



Northwest Justice Project

Finishing Your Dissolution of Marriage (Divorce) by Default

**Instructions and Forms
January 2009**

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This publication provides general information concerning your rights and responsibilities. It isn't intended as a substitute for specific legal advice. This information is current as of the date of its printing, January 2009.

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Section 1: Introduction and Important Information

A. Should I use this packet?

This packet will help you fill out and file the forms and papers needed to complete a dissolution (divorce) case when your spouse hasn't filed a Response to the dissolution papers. It explains how to make a motion for default. To use this packet, you must've already filed and served your spouse with the papers that start your dissolution.

This packet (and in cases with children, this packet together with a related packet on [Parenting Plans and Child Support](#)) will help you get final orders signed by the judge dissolving your marriage, dividing property and debts, deciding parenting arrangements and child support, changing your name (if desired), awarding maintenance (alimony) to one spouse, and entering a restraining order (if desired).

This packet also includes a very short discussion of taking your case to trial. If the other party files a Response after you move for default, you can't finish your case by default. You must reach agreement or go to trial.

◆ 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.

This packet's not intended as a substitute for legal advice. Talk with an attorney for advice about your particular situation.

B. 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) to read our

legal information publications about your particular family law case and information about legal aid programs in your area.

Also, read one of our publications called [*Ending Your Marriage in Washington with Children – The Basics*](#) or [*Ending Your Marriage in Washington without Children – The Basics*](#), which provides general information about the law of divorce in Washington.

Section 2: Words You May Need to Know

This list of words is in our parentage, dissolution, and parenting plan modification self-help materials. You may not need every definition in this section.

Adequate Cause Hearing: (sometimes called a threshold hearing) a hearing required before trial in some kinds of cases, such as parenting plan modifications. The purpose of the hearing is to decide whether or not the requesting party's presented enough basis to allow the case to go to trial.

Affidavit: A written statement made under oath and notarized by a Notary Public. Affidavits are no longer required in Washington. Instead, the courts use Declarations. (See definition of Declaration, below.)

Alleged father - The man (or men) who might be the father of a child, but whose paternity hasn't been legally established. See [RCW 26.26.011\(3\)](#).

Appearance: Informing the court and the parties of your whereabouts and your desire to participate in your case, either in person at a Court hearing, or in writing, usually by filing and serving a Notice of Appearance. Certain informal actions, such as negotiating, telephoning about the case, or writing a letter, that show a knowledge of the claims in the case and an intent to defend, might also be considered an appearance.

Attachment: a document stapled to a court form and referred to in the form. Attachments should follow any format rules for court forms. (Basic information about the format rules is in the General Instructions section of this packet.)

Bailiff: A member of the judge's staff who's in charge of courtroom procedure and security. The bailiff may sometimes be the same person as the clerk.

Calendar: The court's schedule of cases to be heard. Also called a Docket.

Caption: The heading of each legal document, containing the name of the court, the names of the parties, the case number, the name of the document itself, and, sometimes, the type of case.

Case Schedule: A printed schedule issued by the court in some counties, showing major dates and deadlines in your case.

Certified Copy: A copy of a document from the court file made by the court clerk that has an official stamp on it stating it's a true copy. Usually, you pay for a certified copy.

Clerk of the Court: An officer of the court who handles clerical matters like keeping records, entering judgments and providing certified copies. Each courthouse has a Superior Court Clerk's Office. Someone from the clerk's office staff is also usually in the courtroom during hearings.

Commissioner/Court Commissioner: This person's similar to a judge, but only makes decisions relating to a specific subject matter. Many counties have family law commissioners who decide only family law cases¹.

¹ Many decisions in family law cases are made by court commissioners instead of judges. However, to make this packet simpler, in most places we just use "judge."

Confirm a Hearing or Trial: Notifying the court that you still plan to have the hearing or trial scheduled in your case. The way to confirm your hearing or trial differs from county to county, and isn't required in all counties. Often a phone call to the court a few days before the hearing or trial is required. Local rules explain each county's requirements. If notice is required and not given, the hearing or trial may be cancelled.

Conformed Copy: A copy of any court document that's been filed with the clerk. It must be stamped with the date filed. If the document's an order, it must also have the name of the judge who signed it written or stamped on it.

Contested Case: A case in which opposing parties participate and disagree about the outcome of the case.

Continuance: Delaying your court hearing to a later date. In some counties, the judge must approve any request for a continuance.

Custodian: The person the children live with most of the time.

Custody Decree: a court order, other than a parenting plan or residential schedule, that decides custody of a child. Since the law changed in 1987, most court orders in Washington dissolution and parentage cases are called "residential schedules" or "parenting plans," not custody decrees. (The final order in a nonparental custody case is still called a decree.) Orders from other states may still be called custody decrees, and in some circumstances, a Washington court has the right to modify another state's custody decree.²

DCS: Division of Child Support: The state office (part of DSHS) that establishes, enforces and sometimes modifies child support obligations in many cases. DCS used to be called CSD, OSE and SED.

Declaration: A written statement made to the court under oath.

Decree: One type of final court order.

Default: The failure to respond to court papers within the legal deadline.

Default Order: An order that can be requested if

- the respondent (or in modification cases, the nonmoving/nonrequesting party) fails to file a Response before the deadline, or,
- if s/he's appeared in the case, if s/he fails to file a Response after being served with a Motion for Default.

Dispute Resolution: the part of the parenting plan that states how the parties will try to resolve disagreements about the parenting plan (examples: mediation, counseling, court action). A Residential Schedule form usually has no dispute resolution provision.

Dissolution: The legal word in the state of Washington for divorce.

Docket: the court's schedule of cases to be heard on a particular day.

² Our publication, [Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether or Not a Washington Court Has Jurisdiction](#) gives general information about when Washington has the right to consider modifying another state's custody decree and when it doesn't.

Domestic Partner: When a court form refers to “domestic partner,” it usually means a domestic partnership registered with the Secretary of State under [RCW Ch. 26.60](#).

Ex Parte: Going before the court without notifying the other party. Sometimes also refers to the courtroom where you see a judge without notifying the other party.

Ex Parte Restraining Order: An order signed by the judge if emergency circumstances require protection before a temporary hearing can be held.

Exhibit: Documents, records, and photographs introduced into evidence at trial or hearing. Attachments to legal forms might also be called exhibits. If so, they should follow the format rules for court forms. (Basic information about the format rules is in the General Instructions section of this packet.)

Filing: Giving court papers to the Court Clerk to place in the case file.

Guardian ad Litem (GAL): a person the court appoints in some cases to investigate the issues and make recommendations to the court about the children’s best interests. If a GAL’s appointed, you must serve him/her with any papers filed. The GAL may be considered a party, and his/her signature may be required on court orders.

Hearing: Going before a judge to request a court order or to defend against another party’s request. Hearings usually take place before the trial date and concern specific issues (example: temporary relief). Hearings on important issues (example: motions to dismiss) may end the case. In many counties, the court doesn’t allow live witness testimony at hearings. Instead, the parties must file and serve materials in advance in writing. In some counties, the outcome of certain types of modification cases may be decided by hearing rather than by full trial.

In Forma Pauperis (IFP): A Latin term, meaning the judge may allow you to file your papers in court without paying the filing fee if you’re low income and can show you can’t afford the fee.

Judgment: One type of final court order.

Jurisdiction: The court’s authority to make decisions regarding certain people and issues. If a court doesn’t have jurisdiction, it has no authority to make orders over the person or subject affected.

Maintenance: (used to be called “alimony”): The amount one spouse is ordered to pay for the support of the other spouse while the case is pending and/or after it’s over. [RCW 26.09.090](#) lists some factors to use when deciding if maintenance is to be ordered and, if so, in what amount and for how long. [RCW 26.09.060](#) authorizes the court to order temporary maintenance, where appropriate.

Mediation: A meeting between the parties to a court case and a neutral third party (examples: a mental health professional, judge, retired judge, or attorney not otherwise involved in the case), during which the parties try to mediate, or reach an agreement, about all of the legal issues in their case.

Modification/adjustment case: a court case for a major or minor modification or an adjustment of a parenting plan/residential schedule/custody decree. Modification/adjustment cases are also sometimes filed to change child support.

Motion: A formal request to the court for an order, usually about a specific issue.

Motion Docket: The court's schedule of motions to be heard.

Moving Party:

- in modification/adjustment cases, the moving party's the person who files the petition for modification/adjustment.
- in motions, the moving party's the person who filed the motion.

The moving party can be either a Petitioner or the Respondent in the original case. *Note*: Some court forms have been changed to say "requesting party" rather than "moving party."

Nonmoving party:

- in modification/adjustment cases, the nonmoving party's the party who **didn't** file the petition for modification/adjustment.
- in motions, the nonmoving party's the person who **didn't** file the motion.

The nonmoving party can be either a Petitioner or the Respondent in the original case.

Depending on the case, there could be one or more nonmoving parties, such as your spouse, the other parent, the State of Washington, a Guardian ad Litem, or someone with custody of a child in the case. *Note*: Some court forms use "nonrequesting party" rather than "nonmoving party."

