

Changing Your Legal Separation to a Divorce



Part 1. Summary of Steps

- 1.** Wait for at least six months after the court issues your decree of legal separation.
- 2.** Fill out the forms in this packet. Make two copies of each form. Divide the copies into two sets.
- 3.** File originals with the court that issued your Decree of Legal Separation.
- 4.** Schedule the motion for a hearing.
- 5.** Give your spouse notice of the hearing. File proof you gave this notice.
- 6.** Go to the hearing.

❖ Every county does this differently. Review your county's [local family law court rules](#). Find out how and where to schedule your motion and how much notice to give your spouse. Your county's local court rules may be at www.courts.wa.gov/court_rules/?fa=court_rules.local&group=local.



Part 2. Frequently Asked Questions and Answers

A. Should I use this?

Yes, **if** one of these is true:

- you already have a Decree of Legal Separation
- you have already started the process of getting a legal separation

❖ A decree of legal separation is a final court order.

B. How do I get a divorce?

By converting (changing) your Final Legal Separation Order into a Final Divorce Order (Divorce Decree).

C. My spouse does not want a divorce. She is happy with legal separation. Does it matter?

No. The court will grant a motion to convert a legal separation to divorce **even if a spouse disagrees**.

D. Can I use this process to change my final orders?

No. The final terms of your legal separation will be the same final terms for your divorce. You **cannot** re-do the final orders in your case.

E. Is there a filing fee to convert legal separation to divorce?

Yes, about \$280. If you have a very low income, you can ask the court to waive (forgive) the fee. Use [Ask the Court to Waive Your Filing Fee](#).

F. Can I change my pending (unfinished) legal separation case to a divorce?

Yes. If a spouse filed a petition for legal separation and you now want a divorce instead, you **must file a Petition for Divorce**. Use [File for Divorce](#).

G. My spouse agrees that we should divorce. What should we do?

Both spouses can sign the petition **if** you agree to everything the Petition asks for. If you do not agree and only you sign the Petition, you must serve the Petition and Summons on your spouse.

H. What if we both agree to the divorce petition?

You should file an Agreement to Join Petition form, FL All Family 119. It is available at www.courts.wa.gov/forms.

❖ If you file an Agreement to Join Petition, you do not need the Summons.

I. Is there a waiting period to finalize our divorce?

Check your local court rules or ask the court clerk. You may have to wait at least 90 days from the date of service of the Petition for Divorce.



Part 3. What forms are in this packet?

Form Title	Form Number
Motion to Convert Legal Separation Order to Final Divorce Order	Family Law Divorce 251
Confidential Information Form and Attachment	FL All Family 001 & 002
Case Cover Sheet	
Proof of Personal Service	FL All Family 101

Make a few copies of each blank form in case of mistakes.

If you are printing instead of typing, use blue ink. That will help you know which forms are originals and which are copies.



Part 4. How to fill out each form

A. Motion to Convert Legal Separation Order to Final Divorce Order (Dissolution Decree) - FL Divorce 251

Fill out the caption.

1. Check the box showing which party you are in the separation. Put the date the judge entered your Legal Separation Order.
2. Do not change this section.

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 your spouse 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. Confidential Information Form and Attachment- FL All Family 001 & 002

❖ If your address changes before your case is final, you must fill out, file, and serve a Notice of Address Change, FL All Family 120. Otherwise, legal papers may go to you at your old address.

1. **Put your name.** Put the county where the case is filed and the case number. If you have no case number yet, put the case number when the clerk gives it to you.
2. **Check “yes” if restraining order protection orders are currently in place.** In the blank, put who the orders protect. If the orders go into effect later, you must file a revised and updated form later. Check **no** and skip to 3 if there is no current restraining order or protection order in place.

3. **Check the first box if you believe listing your home address would risk someone's safety.** In the blank, explain why.
4. **Your Information:** In the first table, put the info requested, including your driver's license number and social security number, if you have these. Skip the second table.
5. **Other Party's Information.** In the first table, put as much of the requested info as you can. Skip the second table.
6. **Children's Information.** Put as much of the requested info as you can.
7. **Have the children lived with anyone other than...** Check **no** if the children have only lived with Petitioner or Respondent in the past five years. Skip to 8. Check **yes** if the children have lived with someone else in the past five years. Put the requested info.
8. **Do other children (not parents)...** Check **no** and skip to 9 if only Petitioner and Respondents have custody or visitation rights. Check **yes** if other people also have custody or visitation rights. Put as much info requested about those people as you know.
9. **If you are asking for custody and are not the parent...** List any other adults living in your home. Use the Attachment if there are more than two.

Sign and date the form. Put the place you signed it.

C. Cover Sheet – Family Cases

Some local courts have their own forms. Check with the clerk.

Put the **county** your case is in.

Put the **case number**. Put the **title** of the case from your Petition. Skip **attorney name** and **bar membership number**.

Check "Dissolution of Marriage with Children" or "without children," as appropriate.



Part 5. Next steps after filling out forms

After filling out the forms, check them for mistakes.

Make two copies of all forms:

- a set of copies for your records
- a set to serve to the opposing party

Keep all originals together to file with the clerk, and the two sets of copies separated.

A. How do I serve my spouse?

You must have someone else do it. You cannot do it yourself. Use [How to Serve the Opposing Party in Your Family Law Case](#). Your server must fill out this form:

B. Proof of Personal Service – FL All Family 101

After your server has completed service and signed this form, you must file it with the court.

Caption. Fill out the caption.

1. Put your server's name here.

2. Personal Service. In the blank, put your spouse's name. The server must check the box showing how they delivered the papers to your spouse. If the server checks the second box, they should put in the blank the name of the person to whom they gave the papers.

3. Date, time, and address of service. The server should put the date, time (check a.m. or p.m.) when and address where they delivered the papers.

4. List all documents you served. Read the list of forms. Check the box to the left of each form served on that party. You **MUST** list all forms you had served on your spouse. If you leave a form out, you will have no proof that your spouse received it.

5. Fees charged for service. Usually, only professional servers will use the second box for fees and mileage.

6. Other information. Your server may put here other info. **Examples:**

- Your server tries several times to serve your spouse. Your spouse is never home or cannot be found. The server should put the dates, times, and descriptions of each time they tried to serve your spouse.
- The server gave the papers to an adult living with your spouse who would not give their name. The server should put what the person who received the papers looks like.

Signature. The server should put the city and state where they signed the form and the date, sign where it says **Signature**, and print or type their name where it says.

To the Server. The server should check this box and fill it out in front of a notary public or court clerk **ONLY** if they served your partner outside Washington state.

❖ The server should staple a copy of the summons to the completed Proof of Service form and give it to you for filing with the court.

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