on the family law calendar. Some counties schedule family law hearings only on certain days. If the State is a party to (such as when the children have gotten public assistance), you might have to schedule the hearing for a date and time that the prosecutor is present for family law motions.

**How Much Notice to Give the Other Parent:** Under Washington’s civil rules, you must give your motion and other legal papers to the other parties and the court at least **five business days before the hearing date. Do not count the day you mail or deliver the papers, weekends, or holidays.** [Civil Rule \(CR\) 6\(d\)](#).





Some counties require more than five court days' notice for family law hearings. Check your local court rules, or ask the facilitator or clerk how much notice to give. Count Day One as the day after you mail or deliver your papers to the other party.

**Add Days for Mailing.** If the papers are mailed, rather than hand delivered, add at least three days to the number of days' notice your county's rules require. **Example:** if you mail a document on a Monday, the law presumes it was served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so the papers arrive on a business day. [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#). Try to give more than the minimum notice. If for some reason the other party does not get enough notice, you must reschedule the hearing, even if the other party does not show up and object.

**Caption.** Fill out the caption.

**1. To the Clerk of the Court and all parties:** Put

- The hearing date and time.
- The courthouse address and room number where your hearing is scheduled.
- The docket name or the judge's name.

**2. List every matter** you intend to bring up, including whether the orders are by agreement (**example:** "Motion for Temporary Family Law Order, Temporary Parenting Plan, and Order Regarding Appointment of Guardian Ad Litem or Evaluator").

**This hearing was requested by:** Sign and print your name. Put the date where it says.

**I agree to accept legal papers for this case at:** Read the box to the right. Put an address where you can get papers quickly.





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

After filling out the forms, you must file them with the court and have them served on the other parties. **Before filing and serving, make sure you have all the forms you need, including forms from other packets.** **Example:** if you and the other party have children under age 18 or still dependent upon you for support, use the forms from [Make a Parenting Plan](#) and [Child Support Worksheets and Order](#). Use the checklists in this packet.

### File the Petition with the court before or when you file your motion.



**Check Your Deadlines: Make sure to file your motion far enough before your hearing date.** File it a few days before the last date for serving the other parties. Look at the deadline you calculated in the instructions for the Notice of Hearing.

(**Example:** Local rules say you must serve your motion five court days before the hearing. You must file your papers with the court, deliver working papers to the judge, and have all parties served by five business days before the hearing. This does not count the hearing day.)

### A. Copy Your Papers

- Make at least two copies of every paper**, including proposed orders and financial documents. 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, you must serve the state or a GAL, or you need Working Papers for the judge. **Exception: do not copy or serve the Law Enforcement Information Sheet.**
- Make three (or more) full sets of your papers (one set of originals and two sets of copies).** Compare each set with the checklist of forms at the end of this packet. Make sure you have everything you need.

### B. File Your Motion

- Take the originals and the copies to the clerk's office** in the superior courthouse where you are filing your motion. Give the clerk all the originals (Motion, Notice of Hearing, and so on) **except** ask the clerk what to do with the originals of your proposed orders. In most cases, you bring the original proposed orders to the hearing for the





[www.WashingtonLawHelp.org](http://www.WashingtonLawHelp.org)

judge to sign. If your county requires working papers, give the judge copies of the proposed orders as part of the working papers.

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



## Part 9. How to serve forms

After filing your papers, **you** must have them properly served on (delivered to) the other parties. **The court does not serve them.** You must arrange for service and make sure your server delivers the papers properly. **Do not serve the papers yourself.** The next paragraphs explain the rules for service. **Carefully follow them. If you do not, your court orders could be set aside, even years later.**

**Who to serve: Every** party to the case. Usually, your spouse is the only other party. If your children have ever gotten TANF or Medicaid, or are in foster care or out-of-home placement, you must serve copies on the State of Washington. Use [Serving Papers on the State](#). If someone besides you or your spouse has custody of or visitation with any child in your parenting plan, or claims a right to custody or visits, talk to a lawyer about adding that person to your case as a party or otherwise giving them notice of the case.

**What papers need to be served:** You must serve the other party with every motion-related paper you want the court to consider, including the Notice of Hearing, Motion for Temporary Family Law Order, witness declarations, financial documents, and all your proposed orders (such as child support order, Temporary Family Law Order, Restraining Order, Order to Surrender Weapons, parenting plan). Look at the checklists in this packet. Make sure you include all the forms you need.

