



Northwest Justice Project

# **Filing a Motion for Temporary Orders for Dissolution Cases and for Modifications of Custody Decree or Parenting Plans of Dissolution Cases**

**Instructions and Forms  
November 2009**

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## Section 1: Introduction and Important Information

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

A Motion for Temporary Orders asks the court to enter a court order that gives you certain rights and/or protections after your family law case has begun, but before it's finished. Either the petitioner or respondent may file such a motion. Motions for Temporary Orders can include orders related to issues including the parties' finances, property, maintenance (alimony), safety, child support, parenting plans or residential schedules, and guardians ad litem.

You can't file a Motion for Temporary Orders unless you have a family law case that is **already** started, or unless you're filing a family law case at the **same time** that you're filing this motion.

**Example:** if you're married and you want a Motion for Temporary Orders, you must have a marital dissolution or legal separation case that is already started (or you must file one along with this motion).

◆ If you're filing a Petition for Modification of Parenting Plan, you may need to schedule your Adequate Cause hearing before, or at the same time as, your Motion for Temporary Orders hearing. Read our packet [Filing a Petition for Modification of a Parenting Plan in a Dissolution](#).

### B. Should I use this packet?

This packet is to help you fill out and file the forms and papers you need in order to complete a Motion for Temporary Orders when your divorce (dissolution) isn't yet final, or when your divorce is final but you or the other party files a petition to modify an existing parenting plan or custody decree. Before using this packet, decide whether to file a Motion for Temporary Orders or a Motion for Emergency Orders, or, in some cases, no motion at all. For help deciding which type of motion you need, talk with an attorney, or read our publication called [Ending Your Marriage in Washington - The Basics](#) to help you decide whether to file a Motion for Temporary Orders in your divorce.

◆ **Note on reading this packet:** You'll see footnotes in this packet. Footnotes will tell you the law or court case that supports the statement that comes before the footnote, or will give you special tips, links to relevant websites, or other additional information. Use the legal references in the footnotes to look up the law at your local law library, or to tell the court when you're trying to make a legal argument. CR is the Civil Rules of Washington. GR stands for General Rules. RCW stands for Revised Code of Washington, which is the law of Washington State. Court cases have names, such as *In re Custody of Child*. The references to the law are up to date as of the date this packet is published. The law sometimes changes before the packet can be updated.

**Note for Survivors of Domestic Violence or Unlawful Harassment:** If another party has a history of physically harming you or the children, or has threatened to do so, and if you’ve had a dating, roommate, marital, or family relationship with that party, or if you’re a victim of unlawful civil harassment by the other party, then think about filing a petition for an Order for Protection if you need immediate protection. Orders for Protection offer strong safety restraints. Protection order forms are available from the court clerk, from your local domestic violence program, or call the 24-hour domestic violence hotline at 1-800-562-6025. For general information, see our publication [\*Domestic Violence: How the Legal System Can Help Protect You\*](#). Note: the “petitioner” in the protection order forms is always the protected person, even if s/he is the respondent in the dissolution.

**C. What if I have questions that aren’t answered in this packet?**

It’s always a good idea to talk with an attorney familiar with family law before you file anything with the court. Many counties have family law facilitators who can help you fill out forms, or have free legal clinics where you may get specific legal advice about your case. If you’re low-income and don’t live in King County, call CLEAR at 1-888-201-1014. If you live in King County, call the King County Bar Association’s Neighborhood Legal Clinics at (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday, to schedule a free half-hour of legal advice (ask for a family law clinic). Or go to the website ([www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)) to read our legal information publications about your particular family law case and information about legal aid programs in your area.

**D. What if the other party is in the military or the dependent of someone in the military?**

If the other party is a member on active duty in the military,<sup>1</sup> or is the dependent<sup>2</sup> of a service member who is a resident of Washington on active duty and a National Guard member or a Reservist, talk with an attorney before filing your request with the court. There are special rules for members of the military and certain dependents. Those rules may limit the court’s ability to make any orders adversely affecting the rights of the service member or his/her protected dependent.

If the other party is a member on active duty in the military,<sup>2</sup> or is the dependent<sup>3</sup> of a service member who’s a resident of Washington on active duty and a National Guard member or a

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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. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at [http://www.uscg.mil/legal/la/topics/sscra/sscra\\_guide.htm#coverage](http://www.uscg.mil/legal/la/topics/sscra/sscra_guide.htm#coverage). For Washington State’s Service Members Civil Relief Act, see [RCW 38.42.010](#) *et seq.*

Reservist, talk with an attorney before filing your request with the court. There are special rules for members of the military and certain dependents. Those rules may limit the court's ability to make any orders adversely affecting the rights of the service member or his/her protected dependent.

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<sup>2</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. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at [http://www.uscg.mil/legal/la/topics/sscra/sscra\\_guide.htm#coverage](http://www.uscg.mil/legal/la/topics/sscra/sscra_guide.htm#coverage). For Washington State's Service Members Civil Relief Act, see [RCW 38.42.010](#) *et seq.*

<sup>3</sup> Dependents are usually spouses or minor children, although they may also be people for whom the service member provided most of the support for the last six months. [RCW 38.42.010](#).

## Section 2: Steps to Take to File Your Motion

Following are the steps to follow in filing your motion. Use this as a checklist as you go through your case. Many of the steps are explained in more detail later in this packet.

- ❑ **1. Check for Special Local Rules and Forms.** Check with your county court clerk or family law facilitator to see if your county has its own Motion for Temporary Orders packet. If so, use that packet instead of ours. If you decide to use our packet, get any additional forms that you'll need. Make sure that you know any special deadlines for filing family law motions in the county where your family law case was filed. Look back at the list of local practice issues in the main filing and responding packet you're using.

A 2007<sup>4</sup> law requires that the court:

\*check the judicial information system and databases to identify any information relevant to placing the child before entering a permanent or modified parenting plan and

\*in cases where a limiting factor such as domestic violence or child abuse is claimed, have both parties screened to determine whether a comprehensive assessment is appropriate to determine the effect of the limiting factor on the child and the parties.

This law is recent, so ask your local court clerk or family law facilitator about procedures your court is using under this law. You may need to use local forms and procedures not described in this packet.

- ❑ **2. Gather Your Evidence and other Forms or Packets that You Need.** If possible, get the evidence you'll need now, for use when completing your forms. Think carefully about whether there is information that'll help show that what you're telling the court is correct or that what the other party is telling the court isn't true. Examples include:
  - ❑ **Declarations of Witnesses** – Declarations (sworn written statements) by you and from other people who have personal knowledge about you or the other parties or the children.
  - ❑ **Records** – bills, records of past criminal convictions, medical or mental health treatment, grades and other school records, and daycare records are among the types of official records to include.
  - ❑ **Photographs** – if they help prove or disprove one of the issues in the case.
  - ❑ **Financial Information** – if financial issues are included, get evidence of your income and assets, and perhaps evidence of the other party's income and assets. Examples include: paystubs, federal income tax returns, official letters from Social Security, L&I, Employment Security or DSHS saying how much you receive in benefits, bank account statements, and business records, or 1099 forms.

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<sup>4</sup> [Ch 496, Laws of 2007](#)

- 3. Follow the General Instructions** and fill in the captions of all of the forms.
- 4. Complete All of the Forms You're Using from this and Other Packets.**
- 5. Make the Necessary Copies of Each of the Completed Forms and other documents** that you're filing with the court.
- 6. File Your Papers with the Court Clerk's Office** in the Superior Courthouse where your family law case was filed.
- 7. Arrange to Deliver the Papers to the Other Parties** and have your server fill out the correct proof of service form (Certificate of Mailing or Personal Delivery if the motion was served after the Summons and Petition have been served, or Return of Service if the Motion was served with the Summons and Petition).
- 8. Deliver a Set of Working Papers<sup>5</sup> to the Judge, if Necessary.**
- 9. File Proof of Service with the court.**
- 10. Review the Other Party's Response.**
- 11. Confirm Your Show Cause/Temporary Orders Hearing, If Necessary.**
- 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 order contains a restraining order, you're the protected party, and the order shows that the restrained party didn't appear in court for the hearing or sign the order, arrange to have the order served on the restrained party, have your server complete a Return of Service form. File the Return of Service form with the clerk. Deliver a copy of the Return of Service to the law enforcement agency named in the order.
- 15. File a Motion for Reconsideration or Revision, or an appeal, if Necessary.**

◆ If you and the other party reach agreement on all temporary orders issues, see the section on Agreed orders.

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<sup>5</sup> If you don't understand a word used in this packet, see the Words You May Need to Know section in the Filing or Responding packet you're using.

### Section 3: What's In This Packet?

This packet contains many of the forms you'll need to file a Motion for Temporary Orders.

Also read the next section to decide what additional forms and packets you'll need for your motion.

The following is a list of the blank forms in this packet:

<b>Form Title</b>	<b>Form Number</b>
Motion and Declaration for Temporary Order	WPF DR 04.0100
Declaration of Witness	WPF DRPSCU 01.0100
Financial Declaration	WPF DRPSCU 01.1550
Sealed Financial Source Documents Form (Cover Sheet)	WPF DRPSCU 09.0220
Sealed Personal Health Care Records (Cover Sheet)	WPF DRPSCU 09.0260
Sealed Confidential Reports (Cover Sheet)	WPF DRPSCU 09.0270
Temporary Order	WPF DR 04.0250
Order Appointing Guardian Ad Litem on Behalf of Minor	WPF DR 04.0200
Note for Motion Docket	Non-Mandatory Form; your county may have its own form
Certificate of Mailing or Personal Delivery	Non-mandatory form

## Section 4: What Other Forms And Documents Will I Need That Aren't In This Packet?

You may need other packets and forms to file and finish your motion. How many other packets you need depends on the facts of your case. Read the following list. Check off the boxes next to the other packets/documents you need. Get those documents or packets before filling out your forms. Download our other packets at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) before filing your forms for this packet.

- [Parenting Plans and Child Support for Dissolution Cases](#)** - Where children are involved in your case, and you want to ask the court to enter a temporary order about custody and visitation (a parenting plan), and/or child support, get this packet.
- [Filing, Responding, and Finishing a Petition for Dissolution, or Filing, Responding to, and Finishing a Petition to Modify a Parenting Plan](#)** – We have packets to start, respond to, and finish cases for dissolution (divorce) and parenting plan (custody) modification. One of these types of cases must be started before or at the same time as a motion for temporary orders is made. If you're trying to modify your parenting plan, you probably should schedule an adequate cause hearing to be heard before or on the same day as the hearing on your motion for temporary orders. Get the [Filing a Petition to Modify/Adjust Your Parenting Plan or Custody Decree in a Dissolution Case](#) packet for that.
- Law Enforcement Information Sheet (LEIS). WPF All Cases 01.0400.** If your temporary order includes a restraining order and you're the protected party, get this form for when you file the signed order. Don't serve this form on the other parties. Get it at <http://www.court.wa.gov/forms> or from the court clerk.
- Return of Service Form, WPF DRPSCU 01.0250.** If your temporary order includes a safety restraining order, you're the protected party, and the restrained party wasn't in court when the order was signed and s/he didn't sign the order, then you must have the restrained party served with a certified copy of the order after the judge signs it. WARNING: law enforcement won't enforce the restraining or protection order until they receive proof that the order was served on the restrained party. Use the Return of Service form to show the court and law enforcement that the restrained party was served. Get the form, WPF DRPSCU 01.0250, at <http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14>. The forms and instructions for personal service and for completing the form are also in our packet [Filing a Motion for Emergency Orders for Dissolution Cases](#).
- Declaration Regarding Public Assistance:** WPF SRPSCU 01.0600: We don't include it in our packets because it's an optional form, and because our instructions tell you to serve the State in any case where TANF, Medicaid, or foster care are involved, and we instruct 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. However, some people may need the form if it's required in your county, or if you need to verify that no public assistance has been paid or that the children aren't in foster care or out of home placement. Get it at the Administrator of the Courts website <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>.
- [Serving Papers on the State](#)** - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical

coupons/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.

- ❑ **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 your county has a special Note for Motion Docket, use it to file this motion. Some counties have other special forms that you'll need that aren't in this packet, and most will have special "local rules" that you'll need to know about to file your motion. Check with the Court Clerk's office or Family Law Facilitator in your county for more information.

◆ **Some county clerk's offices have forms and local rules available online.** Check whether your county's local rules or forms are available online at the OAC website: <http://www.courts.wa.gov/rules/local.cfm?group=superior>.

- ❑ **Financial Information.** If you're filing a motion about child support, maintenance, attorney's fees or any financial issues, in general you'll need:

- Your federal income tax returns from the last two years.

◆ If you have no copies of your income tax returns, request copies from the IRS (there is a fee). Contact your local IRS office for the request form. Or ask your local IRS office to give you a computer printout of your income tax returns. These aren't as good as photocopies, but they're better than not having your tax returns. Go to your local IRS office for more information. If you didn't file income tax returns, explain that in your declaration, and give the court other papers verifying your income.