Nonrequesting party:

- in modification/adjustment cases, the nonrequesting party's the party who **didn't** file the petition for modification/adjustment.
- in motions, the nonrequesting party's the person who **didn't** file the motion.

The nonrequesting party can be either a Petitioner or the Respondent in the original case.

Depending on the case, there could be one or more nonrequesting parties, such as your spouse, the other parent, the State of Washington, a Guardian ad Litem, or someone with custody of a child in the case.

Note/Notice of Hearing/Note for Motion Docket: A form which lets the clerk know to schedule a hearing and tells the other parties the subject of the hearing and when and where the hearing will take place.

Notice of Appearance: A paper filed with the court and served on the other parties showing that a party wants to participate in the case and where to send papers filed about the case in the future.

Order: A court document signed by a judge that requires someone to do (or not do) something. Examples: restraining orders, orders re adequate cause, Residential Schedules or decrees. The judge must have signed them for them to take effect. If you disobey an order of the court, you may be held in contempt of court. *Note*: An order isn't in effect until a judge has signed it. Check if an order you're served with is only a proposed order or if the judge has actually signed it. (See "proposed order" definition.)

Order to Show Cause: A court order scheduling a hearing and requiring a person to come to court at the time and place set for the hearing.

Other party: Every party to the case, other than yourself. In court forms, the “other party” can also mean one particular party. Example: when the Motion for Default says “other party,” it means the party you believe is in default.

Parent the child lives with most of the time: Many people would say this means the parent who has “custody.” However, the law doesn’t usually use the words “custody” and “visitation” between parents anymore. The “parent the child lives with most of the time” is usually the one the parenting plan/residential schedule in paragraph 3.1 or 3.2 says the child “resides” with.

Parent the child does not live with most of the time: Many people would say this is the parent who has “visitation.” However, the law doesn’t usually use the words “custody” and “visitation” between parents anymore. The parent the child doesn’t live with most of the time is usually the parent whose residential time is shown in paragraphs 3.1 or 3.2 of the parenting plan/residential schedule after the words “except for the following days and times when the child(ren) will reside with or be with the other parent:”

Paternity (or Parentage): A legal determination of who the father of a child is, generally either through a court order in a paternity case, or with a valid paternity affidavit or by an un rebutted presumption of paternity (the presumption usually appears where a man and woman were married to each other when the child was born or shortly before or after the child’s birth). See [RCW 26.26.101\(2\)](#) for a complete definition.

Parentage Case: A court case to determine parentage (paternity) of a child of unmarried parents, or a court case to establish a parenting plan/residential schedule for a child whose paternity was established by paternity affidavit, or a modification of a parenting plan/residential schedule order in one of these types of cases.

Parenting Plan: A proposal or, if signed by a judge, a court order which states when the child will be with each party, who’ll make major decisions about the child, and how future disputes about the child will be resolved. In parentage cases, the parties may ask the court for either a parenting plan or a residential schedule. (The residential schedule form has no dispute resolution or decision-making parts. A parenting plan form does.)

Party: A Petitioner or Respondent. GALs and the State of Washington may also be parties.

Paternity Affidavit: A special form, also known as an Acknowledgment of Paternity or Paternity Acknowledgment, typically used by unmarried parents to state who the father of the child is. In Washington, these forms are often offered to the mother in the hospital right after a child’s birth. The form must be signed by the mother and the father (and presumed father) of a child, and must’ve been filed after July 1, 1997, to be a conclusive legal determination of paternity. For more information, see our publication [Parentage and Parenting Plans for Unmarried Parents in Washington](#). Signed paternity affidavits may be rescinded or challenged for a limited time.

Petition: The document that starts a case and asks the court for a decree, judgment, or final order. (Parentage cases filed by the State of Washington are often filed as “the State of Washington on behalf of” the child.)

Petitioner: The person who first files a legal case. The petitioner in the caption of a form doesn’t change, even when motions are filed later by the other party.

Presumed father: A man who's presumed by law to be the father of a child. The legal definition of presumed father is in [RCW 26.26.116](#). In general, a man is the presumed father of a child if:

- The child was born while the man was married to the child's mother; OR
- The child was born within 300 days after the man's marriage to the child's mother was ended by divorce, separation, annulment, declaration of invalidity, or death. In general, if the man and the woman thought they'd gotten married, even if the marriage is found to be invalid, the child's presumed to be the man's child.
- The man and the child's mother married each other after the child was born, the man has voluntarily said he was the child's father AND the man agreed to be on the child's birth certificate, or signed an affidavit of paternity, or promised (in writing or another record) to support the child as his own.³

Pro Se: Acting without an attorney; representing yourself in court.

Process: Written notice to appear in court.

Proposed Order: A document one party will be asking the judge to sign. It won't yet have the judge's signature on it. Many counties require the parties to file and serve proposed orders with motions or responses to motions, to show how that party wants the court to decide the motion. Even where proposed orders aren't required, we recommend that you prepare and serve them and deliver copies to the court. A proposed order becomes an order if the judge signs it.

Requesting Party:

- in modification/adjustment cases, the requesting party's the person who files the petition for modification/adjustment.
- in motions, the requesting party is the person who filed the motion.

The requesting party can be either a Petitioner or the Respondent in the original case.

Residential Schedule: A proposal or, if signed by a judge, a court order which states when the child will be with each party.

- In dissolution cases, the Residential Schedule's one part of the Parenting Plan.
- In parentage cases, the parties may have a Residential Schedule without the decision-making or dispute resolution parts of a Parenting Plan, or the parties may have a full Parenting Plan.

Respondent: The person against whom a legal case was originally filed.

Response: A formal written answer to a Petition filed with the court. The term can also be used to describe the papers a person files in response to a motion, so it can be confusing. Here, "Response" with a capital "R" refers to the Response form. We'll say "response" with a small "r" for all types of responses, including for example, responses to motions as well as to petitions.

³ This definition of presumed father's been simplified to try to make it easier to understand. It's current as of the date of this publication. If you have questions about whether there's a presumed father in your case, read [RCW 26.26.116](#), and consult an attorney.

Restraining Order: A court order to prevent a party from doing some act that may harm the other party or child.

Ruling: A decision by the court.

Service: Giving court papers to the other party. The law defines ways of service that are legally acceptable. When a petitioner starts a case, such as dissolution or parentage case, or files a petition to modify a parenting plan/residential schedule, s/he must arrange for the Summons and Petition and other papers that begin the case to be properly hand-delivered or, in some cases, and with advance court permission, sent by certified mail or published in a newspaper. After the initial Summons and Petition have been served, many later papers can be served by first class mail, with legally sufficient advance notice.

Settlement Conference: A formal meeting between the parties to a court case and a neutral third party (such as a judge, retired judge, or attorney not otherwise involved in the case), during which the parties try to settle, or reach an agreement, about all of the legal issues in their case. Some counties require parties to family law cases to have a settlement conference before going to trial. Some counties have programs to provide family law settlement conferences available free of charge.

Summons: A written notice that a case has been started.

Temporary Order: An order entered after a case is filed and before it's finished, which is only in effect while the case is going on. Some temporary orders may end at a fixed time, even before the case ends.

Time to Respond (or deadline to respond): The length of time a party has to respond to something filed by another party. The length of time to file a Response to a Summons is 20 to 90 days after service, depending upon the type and location of service. The length of time to respond to motions is usually much shorter.

Transfer Payment: the amount of money one parent's ordered to pay as that parent's share of basic child support.

Trial: The proceeding at which the judge listens to live testimony from parties and witnesses, considers evidence properly introduced, hears argument, and decides the outcome of the case.

Venue: The county where the case should be filed. Proper venue depends upon the type of case.

Working Papers: A copy of papers filed with the court, delivered in advance of the hearing for the judge to review. Local rules differ as to whether working papers are required or, if they're required, when and where they're delivered. Some counties require working papers to be delivered at or near the time you file a motion or response.

Section 3: Steps to Take To Finish Your Marital Dissolution

Many of the steps listed in the paragraphs below are explained in more detail later in this packet.

1. Check for Special Local Rules and Forms.

- Some counties have case schedules that must be followed. Check with the court clerk's office or the family law facilitator in the county where your dissolution was filed, to find out about case schedules and local court rules for dissolution cases. Some family law facilitators have their own packets which assist in finishing dissolution by default. If your family law facilitator has one, use that packet instead of ours. If you use our packet, get any additional local forms that you'll need.

If your dissolution case involves children, a 2007 law⁴ 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's appropriate to determine the effect of the limiting factor on the child and the parties.

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

2. Get Any Additional Packets or Forms That You Need.

3. Wait for 90 days After Service.

Wait at least 90 days (3 months) after the dissolution papers were filed and served on the responding spouse to enter final orders. Do this even if your spouse doesn't respond to the petition. You may need to wait longer than 90 days if you served your spouse by publication or certified mail. Talk with an attorney if you have questions.

During the 90 day waiting period:

_____ File a motion for temporary orders or a motion for emergency orders. See our packets called [Filing a Motion for Temporary Orders](#) and [Filing a Motion for Emergency Orders](#).