**When to serve:** Many counties require more than the five court days [CR 5](#) requires. Check the local rules again. Make sure you have the other party served with enough notice. The amount of time between the date you have the other party served and the hearing date is the number of days of notice you are giving the other party. If you serve by mail, add days. (Look back at the deadlines you calculated when you prepared the Note for Motion.)

### **How to copy and organize your papers for service:**

Make any extra copies of the papers you need. You will need:

\_\_\_\_\_ one set for you



- \_\_\_ one set for each other party (1 x \_\_\_ number of other parties = \_\_\_) (Do **not** serve the Confidential Information Form and attachment and any LEIS <sup>2</sup>on anyone)
- \_\_\_ one set for the judge for “working papers”<sup>3</sup>
- \_\_\_ one set for the State (if you are serving the State)
- \_\_\_ one set for the Guardian ad Litem, if there is one
- \_\_\_ Total = This is how many copies you need of each document

### Organize the papers:

- Organize the forms into sets. Each set should have a copy of each form you filled out, except for any Confidential Information form and attachment and LEIS. Do not give those to anyone else.
- Compare each set with the checklists in this packet. Make sure each set has the forms you need.
- Keep a full set of copies for yourself and put any Confidential Information form and LEIS into this set.
- Put each of the other parties’ sets of papers in an envelope, addressed to that party, with your return address. You will use these sets for service.

### How to serve:

**Do not serve the other parties yourself.** Follow the instructions in “A” or “B” below, whichever applies.

- A. If you are filing and serving a petition with your motion, follow the instructions for personal service in your filing packet.** You can have the Motion papers served with the Petition, Summons, and other starting paperwork. You must have the Petition and Summons delivered personally to the other party. You can add the motion paperwork to the papers to be served personally. Use [How to Serve](#)

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<sup>2</sup> Not in this packet. You need it only if there is a restraining order.

<sup>3</sup> Always make a copy for the judge. Even if the local court does not require “working papers,” take an extra set to your hearings anyway. The judge may not have the case file in the courtroom, or papers you have filed in the clerk’s office may not yet have been placed in the court file.





[the Opposing Party in a Family Law Case](#). Make sure the *Proof of Personal Service* form shows that the motion documents have also been served.

**B. If your case is already going on, the other parties have been served with the Summons and Petition, and you must serve just the motion paperwork, or you are the respondent, use just the following *Proof of Mailing or Hand Delivery* form and instructions. After service is complete, file proof of service with the court as explained below.<sup>4</sup>**

If you must serve the State of Washington, use [Serving Papers on the State](#).

### Service or “Giving Notice to” the Other Party

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❖ The Petitioner cannot use this procedure unless the Summons and Petition have already been served on that party.

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If the party you are serving has given an address for receiving legal papers in the case, send them the papers there. (The address may be at the end of the Response form, a Notice of Appearance, a Summons, or Notice of Change of Address.) If the party has a lawyer in this case, serve the lawyer.

Do not deliver or mail the papers yourself. Ask an adult friend or relative to do it for you.

**When your friend has mailed or delivered the papers to a party, have the friend fill out the Proof of Mailing or Hand Delivery form 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 Proof of Mailing or Hand Delivery with the court clerk. Keep a conformed copy for your records.

**Make sure papers are mailed or delivered before your deadline.** When counting, do not count the day of delivery or mailing, weekends, or court holidays.

**Add Days for Mailing:** If your friend mails the papers, add at least three days to the number of days local rules require. [CR 5](#). **Example:** if you mail a document on a Monday, the law presumes it was served on Thursday. If the third day after you have the papers mailed is a weekend or holiday, add days so the papers arrive on a business day. [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#).

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<sup>4</sup> You can always have a party personally served (using the same instructions in our filing packets for serving the summons and petition) and have a Proof of Personal Service prepared and filed.



Try to give more than the minimum notice. If for some reason the other party does not get enough notice, you must reschedule your hearing, even if the other party does not show up and object.

If you have something sent by regular mail, and if you think another party will not show up at a hearing, have an extra copy sent by certified mail, return receipt requested, for more proof of mailing. If you do not get the green receipt back before filing the Proof of Mailing or Hand Delivery, you can file it later, attached to a page labeled with your case caption.

