

Responding to Washington State Litigation From Out of State

Should I read this?

Yes, **if** both of these are true:

- You live outside Washington.
- You have been served with a petition or complaint filed with a court in Washington state.

❖ Responding to a legal action from a different state is very hard. If you are still in Washington, try to take care of any legal issues **before** leaving the state.

Do I need a lawyer?

It is best to work with one when you have a legal matter. When your case is in a different state from where you live, a lawyer in the other state can represent you. In most cases, you must pay a lawyer. Read [How to Find a Lawyer](#) by the Legal Voice.

You can contact the legal aid office in your state to find out if you qualify for legal services. If so, they might contact the [Northwest Justice Project](#) in Washington State to ask them to represent you.

If you cannot find a lawyer, you must represent yourself. You will be a **pro se** respondent.

How much time do I have to respond?

You should have been served with a summons and petition or complaint. The **summons** will say how many days you have to respond.

Often, if you are in a different state you have 60 days.

What does “responding” mean?

It means:

- filling out a specific legal form
- having it filed at the courthouse
- having it served on the person taking you to court

What if I do not respond?

The other person can ask the court for a default decision. That means they can ask the court to order whatever they asked for in their petition or complaint without your input.

Should my case be in Washington State?

It depends on if Washington has jurisdiction. **Jurisdiction** is a court’s power to hear your case. The court must have jurisdiction to enter an order in or decide your case. For family law cases, a county superior court has jurisdiction. For small claims, a county district court has jurisdiction. Check these websites for more info and examples of types of cases each hears:

- **Superior Court:**
http://www.courts.wa.gov/programs/orgs/pos_bja/ptc/documents/SuperiorCourtProSeLitigantInformation.pdf
- **District Court:**
http://www.courts.wa.gov/programs/orgs/pos_bja/ptc/documents/DistrictCourtProSeLitigantInformation.pdf

- **Municipal Court:**
http://www.courts.wa.gov/programs/orgs/pos_bja/ptc/documents/MunicipalCourtProSeLitigantInformation.pdf

Jurisdiction can also refer to which state has the right to hear your case. For custody cases, read [Which Court Can Enter Custody Orders? Questions and Answers about Jurisdiction](#). If the case is about something else, see Washington State's law [RCW 4.12 Venue and Jurisdiction](#).

Is the case filed in the right county in Washington?

Venue is the county your case is filed in. It could be

- the place where an event happened or where the petitioner (or plaintiff) or a respondent (or defendant) lives
- the place where your minor child lives

I think this case was filed in the wrong state or county. What can I do?

Talk to a lawyer. **Jurisdiction can be very complicated.** If you want your case moved to a different state or county, ask for this in your response. You will probably not be able to move your case later on.

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- ❖ [Filing a Motion for Change of Venue in a Family Law Case](#) may help.
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Where can I get court forms?

Look for a self-help packet for your case at www.washingtonlawhelp.org. They have forms and instructions for filling them out and

what else to do. **Example:** there is a self-help packet called [Responding to a Divorce](#).

Check for court forms and instructions on the [county court's website](#). (Check for your county court's website at www.courts.wa.gov) Your county may want you to use their forms instead of the Washington State forms.

If your court has a [Family Law Facilitator](#) (check www.courts.wa.gov), they may have their own packets.

You can also go to the [Washington State court website](#) to download court forms. It generally does not have instructions.

How do I file and serve forms?

Since you are responding, you can serve the other party in person or by mail. Ask a friend or relative, age 18 or over, who is not a party to the case, to do it for you. Your server must also file a statement with the court, swearing that they served the other person. They can also file other papers at the courthouse for you.

If you can afford it, have a professional process server file and serve your papers. Check websites like www.serve-now.com, www.napps.org, or www.processservers.com. Look for reviews. The cost to hire a server might depend on the place and how hard service might be.

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- ❖ Make sure the process service can file and serve papers in Washington State.
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Can I file documents with the court by email?