_____ Obtain an Order for Protection, if you need one. See our packet [Domestic Violence: How the Legal System Can Help Protect You](#).

Also during the waiting period:

- Complete any locally required procedures, such as parenting classes

⁴ [Ch 496, Laws of 2007](#)

- Participate in any investigation, if a GAL or other child custody evaluator's been appointed

If you haven't had the Notice re: Military Dependent served or mailed to your spouse, complete this step more than 23 days before you plan to file your motion for default (20 days, if the notice is personally delivered rather than mailed). This form's in our [Filing for a Dissolution](#) packet.

After 90 days has passed, check to see if the other party's filed a Response. The other party should send you a copy of the Response, if s/he files one. If you receive no Response, call the clerk's office of the court where you case was filed to ask whether a Response has been filed.

- If the other party filed a Response, don't file a motion for default. Go to the clerk's office to get a copy of the Response and any other papers the other party's filed in your case. You must either try to reach agreement with the other party, or prepare for trial. This packet has a short discussion of trials. We also have a separate packet on finishing your case by agreement. There's no packet just on going to trial.
- If the other party filed no Response, file a motion for default.

◆ Don't wait much longer than 90 days to file your motion for default and enter final dissolution papers if your spouse doesn't Respond. If more than one year passes after you served your spouse before you enter your final papers, you must serve your spouse with notice of the motion for default by certified mail or personal service.⁵ In addition, if you do nothing in your dissolution case for months, the court may fine you or dismiss your dissolution case and make you start over.

4. Follow the General Instructions for the Forms.

5. Complete the Motion for Default and Final Dissolution Papers including:

- _____ Note for Dissolution Calendar OR Note for Motion Docket
- _____ Motion and Declaration for Default
- _____ Order on Default
- _____ Findings of Fact and Conclusions of Law
- _____ Decree of Dissolution
- _____ Final Parenting Plan (if you have children)
- _____ Order of Child Support and Child support worksheets (if you have children)
- _____ Order for Protection (if you're asking for one)

⁵ [Civil Rule \(CR\) 55\(f\)](#).

_____ Law Enforcement Information Sheet (LEIS), if your final dissolution papers include a restraining order or protection order. (Don't serve the LEIS on any other party.)

_____ Residential Time Summary report (if you have children)

_____ Locally required forms

- 6. If the State of Washington (through the prosecuting attorney or attorney general) or a Guardian Ad Litem filed a Notice of Appearance in your dissolution**, or if there are other parties, deliver the originals of your final orders to them for their signature. You can't enter final orders without their approval. Give them at least two weeks to review the orders and get them back to you.

- 7. Follow the Instructions for Filing and Serving the Note for Dissolution Calendar or Note for Motion Docket, motion for default, and proposed final papers.** (Service is required if the respondent's appeared in the case. In addition, although serving the motion, proposed final papers, and notice of the hearing isn't required if the respondent hasn't appeared in the case, we recommend that you serve in all cases.)

- 8. Go to your hearing.**

If your spouse doesn't come to the hearing, ask the judge to sign the Order of Default and your other final papers (Decree, Findings, and if applicable, Parenting Plan, Order of Child Support, and Child Support Worksheets, Order for Protection).

If your spouse comes to the hearing, ask the judge to set a deadline by which your spouse must file a Response. The judge probably won't sign your Order of Default or final papers at this time.

- 9. The Last Steps:** Take these steps after the judge has signed your orders, you've filed the originals with the clerk, and you've obtained copies for yourself and the other party/parties (remember: you need conformed copies of most orders, and two certified copies of any Protection Order or Order containing a safety restraint):

_____ Keep one certified copy of any restraining order or protection order with you at all times. Keep the other court papers from your case in a safe place.

Provide copies to the other parties as follows:

_____ If you have no restraining order or protection order in your papers, have your server mail copies of the final orders the judge signed to the other party/ies at his/her last known address, have your server fill out a Certificate of Mailing or Personal Delivery, and file your Certificate of Mailing with the court clerk

_____ If you have a restraining order or a protection order and you're the protected party, file a completed Law Enforcement Information Sheet (LEIS) with the court clerk.
Don't serve a copy of the LEIS on the other party/ies.

_____ If you have a *restraining order* in your papers and you're the protected party, make sure the protection order's personally served on the restrained party for it to become effective. Have the restrained party personally served with the orders the judge signed (including a certified copy of the order that contains the restraint), have your

server fill out a Return of Service form (instructions for personal service and the return of Service are in our [Filing for Dissolution](#) packet), file the Return of Service with the court clerk, and deliver a copy of it to the law enforcement agency named in your order.

_____ If you have a *protection order* in your papers, and you're the protected party, make sure the protection order is personally served on the restrained party in order to become effective. In most cases, the protection order will include an order for the clerk to forward a copy to the law enforcement agency where the restrained party lives for personal service on the restrained party free of charge. The other final orders don't need to be personally served. Mail copies to the other parties as described above. Service may also be ordered by mail or publication. Read the "Service" section on the final page of the Order for Protection to determine what method of service is ordered, and who's responsible for arranging it. If law enforcement's not serving the protection order for you, then arrange for service as described in the protection order. Have your server fill out a Return of Service form, file the Return of Service with the court clerk, and deliver a copy of it to the law enforcement agency named in your order.

10. Keep your copies of the final dissolution papers in a safe place.

11. Complete After-Divorce Tasks such as the following, where appropriate:

- If necessary, give a copy of your parenting plan and any restraining orders or Order for Protection to your children's school/daycare.
- Change your will, if you have one. Change beneficiaries on your life insurance, bank accounts, etc., if applicable.
- Deal with necessary issues about changing health insurance.
- If you changed your name, update your
 - _____ Driver's license
 - _____ Social Security card
 - _____ Passport or immigration documents
- If you receive Social Security, inform them about your dissolution.
- Make sure that title to any property that was awarded is changed.
- Follow the court's orders.

Section 4: What Forms Are In This Packet?

This packet contains many of the forms you'll need to finish your dissolution.

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

Following is a list of the blank forms in this packet:

Form Title	Form Number
Motion and Declaration for Default	WPF DRPSCU 03.0100
Order on Motion for Default	WPF DRPSCU 03.0200
Findings of Fact and Conclusions of Law	WPF DR 04.0300
Decree of Dissolution	WPF DR 04.0400
Note for Dissolution Calendar	WPF DR 03.0300; Your county may have its own form
Note for Motion Docket	Non-mandatory Form; your county may have its own form
Certificate of Mailing or Personal Delivery	Non-mandatory Form

Section 5: What Other Forms And Packets Will I Need?

You may need other forms or packets to finish your dissolution case. Read the information below carefully. Check the boxes by the other packets or forms you need. Then get the other packets or forms you need from www.washingtonlawhelp.org or, if you're low-income and have no internet access, by calling CLEAR at 1-888-201-1014.

- Your county's Note for Motion Docket or Notice of Hearing form and local court rules.** Some counties have their own note for motion or notice of hearing form. Some counties also have special rules for where/when you can note a motion for default. You'll need the local note for motion form and the local rules to file your motion for default.
- Your county's Note for Dissolution Calendar. Some counties have their own Note for Dissolution Calendar form.** Use this form to file your motion for default.

◆ To get your local rules and local forms, visit the Family Law Facilitator's office in the county where your dissolution's filed. If there's no family law facilitator, see the court clerk. Some counties' forms and local rules are online. Find them on the OAC website at <http://www.courts.wa.gov/rules/local.cfm?group=superior>.

- Parenting Plans and Child Support** - if you have any children under 18 in common with your spouse or if the wife's pregnant with the husband's child, use this packet to enter a final parenting plan, order of child support, and child support worksheets.
- Declaration Regarding Public Assistance: WPF SRPSCU 01.0600: This form's available at the Administrator of the Courts website <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>. It's not 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 required in your county, or if you must verify that no public assistance has been paid or that the children aren't in foster care or out of home placement.
- Serving Papers on the State** - if any party's asking for an order regarding child support, and any of the children's 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.
- Return of Service Form, WPF DRPSCU 01.0250.** If your court order includes a safety restraining order or an Order for Protection, 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 have the restrained party served with a certified copy of the order after the judge signs it. (See below.)

WARNING: law enforcement won't enforce the restraining or protection order until they receive proof that the order was served on the restrained party.

If you have a *restraining order*, you must arrange service on the restrained party.

If you have an *Order for Protection*, the court may order law enforcement to serve the restrained party for you. If law enforcement's not serving the protection order for you, then arrange for service as described in the protection order.

Use the Return of Service form to show the court and law enforcement that the restrained party was served. Download 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 for Dissolution*](#).