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

- handing it to the lawyer or to the party
- leaving it at the party’s office with their clerk or other person in charge of the office<sup>5</sup>
- 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 ([CR 5\(b\)\(1\)](#))

## 1. 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 out the caption.

1. Have your server check the third box and put their name.

2. In the first blank, the server should put the date they served the papers. In the second, they should put who they served. Then they should check boxes and fill out any blanks as needed to show how they served the other party.

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<sup>5</sup> Do NOT serve other parties at their offices unless they have used that as their service address in a Notice of Appearance, Petition, or Response form.





**3. List all documents you served:** Your server must check the box for **every form** they sent or delivered to the other party. If they leave 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 where it says.

## 2. Filing the Proofs of Mailing or Hand Delivery

**Make one copy of each completed Proof of Mailing or Hand Delivery.** Do not give copies of this to other parties. If you mailed a copy of the forms by certified mail, and have a certified mail receipt back from the post office, attach the original receipt to the 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, file the receipt later, attached to a page labeled with your case caption.

Take the completed Proofs of Mailing or Hand Delivery with you to your hearing. You may need to show the judge you gave the other party proper notice.





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

### A. Working Papers and Confirming Your Hearing

In many counties, you must:

- **Deliver an extra copy of all of papers** (including proposed orders) for your hearing for the judge to read. Read [What are Working Copies](#).
- **Confirm the hearing** a few days before the hearing date. “Confirming the hearing” means telling the court the hearing will take place as scheduled.

To learn the rules for working papers and confirming the hearing in your county, read local court rules, and check with the facilitator or clerk.

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- ❖ If you do not give the judge working papers or confirm your hearing in a county requiring this, the judge may cancel your hearing, or might not read your papers.
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### B. Replying to the Other Party’s Response

The other party must respond in writing to your motion before the hearing. In most counties, the other party must deliver their response to you and the court no later than one court day before the hearing. [CR 6\(d\)](#).

**If the other party sends no response**, go to the hearing anyway. If the other party does not show up, ask the judge to sign your proposed orders. See *Going to the Hearing*, below and the checklists at the end of this packet. If the other party comes to the hearing, tell the judge they did not send you a written response on time. The judge may decide not to consider the other party’s papers, or may reschedule the hearing to a later date. If the judge reschedules, ask for a Temporary Family Law Order effective until the new hearing date.

**If the other party sends a response**, read it carefully. If you get no chance to file a reply, be ready to tell the judge how you disagree with their response.

**Filing a Reply:** In most counties, you do not get to file a reply. [CR 6\(d\)](#). If local rules **do** let you reply, use the Declaration of Witness form. Put *Declaration of (Petitioner or Respondent) In Reply* under the title of the declaration. In the declaration, state which points in the other party’s response you disagree with and why. **Do not bring up new issues**. If needed, give the court more papers or declarations from other witnesses.



After you finish your declaration, make a copy of it and every other paper you need to respond to the other party's response for each of the other parties, yourself, and the judge (for working papers).

File the original papers with the clerk. Have the clerk stamp the copy that you keep, to prove when you filed it.

Deliver a set of the papers to each of the other parties (and to the judge for working papers). Use the Proof of Mailing or Hand Delivery form in this packet to show you had the reply properly served.

**You must file and serve the papers by the deadline for your reply.** Check with the facilitator, clerk, or local rules for the reply deadline. If you do not serve your reply by the deadline, the judge may not read it.

### **C. Going to the Hearing**

- **If the Other Party gets a lawyer.** If at any time before the hearing another party's lawyer contacts you or shows up at a hearing, you may decide to get one yourself. If so, tell the lawyer and court you need to postpone (continue) the hearing. Do not panic. The lawyer may ask you to sign some documents. Do not sign anything you do not understand. If the judge reschedules your hearing, ask for a Temporary Family Law Order effective until the new hearing date.
- **Get Ready for the Hearing.** Try to go to court before the day of your hearing. Watch how the court conducts hearings. Try to make some notes to yourself about the main points to make when it is your turn during the hearing.
- **Get to Your Hearing Early.** Dress neatly. Bring a pad of paper and black pen to take notes. Bring your set of court papers and your copies of any papers the other parties gave you in response. Do not bring your children. The judge usually will not let them sit in the courtroom. If you are not there on time, the court 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, stand. When they call your case name, tell the court you are present. Stay in court until they call your case for hearing.

