



You Have Been Served with Divorce Papers

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- ❖ Read this only if you live in the state of Washington.
 - ❖ You can find all the packets and fact sheets we link to here at WashingtonLawHelp.org.
 - ❖ **Read all court papers you get very carefully.**
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How can I tell this is a divorce?

Look at the title of your papers. The title is in the upper right section of the first page, under the case number.

If you got a **Summons and a Petition for Divorce**, you have a divorce case. Our [Responding to a Divorce](#) packet has forms and instructions.

What county did my spouse file for divorce in?

The papers should say “Superior Court of the State of Washington, County of _____” at the top. Your spouse should have filed in the county you live in or the county your spouse lives in. If they did not file in one of those counties, you can ask the court to transfer the case (move it to the right county). Our [File for Change of Venue in a Family Law Case](#) packet has forms and instructions.

My spouse also served me with an Immediate Restraining Order. What should I do?

An Immediate Restraining Order (and Hearing Notice) is a court order your spouse got without giving you notice beforehand. You must obey the Immediate Restraining

Order until your court hearing. At your hearing, the court will decide if it should keep the Immediate Restraining Order or end it.

The restraining order and hearing notice also tells you that your spouse has scheduled a hearing. Know your deadline to respond. Act fast! Use our [Respond to Motions for Temporary Family Law Orders or Immediate Restraining Orders: Divorce Cases](#) packet.

The papers included a Motion for Temporary Family Law Orders. What should I do?

- **Know your deadline to respond.** Look for a Hearing Notice. Your spouse has probably scheduled a hearing on the Motion.
- Use our [Respond to Motions for Temporary Family Law Orders or Immediate Restraining Orders: Divorce Cases](#) packet.

Respond on time!

Act fast to respond on time. If you do not, your spouse will automatically get what they want. Start **right away**.

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- ❖ You may have as few as **4 business days** after getting the papers to file a response to a motion.
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I have never lived in Washington. Can my spouse file for divorce in Washington?

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- ❖ **Jurisdiction** is the court's authority to hear and enter orders in a matter.
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Washington will only have personal jurisdiction over you if you do something to give it jurisdiction. If Washington does not have personal jurisdiction over you, its courts cannot order you to pay maintenance (alimony), child support, or debts, or divide any property that is not physically in Washington. Your spouse may still be able to get a divorce even if the court will not decide custody and property issues.

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- ❖ You can agree to Washington having jurisdiction over you if you want to.
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I have never lived in Washington. Our children have lived there. Can my spouse file for divorce and a parenting plan in Washington?

If Washington has jurisdiction over your children, the court can enter a parenting plan even if Washington does not have personal jurisdiction over you.

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- ❖ To learn more about whether Washington has jurisdiction over your children, read [Which Court Can Enter Custody Orders? Questions and Answers about Jurisdiction.](#)
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I do not think the divorce should be in Washington. What should I do?

If you think the Washington court should not have jurisdiction over you, the children, the property, and/or the marriage, **you must argue about jurisdiction before filing anything else.** See a lawyer. If you cannot afford one, do not do anything that could give Washington jurisdiction over you, such as filing a response, signing agreed orders, or asking the court to grant you anything other than dismissing the case.

If you do not tell the court you do not think Washington has personal jurisdiction over you right at the start, you probably will not be able to object later. You should object to jurisdiction over your children early in the case if you can.

You should write the court before any hearings and say why Washington does not have jurisdiction over you. You may also file a motion to dismiss for lack of jurisdiction. To learn more, talk with a lawyer.

If a hearing is already scheduled, and you cannot write the court before the hearing, go to the hearing in person (or call the court beforehand to ask about appearing by phone). Tell the judge why you think there is no jurisdiction over your case. A judge who rules in your favor should dismiss the case to the extent that the Washington court has no jurisdiction over the case. If the judge rules against you, be ready to respond to the divorce in Washington.

If you are going to a hearing to tell the judge you think Washington lacks jurisdiction, you should still prepare a response to the motion or petition **before** the hearing. Do not file the response, but bring it with you to the hearing. If the judge

decides that Washington has jurisdiction, you should then ask the judge to read your response.

Can I get legal help?

Talk to a lawyer familiar with family law before filing anything. Some counties have family law facilitators who can help fill out forms or free legal clinics giving legal advice.

- **Do you live in King County? Call 2-1-1** weekdays between 8:00 a.m. and 6:00 p.m. They will refer you to a legal aid provider.
- **Outside King County**, call the CLEAR Legal Hotline at 1-888-201-1014.
- **Apply online with [CLEAR*Online](https://nwjustice.org/get-legal-help)** - nwjustice.org/get-legal-help

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