- Your pay stubs. (Provide stubs for at least a month. It's best to give the last six months of pay stubs or back to January 1<sup>st</sup>, whichever is longer.)
- If you receive some type of benefits, official letters from Social Security, L&I, Employment Security, or DSHS showing how much you receive in benefits.
- If you're self-employed, or you have no pay stubs or tax returns, get papers that prove what your income is. Examples:
  - Bank account statements and check registers
  - Business tax returns or records, or 1099 forms
- Any other information necessary to support your request for financial relief (for example, the other party's income tax returns or pay stubs, bank account statements, copies of bills, etc.).
- In some counties, you may need to provide more financial information as required by local court rules. Ask your court clerk's office, or Family Law Facilitator if there is one, to find out if your county requires more information.

## Section 5: Follow These General Instructions Before You Begin To Fill Out the Forms

**These general instructions will apply to all the forms you complete. The instructions cover all types of family law cases, so some of the information may not be used in your particular case.** A Sample form at the end of this section may help you understand these instructions better.

**The caption.** The caption includes the name of your case, the case number, the name of the court, the title of the court paper, and, sometimes, the type of case. It appears at the top of the first page of every form. Write in the name of the county the case is filed in the blank space where the form reads "Superior Court of Washington County of \_\_\_\_\_."

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

**Case number.** When the petitioner first files the papers to begin the case and pays the filing fee (or has the fee waived), the court clerk will assign a case number. All parties must write that case number on every paper they file with the court and serve on the other parties during the case. Write the case number near the top on the right hand section of the first page of every form after "No." (abbreviation for "number"). When the petitioner first files the case, s/he may be able to use a special stamp at the court clerk's counter to stamp the case number on each paper. It does not matter if the case number is written or stamped. If you are filing a modification/adjustment case in the same court that entered the order you are asking to modify/adjust, you may use the case number on that order.

◆ You must write or stamp the case number on the first page of every copy of every paper you file with the court and on the copies you make for other parties. If you do not, your papers may be lost, or they may be returned to you. Some courts will also fine you for filing incorrect forms.

**Title.** Each form has a title. The title is on the right-hand side of the form under the case number. Sometimes the full title is pre-printed on the form, and sometimes you must add more information to complete it (for example, on a declaration, you write in the name of the person completing the declaration).

◆ **Format:** Pleadings (legal forms) that you file with the court and attachments to those pleadings must follow the court rules about size and margins (GR 14(a)). You must use regular size (8 ½ x 11") white paper and you may write on only one side of the paper. The first page of each paper that you file must have a 3 inch margin (3 inches of space) at the top. The other margins (left, right and bottom, and the top from the second page on) must be at least one-inch wide. You should use black or dark blue ink. If your forms do not follow these rules, the court clerk may refuse to file them or may make you pay a fine.

**The contents.** Fill out each form according to the instructions for that form. In most counties you may print or type the information, but it must be readable and you must use BLACK OR DARK BLUE INK. A few counties require that all documents be typed. After filling out each

form, re-read it to be sure you have correctly filled in all the blanks you need to. If you have to make corrections, be sure the correction is neat and readable. Do not write in the margins of any page or the clerk may reject your form.

**Dates.** On the last page of most forms (not including orders), there is a space for the person who completes a form to write the date that the form is signed. Dates in orders will be filled in by the judge when s/he signs the order.

**Signatures.**

- **Your signature**

After you fill out a form, look for the place(s) requiring your signature:

- Some forms have one signature line for “petitioner” or “respondent.” After you fill out a form such as the petition, sign at the place that applies to you. Some forms require you to sign in more than one place, so look carefully. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
  - When you prepare and file motions, you are the moving party. After you prepare a motion look for each place marked “signature of moving party or lawyer.” Some forms require you to sign in more than one place, so look carefully. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
  - When you prepare an order and plan to present it for the judge to sign, look for each place marked “presented by,” and sign in the space underneath.
- **Judge’s Signature:** Leave the judge’s signature line and the date blank.
  - **Other party’s signature:** Certain forms you prepare have a place for other parties to sign. You cannot force another party to sign a court paper – he/she can choose to sign, or not. However, if you have prepared an order after a hearing, the other party may be willing to sign the form you have prepared if s/he agrees it accurately states the judge’s decisions, (or the judge may require the other party to sign), even if the party is not happy with the decision itself.
    - Agreed orders. If the other party agrees with the orders you have written, that party should sign in the appropriate place (petitioner/respondent/moving or nonmoving party) on each court order that is agreed.
    - Approved for entry/Notice of Presentation Waived. If you are the respondent or nonmoving party, or if you did not prepare the order, you may be asked to sign in a blank under these words. If you check “Approved for entry,” this means that you are agreeing that the judge should sign the order as it is written. If “Notice of Presentation Waived” is checked, that means that you are agreeing that the other party can give the order to the judge for him/her to sign without letting you know when the other party is going to take that order to the judge.
  - **Other signatures/Declarant’s Signature:** If someone else must sign a form (such as a witness or the person serving papers), be sure they fill out all information correctly and sign in the proper space provided. In a declaration form, the “declarant” is the person who is

writing the declaration.

**Place signed.** Declarations and Returns of Service must include the place they are signed, as well as the date (example: Signed this 10th day of October 2005 at Seattle, WA).

**Identifying Information.** Court rules try to protect privacy but also allow for public access to certain information in court files. The three boxes discuss these rules: [GR 15](#), [GR 22](#) and [GR 31](#).

## Box #1

### Things You Should Not Write in Most of Your Court Papers:

General Rules [22](#) & [31](#) try to protect privacy in family law cases. Almost all pleadings, orders and other papers filed with the court are available to the public (except for some aspects of parentage cases), and may be available to the public on the internet.

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

**Residence Address (Where you Live) and Telephone Number:** You do not have to write these in court papers; however, you do need to write in an address where you can get mail from the court, and it is a good idea to give the court a phone number where you can be reached.

**Social Security/Driver's License, ID Numbers of Adults and Children:** You are not required to write these in court papers; if you do, you should write only the last four digits, not the whole number.

**Dates of Birth of Children:** Do not write them in court papers.

**Bank Account, Credit Card Numbers:** Write the bank name, type of account (savings, checking, etc.), and only the last four digits of the account number.

## Box #2:

### Private Information That Should Be Filed With Sealed Cover Sheets:

If a sealed cover sheet is used, this information is usually available to the other party and the court but it is not placed in the public file.

**Financial Information:** If you file paystubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders, attach them to a Sealed Financial Source Documents form to ensure that they will not be available to the public.

**Medical or Mental Health Records or Information:** If you file papers containing health or mental health information (information about past, present, or future physical or mental health of

a person, including insurance or payment records), you must attach the papers to a Sealed Personal Health Care Records form so that they will not be available to the public.

**Confidential Reports:** Reports such as Parenting Evaluations, CPS Reports, Domestic Violence Assessments, and Guardian ad Litem Reports that are intended for court use must have two sections, a public section and a private section. The private section of the report should be attached to a Sealed Confidential Reports Cover Sheet.

**Retirement Plan Orders:** Certain retirement information belongs in the public file, but “Retirement Plan Orders” do not. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See [GR 22](#) for the definition or see an attorney if this affects your case.

**Other Kinds of Confidential or Embarrassing Information Not Mentioned Above.** If the paper that you want to keep confidential is not in the above list, you may need to file a motion with the court to ask permission to have that paper, or part of a paper, sealed under General Rule [\(GR\) 15](#). We do not have a packet that tells you how to do this and there are presently no mandatory forms for this type of motion; you will need to talk to an attorney.

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### **Box #3**

#### **When You Should Write Private Information In Court Forms:**

These forms are not placed in the public file, and information in them is usually not available to the other party.

You are required to fill in your personal information completely (including children’s full names, dates of birth, your residence address, social security numbers, etc.): Confidential Information Form, Vital Statistics Form, Domestic Violence Information Form, Foreign Protection Order Form, and Law Enforcement Information Sheet. If you are afraid to give your address on these forms, consult an attorney, or call CLEAR at 1-888-201-1014.

**SAMPLE FORM**

Fill in the name of the Petitioner here.

or Court of Washington  
**County Of Evergreen**

In re the Marriage of:  
**JANE DOE,**

and  
**JOE DOE,**

Petitioner,  
  
Opposing party.

NO. **08-3-99999-9**

**Note for Motion Docket**

**(No Mandatory Form Developed)**

TO THE CLERK OF COURT AND TO: **Joe Doe**  
**99 Railway Lane**  
**Treelane, WA 98000**

Please take notice that this case will be heard on the date below and the clerk is requested to note this issue on the docket for that day.

HEARING DATE: **Monday, October 4, 2008**

HEARING TIME: **10:00 a.m.**

LOCATION: **Treelane Superior Courthouse**

COURTHOUSE ROOM: **2**

ADDRESS: **102 West Broadway**  
**Treelane, WA 98000**

NATURE OF MOTION: **Temporary Orders regarding parenting plan, child support, and restraining orders.**

\_\_\_\_\_  
Jane Doe, Petitioner  
**Jane Doe, pro se**

## Section 6: Instructions for Filling Out Individual Forms

### A. Motion and Declaration For Temporary Order - WPF DR 04.0100

**Caption.** Fill in the caption.

**Section I. Motion.** The Motion and Declaration for Temporary Orders contains many different requests. Mark an “X” in each box that is next to a sentence describing things that you want the court to do. Some tips:

- If you check a box on the far left of your motion paper, make sure to check the appropriate boxes or fill in the blank lines that are in that paragraph too. Example: if you check the box for entry of a parenting plan, you must also check the box showing whose parenting plan you want the court to accept.
- “Maintenance” means “alimony” or financial support for one of the spouses from the other spouse.
- If you’re getting a divorce, check the boxes for financial restraints, to try to stop the other party from taking large amounts of money out of bank accounts or selling property before your divorce is finished. These are in boxes 4, 10 and 12.
- If you have children together, check the boxes asking the court to enter a parenting plan and set child support. To do this, fill out forms in our packet called [Parenting Plans and Child Support for Dissolution Cases](#).
- If one of the parties is on active duty in the military and you have a proposal for how to accommodate that parent’s have time with the child, check the “approves the Temporary Residential Time re Military Parents” box and the box that follows as appropriate. Be sure to fill out and attach form WPF DR 01.420 (download it at [www.courts.wa.gov](http://www.courts.wa.gov)) showing the specifics of the proposal.
- Whether you own or rent your home, you may ask the court to order that one of you can stay there and one must leave by checking the appropriate boxes.
- If you have other property that you’d like to use before trial (example: your car), check the box asking the court to order the use of property. Then, write in the Declaration section (below) what specific items that you want to use before trial. Example: write “I’d like to use my car, the 2004 Dodge Dart, pending trial.”
- If you think that 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 appointing a guardian ad litem (GAL). For more information on GALs, see our publications [How to Request a GAL in Custody Cases](#), and [Working with GALs and Parenting Evaluators: Tips for Parents in Family Law Cases](#).
- Check the “other” box if you want the court to order other things that aren’t listed. Write what you want the court to order in the blank. Example: you could ask the court to order a parenting evaluation, rather than appointing a GAL.

After you check off all the boxes that describe what you want the court to order at your hearing, write the date and sign your name in the blank that says *Signature of Requesting Party or Lawyer*. Print your name in the blank below that.

**Section II. Declaration.** The Declaration section is your chance to describe, in your own words, the reasons why you want the temporary orders you're requesting. Examples: why you want the property or debts split in a certain way; why you want custody or certain visitation with your children; and/or why you want restraints entered against the other party to prevent him or her from bothering you or coming to your home, or selling or destroying property. Write the important points you want the judge to know and that show why you've made the requests in your motion

**If you're asking the judge to order the other party to give up their weapons**, explain why in the blank. Show why allowing the other party to keep the weapons would be dangerous for you or for the children.

**If this section doesn't have enough room**, write "See my Declaration submitted with this motion, separately." Then use the **Declaration of Witness** form. Read the instructions for that form to learn how to fill out the Declaration of Witness form, and how using that form could help you explain your side of the story to the judge. (Make sure your total pages don't go over your court's page limits for motions. Be sure any attached pages meet the format rules for pleadings. The format rules are summarized in the "general Instructions" section.)

**If the other party is on active duty in the military**, and Temporary Residential Time re Military Parents is requested that delegates time to a nonparty, check the appropriate box about the nonparty.

If you include personal health records or financial information or confidential reports, follow the instructions at the end of the form about using sealed cover sheets to protect the information from the public file.

At the end of the form, write the city and state, the date you're signing the form, and your signature as well as your printed name.

## **B. Declaration of Witness – WPF DRPSCU 01.0100**

At your hearing, you and the other party won't be given much time to speak – usually 10 minutes or less. The judge usually won't let you testify about facts in your case. Therefore, you must explain on the forms you're filing with the court why you need the temporary orders you're requesting. The judge will decide whether or not to grant your temporary orders, mostly based on the written information you've given the court. Another reason to include all of your evidence in support of your motion with the motion papers is that the other party must have a chance to read your papers before the hearing, and write a response to the judge.

The best way to do this is by using Declarations. A Declaration is a statement, sworn to be the truth under penalty of perjury, by any person who has direct knowledge about the issues in your motion. You may attach documents to Declarations, such as copies of bills, school records, medical or treatment records, police records, etc., as long as the attachments follow the court's format rules. (See the "General Instructions" section for a summary.) Call the papers that you attach to your declaration Exhibits and either number (1,2,3) or letter them (A,B,C). If the

person writing the declaration refers to private health or financial information in a declaration or wants to include it with the declaration, don't attach the exhibit directly. Follow the procedures for sealed cover sheets, described in the General Instructions and below.