When they tell you to come forward, do so. Give the court the originals of your orders. You will have a Temporary Family Law Order. You may also have a



Restraining Order, Order to Surrender Weapons, Order Appointing GAL or Evaluator, Temporary Parenting Plan, Child Support Order and child support worksheets.

- **Getting an Order.** If the other party does not appear, show the judge your Proof of Personal Service or Proof of Mailing or Hand Delivery. Ask the judge to sign your orders. (Refer to the checklists for the documents you need.) Tell the clerk or bailiff you need a copy of the orders.
- **Presenting Your Case.** If the other party shows up at the hearing, each of you will get to tell your side of the case. Stand while speaking. Tell the judge briefly what you want and why. Try to keep your argument short. Only outline your main points. You may have as little as five minutes to speak. In most cases, the judge will have read your papers before the hearing. Do not repeat everything in your papers. Try to make notes to use at the hearing.
- **DO NOT INTERRUPT THE JUDGE.**
- **Hearing the Judge's Decision.** After the judge has heard both sides, the judge decides on your requests. Listen carefully. Make notes. The judge may make changes to the orders you 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, **do not sign the orders.** Ask the lawyer to go back before the judge to make sure the order says what the judge said. **Usually you want your court orders signed the day of your hearing. Some counties require they be signed before the parties leave the courthouse.**
- **DO NOT LEAVE THE COURTHOUSE WITH (OR CHANGE OR DESTROY) COURT ORDERS THE JUDGE HAS SIGNED.** If the clerk in the courtroom gives you the original orders the judge has signed, file them with the court clerk's office.
- **Getting Copies of the Orders.** You 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, and one certified copy for each restrained party that you need to 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. There may be a fee (**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 the same as what the judge signed, the clerk may let you stamp those copies with the date filed stamp and the judge's signature stamp.
- If the judge signed the orders you presented, all parties must get copies of the orders showing the judge's signature as follows:
  - If your orders have no safety restraints, or if the restrained party or their lawyer appeared and/or signed the orders, mail conformed (not certified) copies of the orders the judge signed to the other party. Mail conformed copies to any other parties against whom there are no restraints. Use the Proof of Mailing or Hand Delivery procedure.
  - Have the other party personally served if **all** of the following are true:
    - The order includes safety restraints protecting you.
    - Neither the restrained party nor lawyer appeared for the hearing.
    - Neither the restrained party nor lawyer signed the order.

You must serve a certified copy of the order containing safety restraints. Conformed copies of other orders will do. File a new Proof of Personal Service with the court showing service of these orders, and deliver a copy of the Proof of Personal Service to the law enforcement agency named in the order.

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- ❖ The safety restraints may not be effective until the other party is personally served with the order.
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## D. Getting an Agreed Temporary Family Law Order

If you and the other party have reached an informal agreement, try to get an Agreed Temporary Family Law Order (and in cases with children, an agreed Temporary Parenting Plan, Temporary Child Support Order, and Child Support Worksheets). You and the other party must agree about what should happen to any children, your property, support, and any other issues in your paperwork before getting an Agreed order. If you agree on appointing a GAL or evaluator, prepare that order as well.



ALL PARTIES MUST CHECK **IS AN AGREEMENT OF THE PARTIES** AND SIGN THE ORDER(S). A JUDGE MUST ALSO SIGN THEM. Ask the court clerk how to have the judge sign an agreed order.

Get a copy of the order(s) for your records. Provide 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.

### **E. If You Disagree with the Court's Order**

**Motion for Revision.** If a court commissioner decided the motion, and you do not want to try to give the commissioner more evidence, you can file a Motion for Revision. A judge hears a motion for revision. That judge can hold a "new hearing" on the evidence the commissioner considered. You have ten days from the date the court commissioner signed the order to file a Motion for Revision. [RCW 2.24.050](#). Local court rules may require you to serve the other parties within the same deadline. If you plan to serve by mail, mail your motion at least three days earlier. Motions for Revision are not usually easy to win. Talk with a lawyer, if possible, before filing one.

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❖ [File for Revision in a Family Law Case](#) has forms and instructions.

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## Part 11. Blank Forms

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

The Washington Administrative Office of the Courts also has Microsoft Word and PDF versions of many of these forms available at [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/).