- ❑ **Order for Protection forms** – Complete Order for Protection forms if you're asking for an Order for Protection from domestic violence or unlawful harassment as part of your dissolution, or if you're asking for the court to change or extend your Order for Protection as part of the dissolution case. Get the forms from your county clerk's office, domestic violence advocacy program, or for domestic violence forms, online at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16> Note: the "Petitioner" in the Protection Order form is always the protected person even if s/he was the respondent in the dissolution.
- ❑ **[Law Enforcement Information Sheet \(LEIS\)](#)** – **WPF All Cases 01.0400** - Use this form if you're entering a restraining order in your Decree of Dissolution, or if you're entering an Order for Protection. It's available from the court clerk when you file your papers. Don't serve this form on the other party.
- ❑ **[Ending Your Marriage in Washington with Children – The Basics](#)** or **[Ending Your Marriage in Washington without Children – The Basics](#)** - To learn more about your legal rights in a dissolution, read one of these publications before entering your final orders.
- ❑ **[Understanding the Washington State Child Support Schedule and How Child Support is Set in Washington](#)** – To understand more about how child support is set, read this publication.
- ❑ **[Mediation](#)**. If you haven't yet reached agreement and would like help trying to settle your dissolution, read this.
- ❑ **[Community Debt and Bankruptcy](#)**. If you're concerned about being able to pay your debts, read this.
- ❑ **[Retirement, Divorce and You](#)**. If you or your spouse may be entitled to retirement benefits (such as a pension) that were earned during the marriage, read this.
- ❑ **[Enforcing Your Divorce Decree: Financial and Property Issues](#)**. If you need to enforce a maintenance award or property division in your Decree of Dissolution, read this.

Section 6: Follow These General Instructions Before You Begin To Fill Out Any of 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.

Name of the court: Write in the name of the county where the case was 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 doesn't matter if the case number's written or stamped. If you're filing a modification/adjustment case in the same court that entered the order you're asking to modify/adjust, 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 don't, your papers may be lost, or they may be returned to you. Some courts will fine you for filing incorrect forms.

Title. Each form has a title. It's on the right-hand side of the form under the case number. Sometimes the full title's pre-printed on the form, and sometimes you must add more information to complete it (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\(a\)](#)). Use regular size (8 ½ x 11") white paper. 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. Use black or dark blue ink. If your forms don't 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've correctly filled in all the blanks needed. Be sure any corrections are neat and readable. Don't 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's a space for the person who completes a form to write the date that the form's signed. Dates in orders will be filled in by the judge when s/he signs the order.

Signatures.

- **Your signature**

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

- Some forms have one signature line for "petitioner" or "respondent." After filling out a form such as the petition, sign at the place that applies to you. Look carefully: some forms require you to sign in more than one place. 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." 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 can't force another party to sign a court paper. He/she can choose to sign, or not. However, if you've prepared an order after a hearing, the other party may be willing to sign the form you've 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's unhappy with the decision itself.
 - Agreed orders. If the other party agrees with the orders you've written, that party should sign in the appropriate place (petitioner/respondent/moving or nonmoving party) on each court order that's agreed.
 - Approved for entry/Notice of Presentation Waived. If you're the respondent or nonmoving party, or if you didn't 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're agreeing that the judge should sign the order as it's written. If "Notice of Presentation Waived" is checked, that means that you're 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's 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's writing the declaration.

Place signed. Declarations and Returns of Service must include the place they are signed and 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 Shouldn't 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 (example: the forms in Box #3), use these rules for papers you file with the court.

Residence Address (Where you Live) and Telephone Number: If you don't write these in court papers, write in an address where you can get mail from the court, and give the court a phone number where you can be reached.

Social Security/Driver's License, ID Numbers of Adults and Children: You don't have to write these in court papers. If you do, write only the last four digits, not the whole number.

Dates of Birth of Children: Don't 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's used, this information's usually available to the other party and the court, but it's 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 won't 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), attach the papers to a Sealed Personal Health Care Records form so that they won't 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. Attach the private section of the report to a Sealed Confidential Reports Cover Sheet.

Retirement Plan Orders: Certain retirement information belongs in the public file, but “Retirement Plan Orders” don’t. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See [GR 22](#) for the definition. 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 isn’t in the above list, try 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 have no packet that tells you how to do this and there are presently no mandatory forms for this type of motion. Talk to an attorney.

Box #3

When You Should Write Private Information In Court Forms:

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

You must 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’re 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.

Fill in the county where you are filing or where your case was already filed.

Fill in Respondent's name.

This sample case name is for dissolution cases. This information may be different depending upon the type of case.

Your court case number which is assigned by the court when you file your case.

Form title.

**Superior 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.**

Date: **9-25-08**

Jane Doe
Jane Doe, pro se

Section 7: Instructions for Filling Out Individual Forms

A. Motion and Declaration for Default – WPF DRPSCU 03.0100

You may ask the court to enter an order of default against the respondent any time after the time period for responding has ended.⁶ However, wait 90 days from the date your spouse was served with the petition to get the dissolution decree entered. Wait 90 days to file the motion for default, and note the presentation of your final dissolution orders at the same time.

Caption. Fill out the caption.

Section I. Motion

Write your name in the first blank. Write the name of the party you believe is in default in the second blank. If you're moving for default against more than one party, you'll need a separate form for each. Write the date and sign your name on the line for the "requesting party." Print your name and write the date in the places indicated.

Section II. Declaration.

In this declaration, the "other party" is the party you believe is in default.

Paragraph 2.1. Proper Jurisdiction and Venue

Fill in the county/state where the petitioner lives, where the children in the case live, and where the respondent lives. If there's a reason not listed to show why venue is proper, check the "other" box. Write that in. Example: if your case is a petition to modify a parenting plan, one additional reason for proper venue could be that this is the court where the final order, decree or judgment that you're asking to modify was entered.

Paragraph 2.2. Jurisdiction Over the Other Party

Fill in information about the party you believe is in default. Check all of the boxes that apply in your case. If there's any reason why Washington has jurisdiction besides those listed, check the last box. Write that reason in the blank.

Paragraph 2.3. Service on Other Party

- In the first blank, write the title of every form that was served on the party you believe is in default. Remember to include the Summons and Petition and all the other documents served. Include everything. Check the Return of Service form to be sure. If you don't have enough room in the blank, write "See attached Exhibit A," list the documents on a separate sheet of paper, write "Exhibit A" at the top of the paper, and staple it to the Motion. Fill in the date s/he was served with these papers.
- If the other party was served in Washington, check the first box.

⁶ If your spouse was personally served in Washington State, s/he has 20 days to respond, not including the date of service. If your spouse was personally served out of state, s/he has 60 days to respond, not including the date of service. If your spouse was served by publication, s/he has 60 days from the date of first publication to respond. If your spouse was served by certified mail, s/he has 90 days to respond from the date the forms were mailed.

- If the other party was served outside Washington, check the second box. Write in the blank space the state or country where they were served. In the space at the end of the paragraph, write a brief explanation about why you couldn't serve that party in Washington. (Example: if s/he lives out of state, write “_____ (name) lives out of state.”)

Paragraph 2.4. Time Elapsed Since Service on the Other Party.

Remember: Wait the appropriate length of time (based on the kind and place of service) before moving for default.

- If the other party was personally served in Washington, check the first box.
- If the other party was personally served outside of Washington, check the second box.
- If the other party was served by certified and first class mail (in or out of state), check the third box.
- If the other party was served by publication (in the newspaper), check the fourth box.

Paragraph 2.5. Appearance of the Other Party

- If you haven't been contacted by the other party since the party was served with the petition, and that party's never filed or served a Notice of Appearance or a Response form, or come to a court hearing, check the first box.
- If you've been contacted by the other party since that party was served, or if that party appeared in the case, but the party never filed or served a Response, check the second box.

Paragraph 2.6. Service Members' Civil Relief Act Statement

This paragraph states whether you believe the other party is a member on active duty in the military⁷ or the dependent of a resident of Washington who's on active duty and is a National Guard member or a Reservist. Dependents are spouses or minor children or persons for whom the service member provided most of the support for the last six months.⁸

You must try to find out whether or not the other party's on active duty in the military, or is a dependent of someone in the military. Check the following website:

<https://www.dmdc.osd.mil/scra/owa/home>, or contact the Defense Manpower Data Center, 1600 Wilson Blvd., Suite 400, Attn: Military Verification, Arlington, VA 22209-2593; Telephone (703) 696-6762 or 5790 fax (703) 696-4156.

⁷ Service members who are protected by the federal act 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.

For Washington State's Service Members Civil Relief Act, see RCW 38.42.010 et seq.

⁸[RCW 38.42.010](#) lists people considered dependents of a service member.

To try to make sure the other party isn't a dependent of someone on active duty, also serve the Notice re: Dependent of a Person in Military Service form. (If you already served this Notice with your petition, don't serve it again.)

Paragraph 2.6.1 Service member status⁹.