In addition to the information included in your Motion for Temporary Orders, try to write out your own declaration on a Declaration of Witness form, giving more information about why your other temporary orders should be approved. A Declaration of Witness should also be used for other people who are making statements on your behalf, such as family members, friends, teachers, counselors, or other people who have directly seen, heard, or otherwise witnessed important events that affect your situation.

Caution: by presenting a declaration from a witness, you may be giving up the right to keep confidential other information that witness has about you or the child/ren.

### **a) Some brief rules about witness Declarations**

Put the most important points at the beginning. Less important points should come later.

Base the statement on the writer's own personal knowledge (what s/he saw or experienced firsthand), not what someone else told the writer. Exception: the writer may talk about what one of the other parties has said.

The writer should explain how well s/he knows you or the people s/he is writing about, how often s/he sees the people, and in what situations. Example: "Mr. Jones has worked for me at Acme Plumbing for 15 years. I see him almost every day at the office. In addition, because our sons are on competing soccer teams, I have seen him coaching his son's games three or four times this season. I've been invited into his home a two or three times for dinner with his family over the years I've known him."

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

Don't make the declarations too long.

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

- Example: in a parenting dispute, general statements, such as "she is a bad mother," or "the children are much happier now living with Mary," aren't helpful. Instead, the declaration should describe specific things, and state when and where incidents occurred, such as, "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've seen him weaving down the road in his car three other times this year."
- In a child support dispute without parenting issues, the statement above may not be relevant to the issues before the court. If it's not relevant, don't include it.

Attach extra pages to the declaration if you need more space. However, make sure that the writer of the declaration signs and dates the declaration in the space that says "I declare under penalty of perjury..." Your extra pages should also have margins of at least one inch, and you should number

all the pages at the bottom.

**Some courts (such as King Co.) limit the number of pages that you can file with a motion or response. Check your local rules, or ask the court clerk’s office or the facilitator.**

If you attach documents to declarations, such as printouts of bills, school records, medical or treatment records, police records, etc., refer to them in the declaration and call the attached documents exhibits and number them Exhibit Number 1, Exhibit Number 2, etc.

- If the papers to be attached don’t require a sealed cover sheet (see the General Instructions section if you’re not sure), staple them to the declaration.
- If the papers to be attached do have personal medical or mental health information, or financial records, or confidential court reports, write an exhibit number or letter on each paper that will be attached. When the person writing the declaration mentions that paper, they should use that exhibit number or letter & write it’s “filed with the Sealed Personal Health Care Records cover sheet on \_\_\_\_\_ (date).” Don’t staple the paper to the declaration. Instead, attach the paper to the appropriate Sealed Cover Sheet form before you file and serve it.

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

If the declaration talks about personal medical or mental health information, or financial records, attach the declaration to the appropriate Sealed Cover Sheet form before you file and serve it. The sealed cover sheet forms are described elsewhere in this packet. (Also see the General Instructions section of this packet about the types of papers to keep out of the public file.)

## **b) Filling out the Declaration form**

### **Caption.**

Fill out the caption and make as many copies of this form as you’ll need before any other information is added. This way, you’ll have blank forms with just the caption on them, so that you may give a copy to each witness to fill out and have one for you to use, where necessary.

On the right side of the caption, after the words “declaration of...,” write in the witness’s name.

### **This declaration is made by.**

Write in the name, age and the relationship to the parties in the case (example: “Maria Garcia” “29,” “petitioner’s friend,” “mother’s counselor,” “child’s daycare provider”) in the blanks.

### **Blank Lines**

On the blank lines, after the words “I declare,” the person writing the declaration should type or print neatly in black ink the information that s/he wants to tell the judge. (A few courts require all declarations to be typed.) Follow the suggestions in the paragraphs above.

### **Signature Line**

Have the witness date and sign at the signature line, and print his/her name and the city and state where s/he signed the declaration. Declarations don’t have to be notarized because the witness is swearing the statements are true under the penalty of perjury.

## **C. Financial Declaration – WPF DRPSCU 01.1550**

The Financial Declaration tells the court how much income you make, and how much you must pay in monthly expenses and bills. Complete this form if the motion you're filing or responding to asks for maintenance, child support, attorney fees, or any type of financial relief. If you have children and are using our packet called [\*Parenting Plans and Child Support\*](#), that packet also tells you how to fill out a Financial Declaration. Complete just one Financial Declaration for this motion.

◆ If there is more than one other party for whom you need to give the court financial information, make at least one more copy of page 2 and 3 (paragraphs 3.1 & 3.2) of the blank Financial Declaration form.

**Caption.** Fill in the caption, your name, and your date of birth.

### **I. Summary of Basic Information.**

Skip this section and come back to it after you have completed the rest of the form.

### **II. Personal Information.**

**Paragraph 2.1.** Under “occupation,” write your current job. For example, you might be a teacher, software engineer, farm worker, unemployed, etc.

**Paragraph 2.2.** Fill in the highest year of education you completed.

**Paragraph 2.3.** Check yes or no. If you are working now, fill in only 2.3a. If you are not working now, fill in only 2.3 b.

### **III. Income Information.**

This section asks for information about the parties' incomes. If you do not know how much another party's income is, you should give your best estimate, or use the support schedule's instructions for imputing income. You do not have to fill in sections 3.1 and 3.2 if you are a parent and complete the child support worksheets.

Nonparents using this form need to complete sections 3.1 and 3.2 about their own financial situation. In addition, if the nonparents have not completed child support worksheets detailing the parents' finances, they should put the parents' income information here.

Write your name above one column and the other party's name above the other column. If there are more parties, make another copy of page 2 and 3 of the Financial Declaration, and write on it your case number, and the other party's name as well as their financial information. If you need to attach this separate page, write on this financial declaration form that the other party's information is attached, and make sure you write the name of the party you are describing in each column of the form and your attachment. For example: if the other parties are the children's mother and father, you could write your name and financial information in the first column of this financial declaration, write the father's information in the second column, and

attach a separate copy of page 2 and 3 with one of the columns filled out with the mother's name and financial information.

- **Fill in the income information and income deduction information requested,** making sure that you use the correct column for each party named at the top of the column.
- **Income From Benefits.** Do not include income from needs-based public assistance (TANF, SSI, GA-U, VA benefits, food stamps) under section 3.1.<sup>6</sup> If a parent receives Social Security Disability (SSDI) or workers' compensation (L&I, or other disability benefits from an employer), fill that amount in under 3.1.e "Other Income."
- **Work-Related Disability Benefits:** If the child/ren receive dependent benefits as a result of a parent's disability (as may happen when the parent gets SSDI, L&I and some employer-paid disability benefits) or Social Security retirement, the payments that they receive directly count as income to that parent even if the money is actually paid to the other parent or custodian. Make sure to add those amounts to income of the parent who gets SSDI, L & I) under 3.1.e. **Those benefits should also be credited as child support paid by the parent** (in other words, the obligated parent's support should be reduced dollar for dollar by the amount of the dependent benefits his/her children receive directly for current child support). See RCW 26.18.190; In re Marriage of Maples, 78 Wash. App. 696 (1995).
- **Deductions From Income.** If you include deductions from income other than income tax, FICA, and L&I payments, provide documents that prove each deduction.<sup>7</sup> Pay stubs may show union and pension plan deductions; however, you will need to provide additional documents (such as some pages from a collective bargaining agreement or employee handbook, or a letter from the employer) showing that these deductions are required. If pension deductions are voluntary, show documents to prove that the deduction has been taken for at least two years or it may not be allowed. If you are claiming business expenses, be prepared to present business records and receipts showing how much your expenses are if the other party disputes your claims. Follow the instructions at the end of the Financial Declaration Form and attach private financial information to the Financial Source Documents Cover Sheet.

### Paragraph 3.3

Follow the instructions to fill in monthly net income.

### Paragraph 3.4. Miscellaneous Income.

Under miscellaneous income, fill in any money received regularly, and describe it in the blanks. This is the place to fill in the amounts a party receives in TANF, GA-U, SSI, and food stamps.

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<sup>6</sup> [RCW 26.19.071\(4\)](#).

<sup>7</sup> [RCW 26.19.071\(5\)](#).

### **Paragraph 3.5. Income of Other Adults in the Household.**

Fill in the gross monthly income of the other adults in the household. That income will not be included in calculating the basic child support obligation, but might be considered by the court if someone asks for a deviation from the standard child support amount.

### **Paragraph 3.6. Disputed income.**

If you think the income of any party will be disputed, state what you believe the correct amount of income is for that party and explain why you believe that is the true amount.

### **IV. Available Assets.**

Fill in your assets. Liquid assets are cash, things that you own that could easily be sold for cash (e.g., stocks, bonds, etc.)

### **V. Monthly Expense Information.**

Fill in your monthly household expenses. In the first sentence, fill in the number of dependents who actually live with you (e.g., number of children in your household). This does not include children who do not live with you most of the time. Fill in your best estimate of each expense. Many expenses are not paid every month. For those expenses, take the actual amount you pay and calculate the monthly average. For example, if you pay your car insurance every six months, take the amount you pay, divide it by 6, and put that amount in the blank under 5.5.

Your total monthly expenses may end up being larger than your net monthly household income. That is common, particularly for people who have a low income. In reality, when you do not have enough money to meet all of your expenses, you may put off paying a certain bill, or you might make other cutbacks in your expenses. You do not need to make sure that your monthly expenses are equal to or less than your income. On the other hand, if your expenses are far greater than your income, the court might ask questions about how you are meeting your expenses. You should be prepared to show the court how you are doing it.

**Paragraphs 5.10. Installment Debts & 5.11 Other Debts.** Section 5.10 is for giving more details about expenses that are already listed as expenses in 5.1 through 5.8. For example, you would fill in your mortgage and your car loan here, even though you probably already included your mortgage as an expense under 5.1. If you have other debts, such as credit card debts that you have not already included as expenses in sections 5.1 – 5.8, you should fill them in under 5.11.

**Paragraph 5.12. Total Expenses.** Add paragraphs 5.9 and 5.11.

### **VI. Attorney Fees.**

If you hire an attorney for this case, you should fill in those expenses, as well as any costs (for serving the other party, mailing, filing fees, etc.) here. If you owe debts to an attorney for another case, you should put that in section 5.11.

### **Signature:**

Do not forget to sign at “Signature of declarant”) and date the form and fill in the city and state where you sign it.

### **Financial Records List:**

Do not attach your financial records to this form. Check the boxes for the records you will give the court and the other parties and write descriptions of those records in the space provided. Attach the financial records to the sealed financial source documents cover sheet form (also in this packet).

**D. Sealed Financial Source Documents (Cover Sheet) – WPF  
DRPSCU 09.0220**

Petitioners and respondents must use this form whenever they file private financial documents with the court. Keep a blank copy of this form in case you need to file more financial documents later. You may attach one form to a stack of documents.

1. **Caption.** Fill in the caption.
2. **Check the boxes next to each type of paper that you are filing.** The instructions to the child support worksheets tell you which documents you need to file if you are submitting child support worksheets.
3. If you are afraid for your safety or the safety of the children, you may block out information that identifies location on the copies that you file with the court and deliver to the other parties.
4. The person submitting the form should sign under “submitted by.”
5. At the top of the first page of each set of financial papers, about one inch from the top of the paper, write “Sealed.”

**E. Sealed Personal Health Care Records (Cover Sheet) – WPF  
DRPSCU 09.0260**

Unless you learn that a local procedure requires otherwise, use this form whenever you file any papers with the court that mention health care of any kind -- mental health care, physical health care, health insurance, or medical bills -- to make sure the records aren't available to the public. Use this cover sheet on any records or correspondence containing information that relates to the past, present, or future physical or mental health condition of an individual, including past, present or future payments for health care.

Some of the papers that should be filed with 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.

Put this cover sheet on declarations that mention medical or mental health conditions.

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

Attach the confidential personal health care records to this form.

Fill out the caption.

Check the boxes next to each type of paper that you're filing. Usually this will be only the box before "relates to the past, present, or future..."

**F. Sealed Confidential Reports (Cover Sheet) – WPF DRPSCU 09.0270**

This form is used whenever certain confidential reports are 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

In addition to the private part of the report, the person preparing the report needs to file a public portion that simply lists the materials or information reviewed, the individuals contacted, the tests conducted or reviewed, and the 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, write "Sealed."
4. Attach the confidential part of the report to this form. If you're afraid for your safety or the safety of the children, block out information that identifies location and address on the copies that you file with the court and deliver to the other parties.
5. The person submitting the records should sign on the line under "submitted by."

## **G. Temporary Order – WPF DR 04.0250**

The Temporary Order is a court order that you'll ask the judge to sign at your show cause/temporary orders hearing. This is your proposal. The judge may change it after your hearing. Your proposed order should list all of the relief that you asked for in your motion. You may also need a Temporary Parenting Plan and Order of Child Support if you have children, and, if you asked for a GAL, an Order Appointing a Guardian ad Litem. You may also need an Order re Adequate Cause if you're filing a Petition for Modification of Parenting Plan.

