

You Have Been Served with Divorce Papers

-
- ❖ **Read ALL documents you receive very carefully.**
-

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 either the county you live in or the county your spouse lives in. If they did not, you can ask the court to transfer the case. Our [Filing 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. 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 in effect.

The restraining order and hearing notice also tells you that your spouse has scheduled a hearing. Know your deadline to respond. Act

quickly to do it! Get our [Responding to Motions for Temporary Family Law Orders or Immediate Restraining Orders: Divorce Cases and Petition to Change Parenting Plan 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.
- Get our [Responding to Motions for Temporary Family Law Orders or Immediate Restraining Orders: Divorce Cases and Petition to Change Parenting Plan Cases](#) packet.

Respond on time!

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

-
- ❖ For a motion, you may have as few as **four business days** after receiving the papers to file your response.
-

I have never lived in Washington. Can my spouse file for divorce in Washington?

-
- ❖ **Jurisdiction** is the court’s authority to hear and enter orders in a matter.
-

If you have never lived here, 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, 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.

-
- ❖ You can agree to Washington having jurisdiction over you if you want to.
-

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.

-
- ❖ For more about whether Washington has jurisdiction over your children, read [Which Court Can Enter Custody Orders? Questions and Answers about Jurisdiction.](#)
-

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 relief 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 possible.

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. For more info, 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 in advance to ask about appearing by phone). Tell the judge why you think there is no jurisdiction over your case. A judge who decides 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 211.**
211 is open Monday through Friday between 8:00 a.m. and 6:00 p.m. From

a pay/public phone, call 1-800-621-4636. 211 will identify and refer you to the appropriate legal aid provider.

- **Apply online with [CLEAR*Online](https://nwjustice.org/get-legal-help) - <https://nwjustice.org/get-legal-help>**
- **Call the CLEAR Legal Hotline at 1-888-201-1014.**

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

This information is current as of December 2017.

© 2017 Northwest Justice Project — 1-888-201-1014

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial purposes only.)