- In paragraph A, fill in the other party's name.
- Check the appropriate box(es) showing that party's service member status.
- In paragraph B. after "*factual basis*,"
 - If you checked the website <https://www.dmdc.osd.mil/scra/owa/home>, check the first box. Staple the report you received to this form.
 - If you have other or additional reasons for checking the item you did in paragraph 2.6.1A, check the box *other factual basis*. Then write in what you know about whether the other party's in the military, and whether they're on active duty. Describe all the efforts you made to find out about the other party's military status, and the results of each effort. Example: describe contacts with the other party's friends, family, and employers. Or, if you contacted the Defense Manpower Data Center by fax or mail, explain that. Attach any certificate about military service you received in reply.
- In paragraph C, if the other party's on active duty, check the box at the beginning of 1C and the appropriate box(es) under it that apply. If you check the last item, check the appropriate box in the text of that item. Otherwise, skip this item.

Paragraph 2.6.2. Dependent of a service member status.

- Paragraph 2.6.2 A Write the other party's name. Then check the box below it that applies.
- In paragraph 2.6.2 B:
 - If you had a Notice re: Dependent of a Person in Military Service¹⁰ mailed to the other party at least 23 days ago (or served more than 20 days ago), and s/he didn't respond to it, check the box next to "*the other party failed to respond to a notice*." Check the box that applies. Fill in the date requested. Otherwise, skip that box.
 - Under "*other factual basis*," write in what you know about whether the other party is or isn't a dependent of a resident of Washington who's on active duty and is a National Guard member or a Reservist.
- In paragraph 2.6.2.C: if the other party's a dependent of a resident of Washington who's on active duty and is a National Guard Member or a Reservist, check the box at the beginning of 2 C. Then check the box(es) under it that apply. If you check the last item, check the

⁹ The Service Members Civil Relief Act, [RCW Ch. 38.42](#) (state law), and the Service Members Civil Relief Act of March 4, 1918, as amended, 50 U.S.C. App., 501 et.seq. (federal law) provide special protection for members of the military, including National Guard and Reservists, who are on active duty, and certain dependents. If the other party's on active duty or is a protected dependent, consult an attorney for more information about these special rights. The court's likely to appoint an attorney to represent the other party and may stay (delay or stop) your case until the other party comes back from active duty.

¹⁰ This form's in the Filing packet for your type of case, and our instructions there tell you to serve it with the Petition. This form can be served later, but our packets don't tell you how to do this.

appropriate box in the text of that item. Otherwise, skip this item.

Paragraph 2.7. Other

Leave this blank.

Signature. Sign and date the form and write in the place you signed it (example: “Yakima, Washington”).

B. Order of Default – WPF DRPSCU 03.0200

This is the form you’ll ask the judge to sign at your hearing.

Caption:

Fill out the caption as shown in the general instructions.

Section I. Basis.

Write your name in the blank.

Section II. Findings

Paragraph 2.2. Service on Nonrequesting Party

In the first blank, write nonrequesting party’s name. (This is the party you believe is in default.) In the next blank, write the title of every paper that was served on this party when you filed the case. (Look back at the Motion for Default and at the Return of Service to be sure you’ve included everything.) In the last blank, write the date that the other party was served with the Petition and other papers.

Paragraph 2.3. Time Elapsed Since Service Check the same item that you checked in the Time Elapsed paragraph of the Motion for Default.

Paragraph 2.4. Appearance

Check the same item that you checked in the Appearance paragraph of the Motion.

Paragraph 2.5 Service Members Civil Relief Act Statement.

Paragraph 2.5.1. Service member status. Check the appropriate box(es) showing the nonrequesting party’s service member status.

Paragraph 2.5.2. Dependent of a service member status. Check the box that applies.

- If you know that the nonrequesting party’s not a dependent of a resident of Washington who’s on active duty and is a National Guard Member or a Reservist, check the first box.
- If you know that the nonrequesting party’s a dependent of a resident of Washington who’s on active duty and is a National Guard Member or a Reservist, check the second box.
- If you’re not sure whether the nonrequesting party’s a dependent of a resident of Washington who’s on active duty and is a National Guard Member or a Reservist, but you had a Notice re: Dependent of a Person in Military Service mailed to him/her at least 23 days ago (or served more than 20 days ago), and s/he didn’t

respond to it, check the third box “*is presumed not a dependent...*”.

Paragraph 2.6. Other

Leave this blank.

III. Order. The judge will check the appropriate box.

Signature. Sign the form under “Presented by.” Print your name and the date in the blank below your signature. **Don’t write the date or sign on the Judge/Commissioner lines. The judge will do that.**

C. Findings of Fact and Conclusions of Law (“Findings”) - WPF DR 04.0300

Most of the information you need for this form MUST BE the same as in the Petition, so have a copy of the Petition for Dissolution in front of you while completing the Findings and the Decree.

Section I - Basis For Findings

Check the second box. Write in the date the court signed the Order of Default, if different than the date the judge will sign the Findings and Conclusions. If you don’t know the date, leave the space for the date blank, but make sure the judge fills it in when s/he signs the Findings.

Section II – Findings of Fact

Paragraph 2.1. Residency of Petitioner.

- If the petitioner lives in Washington, check the first box.
- If the petitioner doesn’t live in Washington, check the second box.
- If the petitioner’s been in the military stationed in Washington for at least 90 days, check the third box.

Paragraph 2.2. Notice to Respondent.

Check the second box. In the blank space write a short description of how your spouse (or other party) was served. Example: if your spouse was served personally, write “by personal service in the state of Washington.”

Paragraph 2.3. Basis of Personal Jurisdiction Over the Respondent

- If your spouse has never lived in Washington, the two of you couldn’t have conceived your child in Washington, and your spouse hasn’t agreed to jurisdiction in Washington or waived his/her objection to jurisdiction, check the first box.
- Otherwise, check the second box and at least one of the indented boxes in this paragraph. If your spouse currently lives in Washington, check the first indented box. If you and your spouse ever lived in Washington during the marriage, check the second indented box. If you or your spouse may have gotten pregnant here with one of your children in Washington, check the third indented box. If there’s another reason that Washington has personal jurisdiction over your spouse, check the last box. Write the reason in the blank space.

Paragraph 2.4. Date and Place of Marriage

Fill in the date and place of your marriage as stated in your Petition for Dissolution.

Paragraph 2.5. Status of the Parties

Fill in the date of separation as stated in your Petition for Dissolution.

Paragraph 2.6. Status of the Marriage

Check the first box only.

Paragraph 2.7. Separation Contract or Prenuptial Agreement

- If you have no separation contract or prenuptial agreement, check the first box. (Most couples have no separation contract or prenuptial agreement.)
- If you have a separation contract or prenuptial agreement, check the second box. Fill in the blank. Check the appropriate indented box. If you've signed a separation contract or prenuptial agreement, or you don't know whether or not you've signed one, talk with an attorney.

Paragraph 2.8. Community Property

◆ Look at the property paragraph of your petition for dissolution. Any property that you list in the Findings under paragraph 2.8 & 2.9 must've been listed in your Petition for Dissolution. If you want the court to award one party property that wasn't listed in your Petition, you must amend your petition and serve it on your spouse again.

Community property, in general, is all property acquired between the date of the marriage and the date of separation, except for property received by gift or inheritance.¹¹ In paragraph 2.8, list all community property, regardless of whether you want the husband or wife to receive it.

- If you have a separation contract or prenuptial agreement, check the third box. Skip the rest of this paragraph.
- If you have no community property at all (including money, clothes, and household items), check the first box.
- If you have a long list of community property, check the second box. Write "A" in the blank after Exhibit. Attach a copy of the list of all of your property (regardless of who should get the property in the dissolution) as Exhibit A.
- If you have a short list of community property and you didn't check box one, two or three, check the fourth box. In the blank space, list all of the property you listed as community property in the Petition.

¹¹ To find out more about community property, talk with an attorney, or read our publication [Ending Your Marriage in Washington – The Basics](#).

◆ Caution: Don't write your entire bank account number or similar information on any of the court papers in this packet. These papers will become part of the public record once filed with the court, and they'll be available to the public online. If you need to identify which bank account you're referring to, use the bank name, type of account, and **last four numbers only**. Do the same for other accounts (such as credit card accounts) that have identifying numbers.

Paragraph 2.9. Separate Property

In general, separate property is property (including money) that's acquired before the marriage or after separation, as well as gifts or inherited items.¹² In paragraph 2.9, list all separate property, whether it belongs to the husband or the wife.

- If you have a separation contract or prenuptial agreement, check the third box and skip the rest of this paragraph.
- If the husband has no separate property, check the first box.
- If the wife has no separate property, check the second box.
- If the husband or wife has a long list of separate property, check the fourth and fifth boxes. Write "B" in the blank in the fourth box and "C" in the blank in the fifth box. Attach two lists: all of the husband's separate property (Exhibit B), and all of the wife's separate property (Exhibit C). Otherwise, check the sixth and seventh boxes. List in the blanks provided the husband's and wife's separate property.

Paragraph 2.10. Community Liabilities

◆ Look at the debts and liabilities paragraph of your petition for dissolution. Any debts that you list in the Findings under paragraph 2.10 and 2.11 must've been listed in your petition. If you left out some important debts that should be awarded to one spouse or the other, you must amend your petition and serve it on your spouse again. Remember: debts created during the marriage are almost always community debts, even if only one of you actually created or knew about the debt. (Example: even if your spouse was the only one who ever used the VISA card, it's still a community debt if the debt happened during the marriage.)¹³

In this paragraph, list all community debts, whether they'll be paid by the wife or husband.