It helps to look at the motion for temporary order while completing this form. Items you include in a proposed order must be requested in your motion. Everything you requested in your motion must be covered in your proposed order.

The following instructions are for writing a proposed order. If you prepare this form after the show cause/temporary orders hearing, write it to show the judge's decision, even if it's different than what you wanted.

**Caption.** Fill in the caption. If you propose a safety restraining order (under Paragraph 3.1), check the boxes under the title next to the words *Clerk's Action Required* and *Law Enforcement Notification*. Check the box *Clerk's Action Required* if the order includes a money judgment.

### **Section I. Judgment/Order Summaries.**

#### **1.1 Restraining Order Summary.**

If there'll be no restraining orders, check the box *Does not apply*. If there'll be safety restraining orders (if any of the restraints in paragraph 3.1 of the Temporary Order will be checked), check the box next to *Restraining Order Summary is set forth below* and fill in the names of the person restrained and the persons, including children, to be protected in the blanks.

#### **1.2 Money Judgment Summary.**

If one party will be ordered to pay the other party a lump sum of money (such as for attorney's fees), check the second box and fill in the blanks.

- A. Judgment creditor. The person who's collecting the money.
- B. Judgment debtor. The person who owes the money.
- C. Principal judgment amount. The total amount owed, without interest.
- D. Interest to date of judgment. The amount of interest owed, if any.
- E. Attorney fees.<sup>8</sup> The amount of any attorney fees one party will be ordered to pay the other.
- F. Costs. The amount of any costs (for the motion, or for other costs of this court case besides attorney fees) that one party will be ordered to pay the other. Costs usually include things like messenger or process server fees.

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<sup>8</sup> This packet doesn't tell you how to request attorney's fees or when the court might award them.

G. Other recovery amount. Any other amounts of money that you didn't include above.

H. Interest rate on the judgment. The usual rate of interest is 12%. The maximum interest rate presently permitted is 12% simple interest.

I. Interest rate on attorney fees. The maximum interest rate presently permitted is 12% simple interest.

J. Attorney for judgment creditor. The name of the attorney representing the person who's collecting the money.

K. Attorney for judgment debtor. The name of the attorney representing the person who owes money.

L. Other. Fill in any other important information related to the judgment in the blank.

## **Section II. Basis.**

If the party who didn't file the motion is on active duty in the military, or the dependent of someone on active duty as described in this paragraph, and the temporary order is to be issued in spite of that service, check the box next to "Further, the court finds." If that person isn't in the military or a military dependent, skip to Section III.

## **Section III. Order.**

### **3.1 Restraining Order.**

*Previous Order.* Our instructions for this form are in both our temporary orders and emergency orders packets. The "previous order" item in the form usually applies only if you're filing or responding to a Motion for an Ex Parte Restraining Order/Order to Show Cause (rather than to a Motion for a Temporary Order).

- If there is no restraining order (usually where a party files or responds to a Motion for Temporary Order, rather than a Motion for an Ex Parte Order), don't check any items under "previous order." Skip to the instructions after "Violation of a Restraining Order."
- If there is a restraining order, write in the date of that order. Then check one indented box. If you're writing a proposed order:
  - If you want the judge to sign or keep a restraining order at the show cause/temporary orders hearing, check the third box, "is terminated and replaced by the following<sup>9</sup>."
  - If you don't want any restraining order after the show cause/temporary orders hearing, check the second box "is terminated."

Fill in the name of the police department that patrols where the protected person lives. (Example: King County Sheriff).

### **Text after, "Violation of a Restraining order"**

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<sup>9</sup> You may be able to check the first box if your future restraining order will be exactly the same as your existing restraining order, but it's hard to know if that'll be true when you write a proposed order, so we don't recommend it.

If there won't be any restraining order in your case, check the box "does not apply."

If you'll be asking the judge to sign a new or replacement restraining order at the show cause/temporary orders hearing, check each item that should apply in your case. If you check a box in the far left for a restraining order, make sure to check appropriate indented boxes and fill in necessary blanks in the paragraph you've checked. **Note:** the Order boxes aren't in the same order as the Motion boxes, so, if you're looking back at the motion, read each item carefully.

Fill in the name of the police department that patrols where the protected person lives. (Example: King County Sheriff).

*Service.* Leave the two boxes in this part of paragraph 3.1 blank if you're preparing a proposed order. You or the judge will need to check one of these boxes at the show cause/temporary orders hearing. If the party to be restrained comes to the hearing, or if s/he signs this order, check the first box under "Service." If s/he doesn't, check the second box. If the party to be restrained neither signs the Temporary Order nor appears in court, follow the instructions in the Order and in this packet about serving the Temporary Order on the restrained party after the judge signs it.

*Expiration date:* If you want the restraining order to last either more or less than 12 months, fill in a date in the blank at the end of the last part of this paragraph.

### **3.2 Temporary Relief.**

Check each box in paragraph 3.2 of this form that includes relief you want the court to order (or that the judge did order, if you're preparing this form after your show cause/temporary orders hearing).

If you check a box in the far left part of the Temporary Order form, make sure to check appropriate boxes and/or fill in appropriate blanks that are in the paragraph that you checked. Example: if you check the first box, setting maintenance, check who should pay it, write in the monthly amount of maintenance, the date maintenance will start, the date due, and then check the box showing how maintenance will be collected. DCS will collect maintenance only if they're also collecting child support.

If you're asking for (or the judge orders) restraints listed in this paragraph, check the boxes for those restraints and complete the required information. If a requested restraint isn't listed on the form, check the "other" box and write it in.

If there'll be a temporary parenting plan and/or a temporary order of child support, check the appropriate boxes. If the court will decide on the use of property, check that box in the temporary order and write in the property affected and who'll have use of it. If the court will order division of debts, write in the debts and how they'll be divided. If one party will be awarded the family home and the other party ordered to vacate it, check and fill in two boxes in paragraph 3.2.

### **3.3 Bond or Security.**

Sometimes the court orders one of the parties to post a bond or security with the court clerk (this could be money, for example). You check *Does not apply*. If the judge wants to order one party to post a bond, s/he'll write that in.

### **3.4 Other.**

Write in any additional things that you want the court to order. Make sure that this “other” includes any additional items you properly requested that haven’t been already covered in the order.

**Signature.** Don’t date the form or sign on the line that says Judge/Commissioner – the judge will do that at your hearing. Do sign and write the date under “Petitioner” if you’re listed as the petitioner in the caption, or “Respondent” if you’re listed as respondent. Check “Presented by,” and print your name in the blank below your signature.

If the other party agrees with everything you’re asking for in the Temporary Order, the other party can sign the order before the hearing. (Also complete the Service information in Paragraph 3.1). S/he should write the date on the other signature line, check “approved,” and “notice of presentation waived” and then sign and print their name.

## **H. Order Appointing Guardian Ad Litem on Behalf of Minor – WPF DR 04.0200**

Use this form only if you want the judge to appoint a Guardian Ad Litem for your minor children as part of your motion. If you have no children in common with the other party, or you don’t want a GAL, skip this form. Use this form in a dissolution or modification case if you have concerns about the safety and well-being of the children, and you believe that a GAL is necessary to make recommendations about what is in the children’s best interests.

◆ Note: If the court orders a CASA or a Family Court Services social worker to be assigned to your case rather than a private GAL, the court might have a special form to fill out at the hearing. Those forms aren’t usually available ahead of time. If needed, the Judge will fill one out at your hearing. If you’re requesting a private GAL to make recommendations about a parenting plan that’d be in the best interest of the children, the form included in this packet is correct.

**Caption.** Fill in the caption.

### **Section I. Basis.**

**Paragraph 1.1. Basis for the Appointment.** Check the correct box, corresponding with the type of case you have

**Paragraph 1.2. Children to Whom the Order Applies.** Check which party requested the GAL and list the full names and ages of the children for whom the GAL is being appointed.

### **Section II. Findings.**

### **Section III. Order.**

**Paragraph 3.1. Appointment of Guardian ad Litem.** If you know the name of the GAL to be appointed, fill it in before your hearing. Remember: the GAL must agree to serve, and either the other party will have to agree to that particular GAL, or the court will choose the specific GAL for your case. Most counties just appoint the next name off of a rotating list of available GALs, unless

there are special circumstances, so you usually won't fill in the name of the GAL before your hearing.

**Paragraph 3.2. Duties of the Guardian ad Litem.** This section explains, in detail, the duties of the GAL assigned to your case. The language in this paragraph is "standard." It remains the same in most cases. If your case has special circumstances, use the "other" section to write down specific directions that specify the issues to be investigated (examples: child abuse, or the impact of domestic violence on the child). This section is also where the due date for the GAL report is listed. The court might order a specific date. Otherwise, the report is due to you and all parties or your lawyers at least 60 days before trial.

**Paragraphs 3.3 and 3.4. Other Duties and Guardian ad Litem Access to Children, Records and Information.**

These sections explain other GAL responsibilities, and list the information that should be made available to the GAL, including health records, CPS records, criminal records, and school records. The GAL will have court permission to talk with anyone who has information that is needed for your case, and will be allowed to meet with you, the other party, and your children with or without either parent.

**Paragraph 3.5. Payment of Fees and Costs.**

If you know the GAL's hourly fee, fill that in the blank. Otherwise, the judge should fill in the hourly fee and total amount that the GAL can charge without coming back to court for approval.<sup>10</sup> Make sure to fill in the blanks about how the parties should divide the GAL's fees and costs. Usually, the judge will order each parent to pay his or her proportionate share according to the child support worksheets (line 6) or will have them split it 50/50. If one party can't afford to pay the GAL, write that the other party should pay 100%. Be aware: the judge may change this at the hearing.

**Paragraph 3.6. Consent of Children over 12 to Investigation.**

If you have children who are 12 years of age and older, the GAL needs the child's consent to obtain medical, psychiatric or other information from experts who have treated the child. If possible, ask the child to sign the GAL order at the bottom. Then, check the box saying that the child gave his/her consent. Otherwise, check the box saying that the child didn't give consent.

**Paragraph 3.7. Authorization for Release of Information.**

If you don't give your consent for your records to be accessed in this order, check "Does not apply." If you do give your consent, check the second box.

**Paragraph 3.8. Termination of Appointment.**

Unless you want the GAL's appointment to end before your case is finished, check the first box. If you want the GAL's appointment to end on some other date, check the second box and write the date in the blank.

**Paragraph 3.9. Other.**

Write in any additional details about the GAL that you want to add.

**Signatures. Leave the date and Judge's signature lines blank.**

The judge will fill out the date and sign the order after your hearing. Sign the line under *Presented by*. Wait until after you've had your hearing and any changes that are necessary have been made to your order before signing the line under *Signatures of the parties*, because signing on that line will

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<sup>10</sup> [RCW 26.12.183](#).

also serve as a release of your personal records to the GAL. The GAL will also need to sign a copy of the order. Ask the Judge whether to send the order to the GAL for him or her to sign, or if there is some other procedure in your county.

## **I. Note for Motion Docket**

Let the court and the other parties know the date, time, location, and reason for your hearing.

**Many counties require you to use a special form.** Check with your Family Law Facilitator or court clerk to find out if your county uses a special Note for Motion form. If your county has no special form to set up a hearing, use the form included here.

**How to Get a Date for Your Hearing.** Check your local court rules (at the law library), or ask your Family Law Facilitator (if your county has one) or court clerk to find out what days and times you may schedule your hearing. Motions for temporary orders are usually scheduled in the family law department or on the family law calendar. In some counties, family law hearings are scheduled only on certain days. In some counties, motions in dissolution cases are heard at different times than motions in parenting plan modification cases. In many counties, if the State is a party to your case (such as when the children have received public assistance), you must schedule your hearing on a date and time that the prosecutor is present for family law motions.

**How Much Notice Do You Need to Give the Other Parent?** Under the Washington civil rules, you must give your motion and other legal papers to the other parties and the court at least **five court days** (business days that are not court holidays) **before the hearing date. Don't count the day you mail/deliver the papers, weekends, or holidays.**<sup>11</sup>

Some counties require more than five court days' notice for family law hearings (example: fourteen days' notice) in some counties. Check with your local court rules, your Family Law Facilitator, or the court clerk to find out how many days notice you must give. When counting, count Day 1 as the day after you'll mail or deliver your motion papers to the other party.

### **Add Days for Mailing.**

**Mailing.** If papers are mailed, rather than personally delivered, add at least three (3) days<sup>12</sup> to the number of days' notice required by your county's rules. Example: if you mail a document on a Monday, it'll be presumed to have been served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day that is not a legal holiday or weekend.<sup>13</sup> Try to give more than the minimum number of days for notice of your hearing. If for some reason the other party doesn't get enough notice of your hearing, you must reschedule your hearing – even if the other party doesn't show up and object.

**Caption.** Fill in the caption.

**To the Clerk of the Court and to.** In this section, fill out the names of all the other parties. The other parties in your case include anyone named as a petitioner or respondent. If your child

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<sup>11</sup> [Civil Rule \(CR\) 6\(d\)](#).

<sup>12</sup> Three days are clearly required under [CR 5](#). There's one legal argument that, reading [CR 5](#) and [CR 6](#) together, you must give at least six days.