Maybe. Several county courts accept documents by email for filing:

- [King County Superior Court](#)
- [Thurston County Superior Court](#) (but only by attorney's offices, government agencies, and organizations)
- [Chelan County Superior Court](#)
- [Pierce County Superior Court](#)

There may be others. Ask the court where your case is filed.

The statewide court rule about electronic filing, [GR30](#), explains fees and procedures related to e-filing. You must also check [local \(county\) court rules](#).

You can only file certain documents in paper form. **Examples:**

- original wills
 - certified records of proceedings for purposes of appeal
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- ❖ The superior court clerk may be able to help with e-filing.
Example: the King County Clerk's Office has an e-filing help line. Contact them at (206) 205-1600 or eServices@kingcounty.gov.
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Can I attend court hearings by phone?

Maybe. You need the judge's approval. You must show "good cause." Good cause may include:

- you live out of state
- you live over two hours from the courthouse
- you have a medical condition which keeps you from traveling
- you are in jail or prison and cannot come to the court

To ask to attend a hearing by phone, contact the court and the courtroom where your hearing is scheduled. Check the [court's website](#) for the phone number.

As of July 2018, these superior courts use [CourtCall](#) for phone hearings:

- Cowlitz
- Ferry
- Island
- Jefferson
- Kitsap
- Lewis
- Okanogan
- Pend Oreille
- Pierce
- San Juan
- Skagit

- Spokane
- Stevens
- Yakima

CourtCall is not free. Generally, it is for hearings where there will be no argument or testimony. The judge assigned to your case must approve its use. Call CourtCall customer service at 1-888-882-6878 to find out what types of court proceedings you can attend using it. Learn more at www.courtcall.com.

What is a settlement conference?

Many courts require you to try some kind of **alternative dispute resolution** (ADR). This is a way to deal with your disagreement besides going to trial. A settlement conference is one type of ADR.

A volunteer judge not assigned for your trial or a volunteer lawyer is in charge of your settlement conference. They will try to help you

- talk about issues
- solve differences
- reach agreement without a trial

The judge or lawyer running the settlement conference will not make a decision for you. If you still disagree at the end of the settlement conference, you must go to trial.

Some counties only provide settlement conferences for low- and moderate-income parties. Generally, it is a volunteer program. Some counties may charge a fee.

❖ Read [How to Get Ready for a Settlement Conference](#).

You can use a mediation service instead. To find one, go to the [Washington State court website](#). Look for Washington State Dispute Resolution Centers.

Can I attend a settlement conference by phone?

Usually, you must do this in person. If you have a good reason, you may be able to attend by phone or electronically. Contact the judge or lawyer conducting your settlement conference to ask.

❖ Read [How to Get Ready for a Settlement Conference](#).

Where can I get more info about how to represent myself in Washington state?

- Washington LawHelp: www.washingtonlawhelp.org
- Washington State Court Websites: http://www.courts.wa.gov/court_dir/
- Court websites by county: http://www.courts.wa.gov/court_dir/?fa=court_dir.county
- Administrative Office of the Courts: <http://www.courts.wa.gov/>
- Forms & Instructions by King County Family Law Facilitator Program: <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>

What if I need legal help?

- **Apply online with CLEAR*Online**
- <https://nwjustice.org/get-legal-help>
or

- **Call CLEAR at 1-888-201-1014**

CLEAR is Washington’s toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014, weekdays 9:15 a.m. - 12:15 p.m.
- **King County:** Call 211 for info and referral to an appropriate legal services provider, weekdays 8:00 am – 6:00 pm. You may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info on legal service providers in King County through www.resourcehouse.com/win211/.

- **Persons 60 and Over:** Seniors age 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. Seniors in King County may call 2-1-1.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1-877-211-9274) using the relay service of their choice.

CLEAR and 211 will conference in free interpreters when needed.

Free legal education publications, videos, and self-help packets covering many legal issues are available at www.washingtonlawhelp.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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