- If you have a separation contract or prenuptial agreement, check the third box. Skip the rest of this paragraph.
- If there are no community debts (debts created during the marriage), check the first box.

¹² There are exceptions, however. To find out more about separate property, talk with an attorney, or read our publication [Ending Your Marriage in Washington - The Basics](#).

¹³ For more information on community and separate debts, see our publication [Ending Your Marriage in Washington - The Basics](#).

- If the parties have a long list of debts and liabilities, check the second box, write “D” in the blank, and attach to the Findings a separate list of debts as Exhibit D. Otherwise, check the fourth box and list the community debts of the husband and wife.

Paragraph 2.11. Separate Liabilities

In this paragraph, list all separate debts, whether they’ll be paid by the husband or wife.

- If you have a separation contract or prenuptial agreement, check the fourth box. Skip the rest of this paragraph.
- If the husband has no known separate debts (debts created before the marriage or after separation), check the first box. If the husband has a long list of debts, check the third box, write “E” in the blank, and attach a separate list of the husband’s debts as Exhibit E. If the husband has a short list of debts, check the sixth box. List the debts the husband’s separate debts in the space.
- If the wife has no known separate debts, check the second box. If the wife has a long list of debts, check the fifth box. Write “F” in the blank, and attach a list of the wife’s debts as Exhibit F. Otherwise, check the seventh box, and list the wife’s separate debts in the space provided.

Paragraph 2.12. Maintenance

- If the parties have a separation contract or prenuptial agreement that addresses maintenance, check the second box. Skip the rest of this paragraph.
- If neither party asked for maintenance, check the first box.
- If you asked for maintenance, and the other party didn’t Respond, check the fourth box. Copy what you wrote in the maintenance paragraph of the petition for dissolution into the blank space on the Findings.

Paragraph 2.13. Continuing Restraining Order

- If no restraining order’s being entered in your case, check the first box.
- If you asked for a restraining order in your petition for dissolution, and you still believe that one’s necessary, check the second box. Then check whether the husband or wife should be restrained. In the blank, write briefly why a restraining order’s necessary.

Paragraph 2.14. Protection Order.

- If no Protection Order’s being entered in your case, check “Does Not Apply.” Skip the rest of the paragraph.
- If a Protection Order’s being entered in this case, check the second box. Check the box showing which kind of protection order it is. Check the date the judge signed the protection order, if different than the date the judge will sign the Findings form. If you don’t know the date, leave the space for the date blank, but make sure the judge fills it in on the date of the hearing. Also, complete the Order for Protection and LEIS forms. Make sure your protection order form contains the expiration date you need. Make sure the “no contact” and custody/visitation items there don’t conflict with your parenting plan.

- If you have a Protection Order originally entered under a different case number, and it should be changed or extended, check the second box. Check the box showing which kind of protection order it is. Check the date the judge signed the new protection order, if different than the date the judge will sign the Findings form. If you don't know the date, leave the space for the date blank, but make sure the judge fills it in on the date of the hearing. Also check the "Other" box under 2.21. Write in what you're asking the court to do. Example: "The Protection Order entered on [date] under Case No. XXXX should be consolidated into this case, incorporated into the final order in this case, and modified as follows: 1) The "no contact" and custody provisions should be changed to follow the Final Parenting Plan; and 2) the expiration date should be changed so that the Protection Order's permanent, as authorized by RCW 26.09.050(1) and RCW 26.50.060(2)." Also, complete a LEIS and a new Order for Protection, including the changes you asked the court to make.

Paragraph 2.15. Fees and Costs

- If you don't want your spouse to pay you for court costs and attorney fees, or you didn't ask for payment in your petition, check the first box. If you have a separation contract or prenuptial agreement that provides for the payment of attorneys' fees and costs, check the second box. Skip the rest of this paragraph.
- If you want your spouse to pay for court costs and attorney fees, you must've already asked for that in your petition for dissolution. If you want attorney's fees and costs, check the third box. Complete the other boxes and blanks in that paragraph.

Paragraph 2.16. Pregnancy

- If the wife's not pregnant, check the first box. If she is pregnant, check the second box. If the wife became pregnant after the dissolution was filed, see an attorney before trying to finish your case. You may need to amend your petition.
- If the wife's pregnant, the law presumes that the husband's the father. If the husband's not the father, there's a specific procedure and usually only a limited time for challenging this legal presumption. The following steps **aren't** enough to reverse the legal presumption that the husband's the father:
 - Denying the husband's paternity in the dissolution papers.
 - Leaving the unborn child out of the parenting plan and child support orders.
 - Naming a different man as the father in the dissolution papers.

- ◆ If the wife's pregnant and the husband's not the father, talk with an attorney. The court shouldn't stop you from getting a decree of dissolution if you're pregnant, but the court may keep part of your case open until the paternity of your child can be established.
- ◆ If the wife's pregnant and the husband is the father, the court can still end your marriage and complete most of the parts of your dissolution, but you can't enter child support and a parenting plan for this child until after s/he's born.

Paragraph 2.17. Dependent Children

- If you and your spouse have no children under age 18 (or still dependent on you for support) who were born during the marriage, check the first box.
- If either you or your spouse has children (whether together or not), check the second box. Fill in the requested information for each child. This section includes children from other relationships, as well as the children of the marriage.

Paragraph 2.18. Jurisdiction over the Children

Look at your petition for dissolution. Check the same information that you checked in the petition. Fill in any blanks in the paragraphs you've checked. However, read the boxes rather than just count them, since item #2 isn't in the petition. You'll only check item #2 in the Findings if the court has no jurisdiction over the children. If the court has jurisdiction over the children, check the third box and the indented box(es) that apply. Fill in the necessary blanks in any item you checked.

Paragraph 2.19. Parenting Plan

If you have no children under age 18 with your spouse, check the first box. Otherwise, check the second box, and fill in the date the judge signed the final parenting plan, if different than the date the judge will sign these Findings. If you don't know the date of the parenting plan, leave the space for the date blank, but make sure the judge fills it in on the date of the hearing. Also, check the box "other." Write in "This parenting plan's entered pursuant to an order of default."

Paragraph 2.20. Child Support

If you have no children who are under age 18 or still dependent upon you for support, check the first box.

Otherwise, check the second box. Fill in the date the judge signed the Final Order of Child Support, if different than the date the judge will sign the Findings. If you don't know the date, leave the space for the date blank, but make sure the judge fills it in on the date when s/he signs the Findings.

Paragraph 2.21. Other

Look at the "Other" paragraph of the petition for dissolution. Copy any information from the petition into this paragraph. Also, if you're consolidating and incorporating a protection order

from another case into this case, or requesting a permanent protection order, see the instructions to paragraph 2.14 of the Findings, above. Otherwise, leave this paragraph blank.

If the wife's pregnant at the time the court signs the final papers dissolving the marriage, write in, "The court should reserve all issues relating to the unborn child until after the child's birth."

Section III - Conclusions Of Law

Paragraph 3.1 and 3.2. Jurisdiction and Granting of a Decree

Check the first box in each paragraph.

Paragraph 3.3. Pregnancy.

If the wife's not pregnant, check the first box, "does not apply." If the wife's pregnant, check the second box. Read the paragraph.

Paragraph 3.4. Disposition.

Read this paragraph.

Paragraph 3.5. Continuing Restraining Order

Check the first box if you're not asking for a restraining order, or the second box if you're asking for one.

Paragraph 3.6. Protection Order.

If you're not asking for a protection order, check the first box. If you're asking for one, or are asking that a protection order entered under a different case number be approved and incorporated, check the second box. Show which type of protection order you're asking for.

Paragraph 3.7. Attorney Fees and Costs

Check "does not apply," unless you asked the court to order your spouse to pay attorney's fees and costs in the petition for dissolution.¹⁴

Paragraph 3.8. Other

Look at paragraph 1.16 & the "other" section of relief requested in the petition for dissolution. Copy any information in those two paragraphs of the petition into this paragraph. If you're incorporating a protection order from another case, or asking for a permanent protection order in this case, write in "the court should enter the requested protection order." Otherwise, leave this paragraph blank.

If the wife's pregnant at the time the court signs the final papers dissolving the marriage, write in, "The court should reserve all issues relating to the unborn child until after the child's birth."

Signature

Sign and date, and print your name on the left side under "Presented by."

DON'T fill in the date or sign on the line that says Judge/Commissioner. The Judge will fill those lines in when you have your Findings signed.

¹⁴ Our packets don't explain when or how to request attorney fees.

D. Decree of Dissolution - WPF DR 04.0400

◆ When you ask the judge to sign a default Decree of Dissolution, you can't ask for things in the Decree that you didn't ask for in the petition for dissolution. You can't change what you're asking for without re-serving your spouse with an amended petition (or amended parenting plan or child support worksheets, if that's what you want to change) and giving him/her another chance to respond.