<sup>13</sup> [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#).

has ever received public assistance (TANF), or Medicaid, or if the child is in foster care or out of home placement, add the Prosecuting Attorney's office.<sup>14</sup> If a GAL is already appointed in your case, s/he must also receive notice of your motion.

1. **Hearing Date/Time:** Fill in the date and the time of your hearing.
2. **Location:** Fill in the name of the courthouse (example: Thurston County Superior Court).
3. **Courthouse Room:** Fill in the Room Number where your hearing is scheduled.
4. **Address:** Fill in the address of the courthouse.
5. **Nature of Motion:** List **every matter** that you intend to bring up, including whether the orders are by agreement (example: "Motion for Temporary Order, Temporary Parenting Plan, and Order Regarding Appointment of Guardian Ad Litem").
6. **Signature:** Sign and print your name, and your address.

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<sup>14</sup> For more information about serving the State of Washington, see our packet [Serving Papers on the State](#).

## Section 7: Instructions for Filing and Serving Papers

After you've filled out the forms, file them with the court and have them served on the other parties. This section tells how to do that. **Before filing and serving your papers, make sure you've completed all the forms you need, including forms from any other packets.**

Example: if you and your spouse have children under the age of 18 or still dependent upon you for support, use forms from our packet [\*Parenting Plans and Child Support for Dissolution Cases and Modifications of Dissolution Cases\*](#). Use the checklists in this packet to be sure you have what you need.

### A. Filing your Motion with the Court

File the Petition with the court before or at the same time you file your motion.

**Check Your Deadlines. Make sure to file your motion with the court far enough before your hearing date.** File your motion a few days before the last date for serving the other parties. Look at the deadline you calculated in the instructions for the Note for Motion form. (Example: if your local rules say that you must serve your motion five court days before the hearing, then your papers must be filed with the court, working papers delivered to the judge, and all parties served by five business days before the hearing, not counting the hearing day).

### Copy Your Papers

- Make at least two copies of every paper**, including the proposed orders and financial documents. One copy is for the other party, and one is for you. If there is more than one other party to your case, or you need to serve the state or a GAL, or you need Working Papers for the judge, make additional copies. **Exception: don't 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 to make sure you have all of the forms you need.

### File Your Motion

- Take the originals and the copies to the county court clerk's office** in the superior courthouse where you're filing your motion. (This is the county where you're filing your petition or where the petition has already been filed). Give the clerk the original of all of your forms for filing (Motion, Note for Motion, etc.) **except** ask the clerk what to do with the originals of your proposed orders<sup>15</sup> and follow these instructions. In most cases, you'll keep the original proposed orders and bring them to the hearing for the judge to

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<sup>15</sup> Temporary Order, and if appropriate in your case, Temporary Parenting Plan, Temporary Order of Child Support, the Order Appointing Guardian ad Litem, and (modification cases only) Order on Adequate Cause.

sign then. If working papers are required in your county, 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 will keep the originals.

## **B. Preparing to Serve Your Motion**

In addition to filing your papers, **you** must have them properly served on (delivered to) the other parties. **The court doesn't serve the other parties.** You must arrange for service and make sure your server delivers the papers properly. **You can't serve the papers on another party yourself.** The following paragraphs explain the rules for service. **Carefully follow the rules. If you don't do service properly, your court orders could be set aside, even years later.**

**Who to serve.** Every party to the case. Usually, your spouse (former spouse in modification cases) is the only other party. However, if you have children and your children have ever received public assistance (TANF) or Medicaid, or if the child is in foster care or out of home placement, you must serve copies on the State of Washington. (For more information, see our packet [Serving Papers on the State.](#)) If someone besides you or your spouse (former spouse in modification cases) has custody of any child in your parenting plan, or visitation, or claims a right to custody or visitation, talk to an attorney for individual advice about adding that person to your case as a party or otherwise giving them notice of the case.

**What papers need to be served.** Arrange to serve the other party with every motion related paper you want the court to consider, including the Note for Motion Docket, your Motion and Declaration for Temporary Order, any witness declarations, financial documents you filed, and all of your proposed orders (such as child support order, temporary order, parenting plan/residential schedule). Look at the checklists in this packet to be sure you're including all the forms you need.

**When to serve.** Give the amount of notice required in your county. Many counties require more than the five court days provided for in [CR 5](#). Check the local rules again to 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 date you've set for the hearing is the number of days of notice you're 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 additional necessary copies of the papers. You'll need:

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

\_\_\_\_\_ one set for each other party (1 x \_\_\_\_\_ number of other parties = \_\_\_\_\_) (except don't serve the Confidential Information Form and addendum and any LEIS<sup>16</sup> on any other parties)

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<sup>16</sup> Not in this packet. It's used only when a restraining order is issued.

- \_\_\_\_\_ one for the judge for “working papers”<sup>17</sup>
- \_\_\_\_\_ one for the State (if you’re serving the State)
- \_\_\_\_\_ one for the Guardian ad Litem if there is a Guardian ad Litem in your case
- \_\_\_\_\_ 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 addendum and LEIS. Don’t give the Confidential Information form and addendum and LEIS to any other party.
- Compare each set with the checklists in this packet to be sure each set has the forms you need.
- Keep a full set of copies for yourself and put any Confidential Information form and addendum 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. These are the sets you’ll use for service.

**How to serve. Don’t serve the other parties yourself.** Follow the instructions in “A” or “B” below, whichever applies to you.

- A. **If you’re Filing and Serving a Petition with your Motion, follow the Instructions for Personal Service in the Filing packet you’re using.** You may have the Motion papers served with the Petition, Summons, and other starting paperwork. Remember, though, you must have the Petition and Summons delivered personally to the other party, so add the motion paperwork in with the rest of the papers to be delivered personally. See your [Filing a Petition for Dissolution](#) or [Filing a Petition for Modification of Parenting Plan](#) packet for instructions. Make sure the Return of Service 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 only need to serve the motion paperwork, **or if you’re the respondent,** use just the following Certificate of Mailing or Personal Delivery form and instructions. After service is complete, file proof of service with the court as explained below.<sup>18</sup>

If you need to serve the State of Washington, see our packet [Serving Papers on the State](#).

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<sup>17</sup> You should always make a copy for the judge. Even if the local court doesn’t require “working papers,” take the papers with you to your hearings anyway. Sometimes the judge doesn’t have the case file in the courtroom, or papers you’ve filed in the clerk’s office haven’t yet been placed in the court file.

<sup>18</sup> If you prefer, 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 Return of Service prepared and filed.

### **C. Service or “Giving Notice” to the Other Party**

**Important: The Petitioner (or, in modification cases, the “requesting party”/“moving party” can’t use the following procedure to serve another party unless the Summons and Petition have already been served on that party.**

If the party you’re serving has given an address for receiving legal papers in the case, send the papers to him/her at that location. (The other party’s address may be, for example, at the end of the Response form, a Notice of Appearance, a Summons, an Amended Notice of Appearance, or any updated notice changing the address for service.) If the party has an attorney in this case, serve the attorney.

Although many county courts allow a party to serve his/her own papers after the Summons and Petition have been served, other counties don’t. To be safe, don’t 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 him/her fill out the Certificate of Mailing or Personal Delivery form the same day.** Your friend should fill out a separate form for each person s/he mails or delivers the papers to. You’ll then file the original certificates with the court clerk. Keep a conformed copy for your records.

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

#### **Add Days for Mailing.**

**Mailing.** If your friend mails the papers, rather than personally delivering them, add at least three (3) days<sup>19</sup> to the number of days’ notice required by your county’s rules. Example: if you mail a document on a Monday, it’ll be presumed to have been served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day that isn’t a legal holiday or weekend.<sup>20</sup>

Try to give more than the minimum number of days for notice of your hearing. If for some reason the other party doesn’t get enough notice of your hearing, you must reschedule your hearing, even if the other party doesn’t show up and object.

If a document is sent by regular first class mail, and if you think another party won’t show up at a hearing, have an additional copy sent by certified mail, return receipt requested, for more proof of mailing. Staple the green return receipt card to the Certificate.

**Personal Delivery.** Your friend may deliver the papers to the other party rather than mail them. “Delivering” the packet of papers to another party (or the other party’s attorney) means:

- handing it to the attorney or to the party; or
- leaving it at his office with his/her clerk or other person in charge of the office<sup>21</sup>; or,

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<sup>19</sup> Three days are clearly required under [CR 5](#). There’s one legal argument that, reading [CR 5](#) and [CR 6](#) together, you must give at least six days.

<sup>20</sup> [CR 6\(a\) & \(e\); CR 5\(b\)\(2\)](#).

<sup>21</sup> Although [CR 5\(b\)\(1\)-\(2\)](#) appears to allow a person to be served at his/her office, and you can usually deliver papers to an attorney or GAL at his/her office, we recommend that you DON’T serve other parties at their offices unless they’ve used that as their service address in a Notice of Appearance, Petition, or Response form.

- if there is no one in charge, leaving it in a place in the office where someone can easily find it (for example, on top of the front desk); or,
- if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode (home) with some person of suitable age and discretion then residing there.<sup>22</sup>

## 1. Instructions for the Certificate of Mailing or Personal Delivery (no mandatory form)

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 in the caption.
- **In the first paragraph,** write the date the papers were mailed or delivered in the first blank, and the name of the party served in the second blank. (If you're serving an attorney for a party, write in the party's name here and information about the attorney in the paragraphs below.) After "*with the following documents:*" write the name of **every form** sent/delivered to that person. If you leave out a form, you'll have no proof it was served. If the papers were served by mail, check the first box. Add the name and address of the person the papers were mailed to. If you mailed an additional copy by certified mail, write that in. If the papers were hand delivered, check the second box. Fill in the time and address of delivery in the blanks provided, and the name of the person to whom the papers were delivered.
- **Signature.** The person who delivered or mailed the papers should sign and date the form, state the place signed (city and state), and print his/her name in the places indicated.

## 2. Filing the Certificates of Mailing or Personal Delivery

**Make one copy of each completed Certificate.** Don't give copies of this form to the 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 Certificate of Mailing you file with the clerk. Make a copy for your records. If you used certified mail but don't have the green receipt back when filing the Certificate, file the receipt later, attached to a page labeled with your case caption.

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<sup>22</sup> [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who's an adult (or at least an older teenager) with no mental impairment that'd prevent him/her from understanding that the legal papers should be given to the other party.

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

## Section 8: Preparing For and Going to Your Hearing

### A. Judge's Working Papers/Confirmation

In many counties, you must:

- deliver an extra copy of all of papers (including proposed orders) for your hearing for the judge to read. This set of copies is called Working Papers.
- confirm the hearing a few days before the hearing date. “Confirming the hearing” means telling the court that 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 Family Law Facilitator or court clerk.

◆ If you don't give the judge working papers and don't confirm your hearing in a county where required, the court may cancel your hearing, or the judge might not consider any of your papers.

### 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 his or her response to you and the court no later than one court day before the hearing.<sup>23</sup>

**If the other party sends no response**, go to the hearing anyway. If the other party doesn't 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 that the other party didn't 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 your hearing, ask him/her to sign a temporary order effective until the new hearing date.

**If the other party sends a response**, read the other party's response carefully. If you get no chance to file a reply, then be prepared to tell the judge what you disagree with in the other party's response.

**Filing a Reply.** In some counties, you'll have a chance to file a written Reply to the other party's response. However, in most counties (which follow the general Civil Rules), you'll have no chance to file a reply.<sup>24</sup>

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<sup>23</sup> [CR 6\(d\)](#).

<sup>24</sup> [CR 6\(d\)](#).

If your local court rules give you a chance to reply, use the Declaration of Witness form to write your reply. Write *Declaration of (Petitioner or Respondent) In Reply* under the title of the declaration form. In the declaration, state which points in the other party's response you disagree with and why. Don't bring up new issues in the reply. Respond only to things that the other party talks about in their response. If needed, give the court additional papers or declarations from other witnesses.

When you've completed your declaration, make a copy of it (and every other paper that 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 court 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 a Certificate of Mailing or Personal Delivery form in this packet to show that the reply has been properly served.

**Make sure to file and serve the papers by the deadline for your reply.** Check with your Family Law Facilitator, court clerk, or local rules for the reply deadline. If you don't serve your reply by the deadline, the judge may not read it.

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

- **If the Other Party Gets an Attorney.** If at any time before the hearing another party's attorney contacts you or shows up at a hearing, you may decide to get an attorney yourself. If so, tell the attorney and the court that you need to postpone (continue) your hearing. Don't panic. The attorney may ask you to sign some documents. Don't sign any documents you don't understand. If the judge reschedules your hearing, ask him/her to sign a temporary order effective until the new hearing date.
- **Prepare for the Hearing.** Try to go to court before the day of your hearing and watch how the hearings are generally done. Also try to make some notes to yourself about the main points that you want to make when you have a chance to talk during the hearing.
- **Get to Your Hearing Early.** Dress neatly and bring a pad of paper and black pen to write notes with. Bring your set of the papers, as well as your copies of any papers the other parties gave you in response. It's better not to bring your children if you can help it – the judge usually won't let them sit in the courtroom. If you're not there on time, the hearing will be cancelled (or the other party may win).
- **When You Get to the Courtroom.** When you get there, tell the person in charge in the courtroom (often called the clerk or the bailiff) your name and the name and number of your case. Take a seat. When the judge walks in the room, stand. When your case name is called, tell the court that you're present. Remain in court until your case is called for hearing.

When you're told to come forward, do so and give the court the originals of your orders. You'll have a Temporary Order, and you may also have an Order Appointing GAL, a

Temporary Parenting Plan, and Order of Child Support and child support worksheets, and./or (modification cases only) an Order re Adequate Cause.

- **Getting an Order.** If the other party doesn't appear, show the judge your Return of Service or Certificate of Mailing or Personal Delivery Fill out the service section (in Paragraph 3.1) of the order. Ask the judge to sign your orders. (Refer to the checklists for the documents you need.) Tell the clerk or bailiff that you need a copy of the orders
- **Presenting Your Case.** If the other party shows up at the hearing, each of you will have a chance 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 and only outline your main points. In some counties you have only five minutes to speak. In most cases, the judge will have read your papers before the hearing so don't repeat everything in your papers. Try to make notes to use at the hearing.

### **DON'T INTERRUPT THE JUDGE.**

- **Hearing the Judge's Decision.** After the judge has heard both sides, s/he'll decide on your requests. Listen carefully and make notes. The judge may make changes to the orders you prepared, or s/he may direct you, the other party, or the other party's attorney to do it. If the other party's attorney makes changes to the orders, read them carefully and make sure that they say what the judge said. If you're not sure about any of the changes, don't sign the orders but ask the attorney to go back before the judge to make sure that the order says what the judge said. If your Temporary Order includes any kind of restraining orders, make sure that you finish filling out the Service part of paragraph 3.1 of the Temporary Order by checking one of the boxes to show whether or not the other party appeared at the hearing. **Usually you want to have your court orders signed the day of your hearing. Some counties require they be signed before the parties leave the courthouse.**
- **DON'T LEAVE THE COURTHOUSE WITH (OR CHANGE OR DESTROY) COURT ORDERS THAT HAVE BEEN SIGNED BY THE JUDGE.** 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'll need copies of the orders as 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 and follow those instructions.
  - For certified copies, the clerk will need to make them and may charge you a fee (example: \$5 for the first page, \$1 for every additional page).
  - For conformed copies,
    - The clerk may allow you to take the original orders and make copies in the library or at the clerk's office.

- Or, if the copies of proposed orders you brought to court are exactly the same as the orders the judge signed, the clerk may tell you to stamp those copies with the date filed stamp and the judge's signature stamp.
- If the judge signed the orders you presented, make sure all parties 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 his/her attorney appeared and/or signed the orders, mail conformed (not certified) copies of the orders the judge signed to the other party/ies. Also mail conformed copies to any additional parties against whom there are no restraints. Use the Certificate of Mailing or Personal Delivery procedure explained in our Filing a Motion for a Temporary Order packets.
  - Have the other party personally served if all of the following are true:
    - the order includes safety restraints and you're the protected party;
    - neither the restrained party nor attorney appeared for the hearing; and
    - neither the restrained party nor attorney signed the order.

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

◆ **WARNING:** The safety restraints may not be effective until the other party is personally served with the order.

#### **D. Getting an Agreed Temporary Order**

If you've reached an informal agreement with the other party, try to get an Agreed Temporary Order. In cases with children, try to get an agreed Temporary Parenting Plan, Temporary Order of Child Support, and Child Support Worksheets. Be sure that you and the other party/parties agree about what should happen to any children, your property, child support, and any other issues discussed in your paperwork before getting your Agreed order. If you agree on appointing a GAL, prepare that order as well.

Write the word "AGREED" in the caption of the orders you're using. Then, fill in the blanks showing what orders you want. If your Temporary Order includes any kind of restraining orders, finish filling out the Service part of paragraph 3.1 of the Temporary Order.

If you're entering agreed temporary parenting plan modification orders, get an Agreed Order re: Adequate Cause.

**ALL PARTIES MUST SIGN THE ORDER(S) AND THEY MUST BE SIGNED BY A JUDGE.**  
Ask the court clerk's office how to have an agreed order signed.

Get a copy of the order(s) for your records and provide the other party with a copy of the order showing the date filed and the judge's signature. Use the Certificate of Mailing procedure to prove you've provided a copy.

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

If you disagree with the court's decision on the motion, you may have a chance to appeal. There are three possibilities, listed below. Try to talk with an attorney before deciding what to do.

- **Motion for Reconsideration.** If a court commissioner or judge decided the motion, and you believe that there is new evidence or another legal reason that could change the commissioner or judge's mind, you may file a Motion for Reconsideration. See [CR 59\(a\)](#). You have 10 days from the date the court signed the order to file a Motion for Reconsideration.<sup>25</sup> Local court rules may require you to also serve the other parties within the same deadline. If you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Reconsideration aren't usually easy to win. Consult with an attorney, if possible, before filing one.
- **Motion for Revision.** If a court commissioner decided the motion, and you don't want to try to give the commissioner more evidence, you may file a Motion for Revision. A motion for revision is heard by a judge. That judge can hold a "new hearing" on the evidence that the commissioner considered. You have 10 days from the date the court commissioner signed the order to file a Motion for Revision.<sup>26</sup> Local court rules may require you to also serve the other parties within the same deadline. If you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Revision aren't usually easy to win. Consult with an attorney, if possible, before filing one.
- If you choose not to file either of the above motions or if you lose these motions, then your only remedy is to file an appeal with the Court of Appeals (or, in some cases, a request for discretionary review) and properly notify the other parties. Generally, you have 30 days from the date the court signed the order to do this.<sup>27</sup> However, there are other requirements for filing in the Court of Appeals, not all decisions can be appealed, and few cases are successful. Definitely talk with an attorney before filing an appeal/request for discretionary review.

◆ We don't yet have packets on how to file a Motion for Reconsideration, a Motion for Revision, or a Notice of Appeal. Check with your local court clerk or Family Law Facilitator to see if they have a packet.

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<sup>25</sup> [CR 59\(b\)](#).

<sup>26</sup> [RCW 2.24.050](#).

<sup>27</sup> [Rules of Appellate Procedure \(RAP\) 5.2\(a\)](#).

## Section 9: Checklists of Forms According to Your Specific Needs

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

- Note for Motion Docket – use your local form if there is one
- Motion and Declaration for Temporary Order
- Declaration(s)
- Proposed Temporary Order
- Any locally required forms
- LEIS (LEIS) – if you asked for safety restraints (this form isn't served on the other party. It's available at the court clerk's office when the judge signs your temporary order)
- Certificate of Mailing or Personal Delivery (or, if the Motion was served with the Summons and Petition, make sure the Return of Service form lists the motion papers)

*If you're asking for Financial Relief, also include:*

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

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

- Note for Motion Docket – use your local form if there is one
- Motion and Declaration for Temporary Order
- Declaration(s)
- Proposed Temporary Order
- Any locally required forms
- Law Enforcement Information Sheet (LEIS) – if you asked for safety restraints (this form isn't served on the other party. It's available at the court clerk's office when the judge signs your temporary order)
- Certificate of Mailing or Personal Delivery (or, if the Motion was served with the Summons and Petition, make sure the Return of Service form lists the motion papers)

*If you're asking for a Temporary Parenting Plan or custody order, also include: (these forms are located in the packet [Parenting Plans, Residential Schedules, and Child Support in Dissolution Cases](#))*

- Declaration in Support of Proposed Temporary Parenting Plan
- Proposed Temporary Parenting Plan

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

- Order Appointing Guardian ad Litem on Behalf of Minor

*If you're asking for financial relief or child support, also include:*

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

*If you're asking for child support, also include: (these forms are located in the packet [Parenting Plans, Residential Schedules, and Child Support in Dissolution Cases](#))*

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

**C. If you want to have your Motion for Temporary Orders and Adequate Cause Hearing on the Same Day (Parenting Plan Modifications only.** The Adequate Cause papers are in the modifications packets):

- Note for Motion Docket – use your local form, if there is one
- Motion and Declaration for Temporary Order
- Declaration(s)
- Notice of Hearing for Adequate Cause Determination or Note for Motion Docket
- Motion for Adequate Cause (required in some counties)
- Proposed Order re: Adequate Cause
- Proposed Temporary Order
- Any locally required forms
- Law Enforcement Information Sheet (LEIS) – if you asked for safety restraints (this form isn't served on the other party. It's available at the court clerk's office when the judge signs your temporary order)
- Certificate of Mailing or Personal Delivery (or, if the Motion was served with the Summons and Petition, make sure the Return of Service form lists the motion papers)

*If you're asking for a Temporary Parenting Plan or custody order, also include: (these forms are located in the packet [Parenting Plans, Residential Schedules, and Child Support in Dissolution Cases](#))*

- Declaration in Support of Proposed Temporary Parenting Plan
- Proposed Temporary Parenting Plan

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

- Order Appointing Guardian ad Litem on Behalf of Minor

*If you're asking for financial relief or child support, also include:*

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

*If you're asking for child support, also include: (these forms are located in the packet [Parenting Plans, Residential Schedules, and Child Support in Dissolution Cases](#))*

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

**D. If you're 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)

**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:**

- Certificate of Mailing or Personal Delivery (can be used if there is no safety restraining order or if the party to be restrained signed the Temporary Order or was present in court when the judge signed it). This form is in this packet.

**F. If the court enters your temporary order containing safety restraints against the other party, use:**

- Law Enforcement Information Sheet (LEIS). This form is available at the court clerk's office and it's not served on the other party.
- Return of Service form (if the judge signed the order you presented and the restrained party was not present in court and didn't sign the temporary order). This form (WPF DRPSCU 01.0250) is available from the Administrator of the Courts website at <http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14>. The forms and instructions for it are also in our packets on filing for emergency orders

## **Section 10: Blank Forms**

The rest of this packet contains blank forms for you to complete. Make a copy of each form so that you have an extra, in case your first draft needs lots of changes. You may need forms from other packets, and you may not need all the forms in this packet. The Administrative Office of the Court's web site has many of the forms included in this packet available for download in Microsoft Word format at <http://www.courts.wa.gov/forms/> if you would prefer to fill them out on your computer.

**Superior Court of Washington  
County of**

In re the Marriage of:  
 In re the Domestic Partnership of:

and

Petitioner,

Respondent.

**No.**

**Motion and Declaration for  
Temporary Order  
(MTAF)**

**I. Motion**

Based on the declaration below, the undersigned moves the court for a temporary order which:

- orders temporary maintenance.
- orders child support as determined pursuant to the Washington State child support statutes.
- approves the parenting plan which is proposed by the  petitioner  respondent.
- approves the Temporary Residential Time re Military Parents proposed by the  petitioner  respondent pursuant to RCW 26.09.260(11), (12).
- restrains or enjoins the  petitioner  respondent from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.
- restrains or enjoins the  petitioner  respondent from disturbing the peace of the other party or of any child.
- restrains or enjoins the  petitioner  respondent from going onto the grounds of or entering the home, work place or school of the other party or the day care or school of the following named children:  
\_\_\_\_\_.
- restrains or enjoins the  petitioner  respondent from knowingly coming within or knowingly remaining within (distance) \_\_\_\_\_ of the home, work place or school of the other party or the day care or school of the following children:  
\_\_\_\_\_.
- restrains or enjoins (name) \_\_\_\_\_ from molesting, assaulting, harassing, or stalking (name) \_\_\_\_\_. (If the court orders this relief and the parties are intimate partners as defined under federal law, the restrained person will be prohibited from possessing a firearm or ammunition under federal law for the duration of the

- order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)
- restrains or enjoins the  petitioner  respondent from removing any of the children from the state of Washington.
  - restrains or enjoins the  petitioner  respondent from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance.
  - (If this box is checked clear and convincing reasons for this request must be presented in the declaration below.)** requires the  petitioner  respondent to surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of this proceeding, to his or her lawyer or to a person designated by the court.
  - makes each party immediately responsible for their own future debts whether incurred by credit card or loan, security interest or mortgage.
  - divides responsibility for the debts of the parties.
  - authorizes the family home to be occupied by the  petitioner  respondent.
  - orders the use of property.
  - requires the  petitioner  respondent to vacate the family home.
  - requires the  petitioner  respondent to pay temporary attorney fees, other professional fees and costs in the amount of \$\_\_\_\_\_ to:
  
  - appoints a guardian ad litem on behalf of the minor children.
  - other:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Requesting Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

## II. Declaration

Temporary relief is required because:

If a Temporary Residential Time re Military Parents is requested, and I request delegation of residential time or visitation rights to a nonparty, to the best of my knowledge, that person  would  would not be subject to limitations on residential time under RCW 26.09.191. (See paragraph 2.1 and 2.2 of the parenting plan.)

If the surrender of deadly weapons is requested, list reasons:

If the other party is not present and:  
a) is on active duty and is a National Guard member or Reservist residing in Washington, or  
b) is a dependent of a National Guard member or Reservist residing in Washington on active duty,  
list the reasons why this temporary order should be granted despite the absence of the other party:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) \_\_\_\_\_, (state) \_\_\_\_\_ on (date) \_\_\_\_\_.