Caption. Fill out the Caption and check the box for "Decree of Dissolution" under the case number. If you're including a restraining order, check the boxes next to "Clerk's Action Required" and "Law Enforcement Notification." If you're including a real property (real estate) or money judgment summary in your decree, check the box next to "Clerk's Action Required."

Section I. Judgment/Order Summaries.

In this section, fill in a summary of any restraining orders, real property judgment or money judgment. A money judgment might include money you or your spouse owes the other for back maintenance or attorney's fees, or might be related to the property and debt division. Remember: if you're entering the order by default, you can only enter a judgment if you clearly asked for the judgment in the Petition.

Paragraph 1.1. Restraining Order Summary

Check the first box, "does not apply," if you're **not** requesting a permanent restraining order. Skip the rest of this paragraph.

If you're requesting a restraining order, check the second box. Write the name of the person to be restrained in the first blank, and of the people protected (including any children) in the second blank.

Paragraph 1.2. Real Property Judgment Summary

- If you own no real property (real estate such as a home, building or land), check the first box, "does not apply." Skip the rest of this paragraph.
- If you own real property and you or your spouse is being awarded the home, building or land in the divorce, check the second box. Write the assessor's property tax parcel or account number in the first blank, and the legal description in the second blank. If you don't know the tax parcel number or legal description, try to get it from the county assessor's office in the county where the property's located, or from a title company. In most cases where there's real property, try to have an attorney look at your final papers before you ask the judge to sign them.

Paragraph 1.3. Money Judgment Summary

If you or your spouse will owe each other money as a result of the decree, enter that information here. Add up any amounts one spouse owes to the other related to unpaid maintenance, property division, or attorney's fees and costs. Remember: you can't ask for anything that you didn't

request in your petition. DON'T enter a back judgment for child support here. That'll be covered on the child support order.

If there's no money judgment, check "does not apply." If you're entering a money judgment, check the box "judgment summary is set forth below" and fill in the blanks:

- A. *Judgment Creditor*: Write in the name of the person to whom money is owed.
- B. *Judgment Debtor*: Write in the name of the person who owes the money.
- C. *Principal Judgment Amount*: Write the total amount owed.
- D. *Interest to Date of Judgment*: Write the total amount of interest, if any, which will be owed by the date the court will sign the final orders.
- E. *Attorney Fees*: Write in the total amount of any attorney fees owed by one party to the other.
- F. *Costs*: Write in the total amount of costs owed by one party to the other.
- G. *Other recovery amount*: Write in any additional money owed by one party to the other.
- H. *Principal Judgment shall bear interest at*. Enter any amount up to 12%.
- I. *Attorney fees, costs and other recovery amounts shall be interest at*. Enter any amount up to 12%.
- J. *Attorney for judgment creditor*. If the person to whom money is owed has an attorney in this case, write in the attorney's name.
- K. *Attorney for judgment debtor*. If the person who owes money has an attorney in this case, write in the attorney's name.
- L. *Other*. Leave this blank, unless you need to write more information.

Section III. Decree.

◆ **Caution:** If you have a retirement plan (example: a pension or military retirement benefit), at least ask an attorney to advise you about the retirement issues, and to prepare the retirement papers you need when you finish your case. Example: a Qualified Domestic Relations Order (QDRO or "quadro") and the retirement division portion in your dissolution decree. Our packets don't describe retirement benefits and property.

Paragraph 3.1. Status of the Marriage

Check the first box.

Paragraph 3.2. Property to be Awarded the Husband

If you have a separation contract or prenuptial agreement that determines the division of property, check the second box. Write the date that the contract or agreement was signed. Check the box showing whether or not you're filing a copy with the court. Skip the rest of this paragraph.

If the husband will be awarded a long list of property, check the first box. Write "A" after Exhibit. Attach the list of the property to the Decree as Exhibit A. Otherwise, check the third box, and list all of the property to be awarded to the husband. Usually, you'll check the third

box, write “all property currently in his possession,” and then list any major items (such as cars), whether or not they’re in his possession, and any items that need to be turned over by the wife to the husband.

Paragraph 3.3. Property to be Awarded to the Wife

If you have a separation contract or prenuptial agreement that determines the division of property, check the second box. Skip the rest of this paragraph.

If the wife will be awarded a long list of property, check the first box. Write “B” in the blank after Exhibit. Attach the list of the property to the Decree as Exhibit B. Otherwise, check the third box, and list all of the property to be awarded to the wife. Usually, you’ll check the third box, write “all property currently in her possession,” and then list any major items (such as cars), whether or not they’re in her possession, and any items that the husband needs to turn over to the wife.

Paragraph 3.4. Liabilities to be Paid by the Husband

If there are no debts to be paid by the husband, check the first box. If there’s a separation contract or prenuptial agreement that provides for the division of debts, check the third box. Skip the rest of this paragraph.

If there’s a long list of debts for the husband to pay, check the second box. Write “C” after Exhibit. Attach the list of debts the husband will pay as Exhibit C. Otherwise, check the fourth box. List the debts to be paid by the husband in the blank space.

Paragraph 3.5. Liabilities to be Paid by the Wife

If there are no debts to be paid by the wife, check the first box. If there’s a separation contract or prenuptial agreement that provides for the division of debts, check the third box. Skip the rest of this paragraph.

If there’s a long list of debts for the wife to pay, check the second box, write “D” after Exhibit. Attach the list of debts the wife will pay as Exhibit D. Otherwise, check the fourth box, and list the debts to be paid by the wife in the blank space.

Paragraph 3.6. Hold Harmless Provision

Entering a decree requiring one spouse to pay a debt does not stop creditors from trying to collect from both parties. Checking the first box means that, if a person fails to pay one of the debts s/he’s ordered to pay in the Decree, the other party can sue for attorney’s fees and costs as well as the amount of the debt. This can be useful if you think your spouse will fail to pay debts s/he’s ordered to pay. But it could also cost you lots of money if you fail to pay debts that you’re ordered to pay in the Decree.

Paragraph 3.7. Maintenance

If no maintenance is ordered, check the first box. If there’s a separation contract or prenuptial agreement that addresses payment of maintenance, check the third box. Skip the rest of this paragraph.

Otherwise, check the fourth box. Check whether husband or wife is going to pay. Write the amount of maintenance to be paid in the blank. Check the box indicating how often maintenance

will be paid (“semi-monthly” = twice per month). Write in the date that the first maintenance payment’s due.

To make sure maintenance doesn’t end upon death or remarriage, write the date that maintenance should end in the blank space.

Payment shall be made: If you want maintenance to be paid directly to the receiving spouse, check the first box. If the party receiving maintenance is having child support collected by the Division of Child Support (DCS), check the second box stating that payments shall be made to the Washington State Support Registry. If you want maintenance to be collected by the clerk, and your spouse won’t be paying child support, check the third box.

If the spouse paying support might have a pension or benefits under the Washington State Department of Retirement Systems and the spouse receiving maintenance would like to be able to garnish those benefits if the paying spouse falls behind on maintenance payments, talk with an attorney to ensure that you fill out this portion of the Decree correctly.

Paragraph 3.8. Continuing Restraining Order

Check the first box if there isn’t going to be a restraining order.

If there will be a restraining order,

- check the second box. Copy the information about the restraining order from your petition for dissolution. Read each paragraph to be sure you check the appropriate items and fill in the appropriate blanks.
- Check the box next to CLERK’S ACTION. Write in the police department that patrols the area where you live.
- Service: Check the second box.
- Expiration: Write in the date that the restraining order will end.
- If you had a temporary restraining order, check the last box under Expiration. Write in the name of the police department that patrols the area where you live.

Paragraph 3.9. Protection Order

- If there won’t be a Protection Order (also called an Order for Protection), check the first box.
- If there will be a Protection Order, check the second box. Check the text box showing the type of protection order. Fill in the date the judge signed the protection order, if different than the date the judge will sign this decree.
- If your petition for dissolution asked for a protection order, fill out and ask the judge to sign the appropriate Order for Protection form when you prepare the decree. Make sure:
 - the no contact, custody and visitation provisions of the protection order are consistent with your final parenting plan;
 - the expiration date and other relief in the protection order is the same as you requested, or as the judge otherwise orders; and
 - add the following language to the protection order in paragraph 8. Other: “This Order for Protection’s issued under RCW chapter 26.09, and isn’t subject to the one-year

limitation on restraining the respondent from contacting the respondent's minor children. RCW 26.50.060(2)."

- If you're changing an existing protection order, also follow the additional instructions in Paragraph 3.15 "other."

Paragraph 3.10. Jurisdiction over the Children

- If you and your spouse have no dependent children, check the first box.
- If you and your spouse have children together who are under age 18 or still dependent on you for support, check the second box.

Paragraph 3.11. Parenting Plan

- If you and your spouse have no children together, check the first box.

If you and your spouse have children together and you're entering a parenting plan, check the second box. Fill in the date the court signed the final parenting plan, if different than the date the judge will sign this decree. If you don't know the date, leave the space for the date blank, but make sure the judge fills it when s/he signs the Decree.

Paragraph 3.12. Child Support

- If you and your spouse have no children together, check the first box.