\_\_\_\_\_  
Signature of Requesting Party

\_\_\_\_\_  
Print or Type Name

**Do not attach financial records, personal health care records or confidential reports to this declaration. Such records should be served on the other party and filed with the court using one of these cover sheets:**

- 1) Sealed Financial Source Documents (WPF DRPSCU 09.0220) for financial records**
- 2) Sealed Personal Health Care Records (WPF DRPSCU 09.0260) for health records**
- 3) Sealed Confidential Report (WPF DRPSCU 09.270) for confidential reports**

**If filed separately using a cover sheet, the records will be sealed to protect your privacy (although they will be available to all parties in the case, their attorneys, court personnel and certain state agencies and boards.) See GR 22(C)(2).**





**Superior Court of Washington**  
**County of \_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_

Petitioner,

and

\_\_\_\_\_

Respondent.

No. \_\_\_\_\_

**Financial Declaration**

Petitioner

Respondent

**(FNDCLR)**

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

**I. Summary of Basic Information**

Declarant's Total Monthly Net Income (from § 3.3 below) \$ \_\_\_\_\_

Declarant's Total Monthly Household Expenses (from § 5.9 below) \$ \_\_\_\_\_

Declarant's Total Monthly Debt Expenses (from § 5.11 below) \$ \_\_\_\_\_

Declarant's Total Monthly Expenses (from § 5.12 below) \$ \_\_\_\_\_

Estimate of the other party's gross monthly income (from § 3.1f below)  \$ \_\_\_\_\_

unknown

**II. Personal Information**

2.1 Occupation:

2.2 The highest year of education completed:

2.3 Are you presently employed?  Yes  No

a. If yes: (1) Where do you work. Employer's name and address must be listed on the Confidential Information Form.

(2) When did you start work there (month/year)? \_\_\_\_\_

- b. If no: (1) When did you last work (month/year)? \_\_\_\_\_  
 (2) What were your gross monthly earnings? \$ \_\_\_\_\_  
 (3) Why are you presently unemployed? \_\_\_\_\_

### III. Income Information

If child support is at issue, complete the Washington State Child Support Worksheet(s), skip Paragraphs 3.1 and 3.2. If maintenance, fees, costs or debts are at issue and child support is **Not** an issue this entire section should be completed. (Estimate of other party's income information is optional.)

#### 3.1 Gross Monthly Income

If you are paid on a weekly basis, multiply your weekly gross pay by 4.3 to determine your monthly wages and salaries. If you are paid every two weeks, multiply your gross pay by 2.15. If you are paid twice monthly, multiply your gross pay by 2. If you are paid once a month, list that amount below.

	Name	Name
	_____	_____
a. Wages and Salaries	\$ _____	\$ _____
b. Interest and Dividend Income	\$ _____	\$ _____
c. Business Income	\$ _____	\$ _____
d. Spousal Maintenance Received		
From _____	\$ _____	\$ _____
e. Other Income	\$ _____	\$ _____
f. Total Gross Monthly Income (add lines 3.1a through 3.1e)	\$ _____	\$ _____
g. Actual Gross Income (Year-to-date)	\$ _____	\$ _____

#### 3.2 Monthly Deductions From Gross Income

a. Income Taxes	\$ _____	\$ _____
b. FICA/Self-employment Taxes	\$ _____	\$ _____
c. State Industrial Insurance Deductions	\$ _____	\$ _____
d. <b>Mandatory</b> Union/Professional Dues	\$ _____	\$ _____
e. Pension Plan Payments	\$ _____	\$ _____
f. Spousal Maintenance Paid	\$ _____	\$ _____
g. Normal Business Expenses	\$ _____	\$ _____
h. Total Deductions from Gross Income (add lines 3.2a through 3.2g)	\$ _____	\$ _____

3.3 Monthly Net Income (Line 3.1f minus line 3.2h or line 3 from the Child Support Worksheet(s.)) \$ \_\_\_\_\_

#### 3.4 Miscellaneous Income

- a. Child support received from other relationships \$ \_\_\_\_\_ \$ \_\_\_\_\_
  - b. Other miscellaneous income (list source and amounts)
    - \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
    - \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
    - \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
    - \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
  - c. Total Miscellaneous Income (add lines 3.4a through 3.4b) \$ \_\_\_\_\_ \$ \_\_\_\_\_
- 3.5 Income of Other Adults in Household \$ \_\_\_\_\_ \$ \_\_\_\_\_
- 3.6 If the income of either party is disputed, state monthly income you believe is correct and explain below:

**IV. Available Assets**

- 4.1 Cash on hand \$ \_\_\_\_\_
- 4.2 On deposit in banks \$ \_\_\_\_\_
- 4.3 Stocks and bonds, cash value of life insurance \$ \_\_\_\_\_
- 4.4 Other liquid assets: \$ \_\_\_\_\_

**V. Monthly Expense Information**

Monthly expenses for myself and \_\_\_\_\_ dependents are: (Expenses should be calculated for the future, after separation, based on the anticipated residential schedule for the children.)

**5.1 Housing**

- Rent, 1st mortgage or contract payments \$ \_\_\_\_\_
- Installment payments for other mortgages or encumbrances \$ \_\_\_\_\_
- Taxes & insurance (if not in monthly payment) \$ \_\_\_\_\_
- Total Housing \$ \_\_\_\_\_

**5.2 Utilities**

- Heat (gas & oil) \$ \_\_\_\_\_
- Electricity \$ \_\_\_\_\_
- Water, sewer, garbage \$ \_\_\_\_\_

Telephone \$ \_\_\_\_\_  
Cable \$ \_\_\_\_\_  
Other \$ \_\_\_\_\_  
Total Utilities \$ \_\_\_\_\_

**5.3 Food and Supplies**

Food for \_\_\_\_\_ persons \$ \_\_\_\_\_  
Supplies (paper, tobacco, pets) \$ \_\_\_\_\_  
Meals eaten out \$ \_\_\_\_\_  
Other \$ \_\_\_\_\_  
Total Food Supplies \$ \_\_\_\_\_

**5.4 Children**

Day Care/Babysitting \$ \_\_\_\_\_  
Clothing \$ \_\_\_\_\_  
Tuition (if any) \$ \_\_\_\_\_  
Other child-related expenses \$ \_\_\_\_\_  
Total Expenses Children \$ \_\_\_\_\_

**5.5 Transportation**

Vehicle payments or leases \$ \_\_\_\_\_  
Vehicle insurance & license \$ \_\_\_\_\_  
Vehicle gas, oil, ordinary maintenance \$ \_\_\_\_\_  
Parking \$ \_\_\_\_\_  
Other transportation expenses \$ \_\_\_\_\_  
Total Transportation \$ \_\_\_\_\_

**5.6 Health Care (Omit if fully covered)**

Insurance \$ \_\_\_\_\_  
Uninsured dental, orthodontic, medical, eye care expenses \$ \_\_\_\_\_  
Other uninsured health expenses \$ \_\_\_\_\_  
Total Health Care \$ \_\_\_\_\_

**5.7 Personal Expenses (Not including children)**

Clothing \$ \_\_\_\_\_  
Hair care/personal care expenses \$ \_\_\_\_\_  
Clubs and recreation \$ \_\_\_\_\_

Education \$ \_\_\_\_\_  
 Books, newspapers, magazines, photos \$ \_\_\_\_\_  
 Gifts \$ \_\_\_\_\_  
 Other \$ \_\_\_\_\_  
 Total Personal Expenses \$ \_\_\_\_\_

**5.8 Miscellaneous Expenses**

Life insurance (if not deducted from income) \$ \_\_\_\_\_  
 Other \_\_\_\_\_ \$ \_\_\_\_\_  
 Other \_\_\_\_\_ \$ \_\_\_\_\_  
 Total Miscellaneous Expenses \$ \_\_\_\_\_

**5.9 Total Household Expenses** (The total of Paragraphs 5.1 through 5.8) \$ \_\_\_\_\_

**5.10 Installment Debts Included in Paragraphs 5.1 Through 5.8**

<u>Creditor</u>	<u>Description of Debt</u>	<u>Balance</u>	<u>Month of Last Payment</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**5.11 Other Debts and Monthly Expenses not Included in Paragraphs 5.1 Through 5.8**

<u>Creditor</u>	<u>Description of Debt</u>	<u>Balance</u>	<u>Month of Last Payment</u>	<u>Amount of Monthly Payment</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Total Monthly Payments for Other Debts and Monthly Expenses \$ \_\_\_\_\_

**5.12 Total Expenses (Add Paragraphs 5.9 and 5.11)** \$ \_\_\_\_\_

**VI. Attorney Fees**

6.1 Amount paid for attorney fees and costs to date: \$ \_\_\_\_\_

6.2 The source of this money was:

6.3 Fees and costs incurred to date: \$ \_\_\_\_\_

6.4 Arrangements for attorney fees and costs are:

6.5 Other:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_, [City] \_\_\_\_\_ [State] on \_\_\_\_\_ [Date].

\_\_\_\_\_  
Signature of Declarant

\_\_\_\_\_  
Print or Type Name

The following financial records are being provided to the other party and filed separately with the court.

Financial records pertaining to myself:

Individual  Partnership or Corporate Income Tax returns for the years \_\_\_\_\_ including all W-2s and schedules;

Pay stubs for the dates of \_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Do not attach these financial records to the financial declaration. These financial records should be served on the other party and filed with the court separately using the sealed financial source documents cover sheet (WPF DRPSCU 09.0220). If filed separately using the cover sheet, the records will be sealed to protect your privacy (although they will be available to all parties in the case, their attorneys, court personnel and certain state agencies and boards.) See GR 22 (C)(2).*

**Superior Court of Washington  
County of \_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_  
Petitioner(s),

and

\_\_\_\_\_  
Respondent(s).

No. \_\_\_\_\_

**Sealed Financial Source  
Documents  
(Cover Sheet)  
(SEALFN)  
Clerk's Action Required**

---

**Sealed Financial Source Documents**

(List documents below and write "Sealed" at least one inch from the top of the first page of each document.)

- Income Tax records
- Pay Stubs
- Credit Card Statements
- Bank statements
- Checks or the equivalent
- Check registers
- Loan application documents
- Retirement plan orders
- Other

Submitted by: \_\_\_\_\_

**Notice: The other party will have access to these financial source documents. If you are concerned for your safety or the safety of the children, you may redact (block out or delete) information that identifies your location.**

**Superior Court of Washington  
County of \_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_  
Petitioner(s),

and

\_\_\_\_\_  
Respondent(s).

No. \_\_\_\_\_

**Sealed Personal Health Care  
Records  
(Cover Sheet)  
(SEALPHC)  
Clerk's Action Required**

---

**Sealed Personal Health Care Records**

(List documents below and write "Sealed" at least one inch from the top of the first page of each document.)

Records or correspondences that contain health information that:

- Relates to the past, present, or future physical or mental health condition of an individual including past, present, or future payments for health care.
- Involves genetic parentage testing.

Submitted by:

\_\_\_\_\_

**Notice: The other party will have access to these health care records. If you are concerned for your safety or the safety of the children, you may redact (block out or delete) information that identifies your location.**

**Superior Court of Washington  
County of \_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_  
Petitioner(s),

and

\_\_\_\_\_  
Respondent(s).

No. \_\_\_\_\_

**Sealed Confidential Reports  
(Cover Sheet)  
(SEALRPT)  
Clerk's Action Required**

---

**Sealed Confidential Reports**

(List documents below and write "Sealed" at least one inch from the top of the first page of each document.)

This cover sheet shall be used to file the sealed portion of the following reports:

- Parenting evaluations
- Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court
- Risk Assessment Reports created by Family Court Services or a qualified expert
- CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services
- Sexual abuse evaluations
- Reports of a guardian ad litem or Court Appointed Special Advocate
- Other:

The sealed portion of these reports include: 1) Detailed descriptions of material, or information gathered or reviewed; 2) Detailed descriptions of all statements reviewed or taken; 3) Detailed descriptions of tests conducted or reviewed; 4) Analysis to support the conclusions and recommendations.

Submitted by:

\_\_\_\_\_  
**Notice: The other party will have access to these confidential reports. If you are concerned for your safety or the safety of the children, you may redact (block out or delete) information that identifies your location.**

**Superior Court of Washington  
County of**

In re the Marriage of:  
 In re the Domestic Partnership of:

and

Petitioner,

Respondent.

**No.**

**Temporary Order  
(TMO/TMRO)**

**Clerk's Action Required**  
 **Law Enforcement**

**I. Judgment/Order Summaries**

**1.1 Restraining Order Summary**

Does not apply.  Restraining Order Summary is set forth below:

Name of person(s) restrained: \_\_\_\_\_ Name of person(s) protected: \_\_\_\_\_ **See paragraph 3.1.**

***Violation of a Restraining Order in paragraph 3.1 with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.***

**1.2 Money Judgment Summary**

Does not apply.  
 Judgment Summary is set forth below.

A. Judgment creditor	_____
B. Judgment debtor	_____
C. Principal judgment amount	\$ _____
D. Interest to date of judgment	\$ _____
E. Attorney fees	\$ _____
F. Costs	\$ _____

- G. Other recovery amount \$ \_\_\_\_\_
- H. Principal judgment shall bear interest at \_\_\_\_\_% per annum
- I. Attorney fees, costs and other recovery amounts shall bear interest at \_\_\_\_\_ % per annum
- J. Attorney for judgment creditor \_\_\_\_\_
- K. Attorney for judgment debtor \_\_\_\_\_
- L. Other: \_\_\_\_\_

## II. Basis

A motion for a temporary order was presented to this court and the court finds reasonable cause to issue the order.

- Further, the court finds that the nonrequesting party is absent and a) is on active duty as a National Guard member or Reservist residing in Washington, or b) is a dependent of a National Guard member or Reservist residing in Washington on active duty. Despite the service member's or dependent's absence, failure to enter the temporary orders below would result in manifest injustice to the other interested parties.

## III. Order

***It is Ordered:***

### 3.1 Restraining Order

***Previous Order***

The prior restraining order dated \_\_\_\_\_ :

- Remains in full force and effect.
- Is terminated.
- Is terminated and replaced by the following.

This order shall be filed forthwith in the clerk's office and entered of record. The clerk of the court shall forward a copy of this order on or before the next judicial day to (name of appropriate law enforcement agency) \_\_\_\_\_ which shall forthwith enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants. **(A law enforcement information sheet must be completed by the party or the party's attorney and provided with this order before this order will be entered into the law enforcement computer system.)**

***Violation of a Restraining Order in paragraph 3.1 with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.***

- Does not apply.

The  petitioner  respondent is restrained and enjoined from disturbing the peace of the other party or of any child.

The  petitioner  respondent is restrained and enjoined from going onto the grounds of or entering the home, work place or school of the other party, or the day care or school of the following named children: \_\_\_\_\_

The  petitioner  respondent is restrained and enjoined from knowingly coming within or knowingly remaining within (distance) \_\_\_\_\_ of the home, work place or school of the other party, or the day care or school of these children:

(Name) \_\_\_\_\_ is restrained and enjoined from molesting, assaulting, harassing or stalking (name) \_\_\_\_\_.  
(The following firearm restrictions apply if this box is checked and the parties are intimate partners as defined under federal law: Effective immediately and continuing as long as this restraining order is in effect, the restrained person may not possess a firearm or ammunition. 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issue firearms. 18 U.S.C. § 925(a)(1).)

**Clerk's Action/Law Enforcement Action**

This order shall be filed forthwith in the clerk's office and entered of record. The clerk of the court shall forward a copy of this order on or before the next judicial day to (name of appropriate law enforcement agency) \_\_\_\_\_ which shall forthwith enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants. (**A law enforcement information sheet must be completed by the party or the party's attorney and provided with this order before this order will be entered into the law enforcement computer system.**)

**Service**

The restrained party or attorney appeared in court or signed this order; service of this order is not required.

The restrained party or attorney did not appear in court; service of this order is required. The requesting party must arrange for service of this order on the restrained party. File the original Return of Service with the clerk and provide a copy to the law enforcement agency listed above.

**Expiration Date**

This restraining order will expire in 12 months and shall be removed from any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants, unless a new order is issued, or unless the court sets forth another expiration date here: (month/day/year) \_\_\_\_\_.

**Full Faith and Credit**

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico,

any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

### 3.2 Temporary Relief

The  petitioner  respondent shall pay the other party \$\_\_\_\_\_ per month maintenance.

Starting Date: \_\_\_\_\_  
Day(s) of the month payment is due: \_\_\_\_\_

Payments shall be made to:

- the Washington State Child Support Registry (if child support is ordered).
- directly to the other spouse or domestic partner.
- the clerk of this court as trustee for remittance to the other spouse or domestic partner (if there are no dependent children).
- Other:

Child support shall be paid in accordance with the order of child support, signed by the court.

The parties shall comply with the Temporary Parenting Plan signed by the court.

The  petitioner  respondent is restrained and enjoined from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.

The  petitioner  respondent is restrained and enjoined from removing any of the children from the state of Washington.

The  petitioner  respondent is restrained and enjoined from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance.

The  petitioner  respondent shall surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to:  
(name or agency) \_\_\_\_\_.

Each party shall be immediately responsible for their own future debts whether incurred by credit card or loan, security interest or mortgage.

Responsibility for the debts of the parties is divided as follows:

The family home shall be occupied by the  petitioner  respondent.

Use of property shall be as follows:

The  petitioner  respondent shall vacate the family home. You have a right to keep your residential address confidential.  (name) \_\_\_\_\_ waives confidentiality of the address which is: \_\_\_\_\_

The  petitioner  respondent shall pay temporary attorney fees, other professional fees and costs in the amount of \$ \_\_\_\_\_ to:

Other:

### 3.3 Bond or Security

Does not apply.

The filing of a bond or the posting of security is waived.

Other:

### 3.4 Other

Dated: \_\_\_\_\_

### Judge/Commissioner

Petitioner or petitioner's attorney:

A signature below is actual notice of this order.

Presented by:

Approved for Entry:

Notice for presentation waived:

Respondent or respondent's attorney:

A signature below is actual notice of this order.

Presented by:

Approved for Entry:

Notice for presentation waived:

\_\_\_\_\_  
Signature of Petitioner or Lawyer/WSBA No.

\_\_\_\_\_  
Signature of Respondent or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date

**Superior Court of Washington  
County of**

In re the Marriage of:  
 In re the Domestic Partnership of:

and  
  
Petitioner,  
  
Respondent.

**No.**

**Order Appointing Guardian ad  
Litem on Behalf of Minor  
(ORAPGL)**

---

**I. Basis**

**1.1 Basis for the Appointment**

This appointment is being made pursuant to

- RCW 26.09 Dissolution
- RCW 26.26 Parentage Act
- RCW 26.50 Domestic Violence

**1.2 Children to Whom the Order Applies**

The  petitioner  respondent  court moved for appointment of a guardian ad litem for the following minor child(ren) in this action:

<u>Name</u>	<u>Age</u>
_____	_____
_____	_____
_____	_____
_____	_____

## II. Findings

After reviewing the case record to date and the basis for the motion, the court ***finds*** that the motion should be granted because appointment of a guardian ad litem is in the best interest of the child(ren).

## III. Order

***It is Ordered:***

### 3.1 Appointment of Guardian ad Litem

\_\_\_\_\_ is appointed as guardian ad litem for the above-named minor child(ren) of the parties and shall receive copies of all pleadings and notice of all court proceedings regarding the child(ren).

### 3.2 Duties of the Guardian ad Litem

The guardian ad litem shall investigate and report factual information regarding the issues ordered to be reported or investigated to the court. The guardian ad litem shall always represent the child(ren)'s best interests. The guardian ad litem may make recommendations based upon his or her investigation. The guardian ad litem shall report the child(ren)'s expressed preferences regarding the parenting plan to the court, together with the facts relative to whether any preferences are being expressed voluntarily and the degree of the child(ren)'s understanding.

The guardian ad litem shall make a full and complete written report to the court and counsel/parties on or before (date) \_\_\_\_\_ and at least 60 days before trial provided that an extension may be granted by the court. This report shall include recommendations and bases for those recommendations.

Issues ordered to investigate and report:

- all issues relating to development of a parenting plan
- substance abuse of  mother  father  other \_\_\_\_\_
- domestic violence of  mother  father  other \_\_\_\_\_
- mental health issues of  mother  father  other \_\_\_\_\_
- physical health issues of  mother  father  other \_\_\_\_\_
- sexual abuse allegations of  mother  father  other \_\_\_\_\_
- criminal history of  mother  father  other \_\_\_\_\_
- abandonment or neglect by  mother  father
- integration into the non-primary parent's home
- other:

- The guardian ad litem shall also report to the court on any other issues discovered that could affect the safety of the child(ren).

### 3.3 Other Duties

Other duties of the guardian ad litem include appearing at all court hearings and pretrial conferences within the scope of appointment unless excused by the court and assisting the parties and counsel in reaching a resolution of the matters involving said child(ren).

### **3.4 Guardian ad Litem Access to Child(ren), Records and Information**

To facilitate reasonable investigation of information pertaining to the best interest of the child(ren), the guardian ad litem shall have access to the child(ren) and to all records and information, including authorization to speak with interested persons, from the following sources: law enforcement agencies; Child Protective Services (or the equivalent out-of-state agency); health care providers; mental health care providers; child care providers; the Department of Social and Health Services (or the equivalent agency in another state); and educational institutions.

These agencies may withhold or blackout portions of requested information as warranted by law or by court order. The guardian ad litem shall maintain the confidentiality of information except as necessary to fulfill his or her duties as guardian ad litem.

Within the scope of appointment, the guardian ad litem shall have access to all Superior Court and Juvenile Court files, including any sealed/confidential portions thereof, other than records sealed pursuant to RCW 13.50.050(7). All information obtained from sealed or confidential files shall remain sealed or confidential, and the guardian ad litem shall inform the court if the guardian ad litem report contains sealed or confidential information.

The court clerk shall provide certified copies of this order to the guardian ad litem upon request and without charge.

Upon good cause shown, the guardian ad litem or the parties may move that the court make confidential any reports or documents placed in the court file by the guardian ad litem.

### **3.5 Payment of Fees and Costs**

The guardian ad litem fee is \$ \_\_\_\_\_ per hour up to \$ \_\_\_\_\_, the maximum the guardian ad litem may charge without additional court review and approval.

The fees and costs of the guardian ad litem shall be paid as follows:

- \_\_\_\_\_ % by petitioner and \_\_\_\_\_ % by respondent  
\_\_\_\_\_ % by other: \_\_\_\_\_
- Other: \_\_\_\_\_

If the guardian ad litem has been appointed at public expense, the court may assess this cost against the parties if there is a change in financial circumstances.

The total amount awarded shall be at the discretion of the court up to the maximum amount allowed after the guardian ad litem files an itemized statement of time with the court, along with a specific request for fees and a proposed Order. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

### **3.6 Consent of Children Over Twelve to Investigation**

Does not apply.

\_\_\_\_\_  
has/have reached the age of twelve. Written consent for the guardian ad litem to consult with and obtain information from medical, psychiatric, or other experts who have served the child(ren) in the past  has  has not been given by the child.

### **3.7 Authorization for Release of Information**

Does not apply.

Each party's signature hereunder constitutes an authorization for release of information by that party to the agencies listed in paragraph 3.4, above.

### **3.8 Termination of Appointment**

The appointment terminates:

Upon entry of the final parenting plan or residential schedule.

Other:

**3.9 Other**

Dated: \_\_\_\_\_

Presented by:

\_\_\_\_\_  
Signature of Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

Signatures of the Parties:

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Child's Signature  
(See Paragraph 3.6)

\_\_\_\_\_  
**Judge/Commissioner**

Approved for entry:  
Notice of presentation waived:

\_\_\_\_\_  
Signature of Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

***Accepted upon approval by  
the court***

\_\_\_\_\_  
Guardian Ad Litem

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Child's Signature  
(See Paragraph 3.6)

**Superior Court of Washington  
County of \_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

**No.** \_\_\_\_\_

**Note for Motion Docket**

**(No Mandatory Form Developed)**

TO THE CLERK OF COURT AND TO: \_\_\_\_\_

Please take notice that this case will be heard on the date below and the clerk is requested to note this issue on the docket for that day.

HEARING DATE: \_\_\_\_\_

HEARING TIME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

COURTHOUSE ROOM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

NATURE OF MOTION: \_\_\_\_\_

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Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Lawyer or Party

\_\_\_\_\_  
Print or Type Name

Notice to party: you may list an address that is not your residential address where you agree to accept legal documents.

\_\_\_\_\_  
Address

\_\_\_\_\_

**Superior Court of Washington**  
**County of \_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

No. \_\_\_\_\_

**Certificate of Mailing or Personal  
Delivery**

**(No Mandatory Form Developed)**

I hereby certify that I am over the age of 18 and competent to be a witness.

On \_\_\_\_\_, I served \_\_\_\_\_, with the following documents: \_\_\_\_\_

\_\_\_\_\_ in the following  
manner

Via first class U.S. Mail, postage prepaid; to  
(Name & Address of Party Being Served):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Hand Delivery

At the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

by handing to and leaving with \_\_\_\_\_ (name) a true and correct copy of said pleadings at \_\_\_\_ a.m./p.m.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at  
\_\_\_\_\_(city), \_\_\_\_\_(state).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

**Filing a Motion for Temporary Orders in a Dissolution Case Packet 11/09**  
**EVALUATION FORM**

Your comments are appreciated and will help to make this packet more useful to others. Please take a moment to complete this form and return it to:

Danielle Rebar  
Northwest Justice Project  
500 W. 8<sup>th</sup>, Suite 275  
Vancouver, WA 98660

1. Where did you get this packet? \_\_\_\_\_
2. What's your primary language? \_\_\_\_\_
3. Are you a \*low-income person?  yes  no  
[\*\$1800 per month for household of 1; \$2400 for 2; \$3000 for 3; \$3675 for 4; \$4300 for 5]
4. What's the last grade you completed in school? \_\_\_\_\_
5. Did you read the instructions?  yes  no
6. Did you also need the help of an agency, court facilitator, or advocate to complete your case?  
 yes  no  
6a. If yes, what agency or individual helped you? \_\_\_\_\_
7. Did you use the legal forms?  yes  no
8. Did you find anything difficult to understand?  yes  no  
8a. If yes, please tell us what. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Did you find any mistakes?  yes  no
10. Today's Date: \_\_\_\_\_  
Other Comments or Suggestions:  
\_\_\_\_\_