If you and your spouse have children together who are under 18 or still depend on you for support, check the second box. Fill in the date the court signed the Final Order of Child Support, if different than the date the judge will sign this decree. If you don't know the date, leave the space for the date blank, but make sure the judge fills it when s/he signs the Decree.

Paragraph 3.13. Attorney Fees, Other Professional Fees and Costs

- If no attorney fees or costs will be awarded, check the first box. If attorney's fees or costs will be paid under a separation contract or prenuptial agreement, check the second box.
- If attorney fees and costs are awarded, check the third box. In the blank, write the name of the spouse who owes fees and costs to the other spouse, and the amount that will be paid. (Example: "Wife will pay husband \$300 for attorney's fees and costs.")

Paragraph 3.14. Name Changes

If neither spouse is changing their name, check the first box. If the wife's changing her name, check the second box. Write the wife's full new name in the blank. If the husband's name is being changed, check the third box. Write the husband's full new name in the blank.

Paragraph 3.15. Other

Fill this in only if you need to add more orders that were requested in your petition.

If you have a Protection Order that was originally entered under a different case number, and you asked in your Petition for Dissolution for the court to change it or extend the expiration date, write in what you asked the court to do. Example: "The Protection Order entered on _____ [date] under Case No. XXXX is consolidated under this case number and it's approved and incorporated herein, except it's modified as follows: 1) The no contact, custody and visitation provisions are changed to follow the Final Parenting Plan; and 2) the expiration date's changed

so that the Protection Order is permanent, as authorized by RCW 26.09.050(1) and RCW 26.50.060(2). The parties shall comply with that Order for Protection.” Also, complete an LEIS and a new Order for Protection, including the changes you asked the court to make. See instructions for paragraph 3.9, above.

If the wife’s pregnant, write in: “The court reserves all issues relating to the unborn child until after the child’s birth.”

Signature.

Finish the form by signing it and printing your name on the left side under "Presented by." **DON’T** fill in the date or write on the judge/commissioner line. The Judge does that.

BEFORE YOU FILE YOUR MOTION FOR DEFAULT:

If you have children with your spouse, get the [*Parenting Plans and Child Support for Dissolutions and Modifications of Dissolution*](#) packet. Complete the final parenting plan, order of child support, child support worksheets, Residential Time Summary Report. If you’re asking for an order for protection, complete the order for protection and LEIS forms.

If the children have ever received public assistance (TANF), or Medicaid, or if they’re in foster care or out of home placement, the prosecuting attorney's office also must sign your final papers before the Judge will sign them. If a guardian ad litem was appointed for either spouse, or to represent the best interests of any child of the marriage, the guardian ad litem must also sign the decree and, if appointed for a child, the parenting plan.

Section 8: Filing and Serving Your Final Papers

A. If Your Spouse Didn't Appear or File a Response, You May Be Able to Use a Note for Dissolution Calendar

If your spouse filed no Response, Notice of Appearance, or any other paper in the case, and/or didn't appear at any court hearings, and if your default and final orders hearing will take place less than one year after you served your spouse with the Summons and Petition for dissolution,¹⁵ then you can file a motion for default and (assuming only 2 parties in your case) ask the court to sign your final divorce orders without giving any notice to your spouse.¹⁶ However, it's a good idea to give notice anyway, as described later in this packet. Orders that are entered by default may sometimes be vacated (cancelled) later, if the other party files a motion to vacate and persuades the court to do so. Having proof that you gave the other party another chance to respond before final orders were entered may help you to prevent the other party from convincing the court to vacate (cancel) your orders later. Further, some courts require that you file a note for motion calendar to schedule a hearing to enter your final orders even if you don't need to give notice to the other party.

Use the Note for Dissolution Calendar form to set up a hearing to ask the court to sign your final orders for dissolution of marriage. Some counties require you to use their own Note for Dissolution Calendar form. Others may require a different form, which may be called a "Note for Motion Docket," a "Notice of Issue," a "Note for Hearing" or a "Notice of Hearing." If your spouse appeared, give your spouse notice of your motion for default (see "If Your Spouse Appeared" instructions below). You may need to note your final orders and your motion using a Note for Motion Docket or Note for Hearing rather than a Note for Dissolution Calendar.

Check with the Family Law Facilitator or court clerk in the county where your dissolution was filed to see if your county has a special form. If the court clerk has no special form to set up a hearing to dissolve your marriage, use the form included here.

1. How do I Get a Date for my Hearing?

Check your local court rules (at the law library), ask your Family Law Facilitator's office (if your county has one), or call the court clerk's office to find out what days and times to schedule entry of your final dissolution orders by default. Motions for entry of final orders by default in dissolution cases are usually scheduled in the ex parte department, but may be scheduled on the family law calendar or with a judge. In some counties, hearings to enter final dissolution orders are scheduled only on certain days or at certain times. In many counties, if the State's a party to your case (such as when the children have received public assistance), schedule your hearing on a date that the prosecutor's present for family law motions.

¹⁵ If more than one year's passed since you served your spouse with the summons and petition for dissolution, you must give your spouse notice of the motion for default and for presentation of your final papers by certified mail or personal service. See [CR 55\(f\)](#).

¹⁶ If there are other parties to the case, you must get their signatures on the findings of fact and conclusions of law, the decree, and any parenting plan and child support papers, before presenting them to the judge.

2. How Much Notice Do I Need to Give the Other Party?

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 aren't court holidays) **before the hearing date**.¹⁷ Don't count weekends or holidays.

However, some counties require more than five court days' notice for family law hearings. Check with your local court rules, your Family Law Facilitator's office, or the court clerk to find out how many days notice to give.

Remember: count Day 1 as the day **after** you delivered or mailed the papers.

Add Days for Mailing.

Mailing. If the papers are mailed, instead of personally delivered, add at least three (3) days¹⁸ 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's not a legal holiday or weekend.¹⁹ 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.

B. Instructions for the Note for Dissolution Calendar Form

Caption. Fill out the caption.

To the Clerk and to: Fill in the name(s) of your spouse and of any other parties.

Paragraph 1: Write the name of the items you're putting on the court calendar, for example "*Motion for Default, and Entry of Decree of Dissolution and related relief.*"

Paragraph 2: Write the date, time, place and courtroom number of your hearing.

Signature: Date the form. Sign it on the line that says Signature of Requesting Party or Lawyer. Print your name and mailing address on the lines below your signature. If you don't want to give your home address, fill in an address where you can reliably receive mail – such as a post office box, or a friend's address.

C. If Your Spouse Appeared, But Didn't Respond, Give Your Spouse Notice of Your Motion for Default Using a Note for Motion Docket

If your spouse appeared, but didn't file a Response, file your motion for default, and give your spouse (and other parties, such as the State) notice of the motion and of your intent to ask the court to sign your final papers and provide copies of your proposed final papers. Although Washington's civil procedure law says that a party must file a written notice of appearance or file another pleading

¹⁷ [Civil Rule \(CR\) 6\(d\)](#).

¹⁸ 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.

¹⁹ [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#).

in order to “appear” in a case, the courts believe that other actions in the case may count as an appearance.²⁰ If your spouse came to any hearing, or filed or served any paper about the case, assume that your spouse has “appeared.” Give notice of the final hearing.

Use the Note for Motion Docket form to let the court and the other parties know the date, time, location, and reason for your hearing. **Many counties require you to use their special form.** Check with your Family Law Facilitator’s office or court clerk’s office to find out if your county uses a special Note for Motion form. If not, use the form included here.

1. How do I Get a Date for My Hearing?

See the “How do I Get a Date for My Hearing?” section above.

2. How Much Notice Do I Need to Give the Other Party?

If more than one year’s passed since you served your spouse, give your spouse at least ten days’ notice of the motion. Serve the notice of the motion personally or by certified mail.²¹

If less than one year’s passed, see the information in “How Much Notice Do I Need to Give the Other Party?” above.

D. Instructions for the Note for Motion Docket Form

Caption. Fill in the caption.

To the Clerk of the Court and to. In this section, fill out the names of the other parties. The other parties in your case include your spouse, and may also include, for example, if the State appeared, the Prosecuting Attorney’s office.²² If there’s a Guardian Ad Litem in your case, fill in his/her name.

- **Hearing Date/Time:** Fill in the date and the time of your hearing.
- **Location:** Fill in the name of the courthouse (example: Thurston County Superior Court).
- **Courthouse Room:** Fill in the Room Number where your hearing’s scheduled.
- **Address:** Fill in the address of the courthouse.
- **Nature of Motion:** Write in “Motion for Default and Presentation of Final Dissolution Orders.”
- **Signature:** Sign and print your name, and your address, and fill in the date.

²⁰ Compare [RCW 4.28.210](#) with *Morin v. Burris*, 160 Wash.2d 745 (2007).

²¹ [CR 55\(f\)](#).

²² For more information about serving the State of Washington, see our packet [Serving Papers on the State](#).

E. Filing Your Note for Dissolution Calendar or Note for Motion Docket Form

Before going to the courthouse, copy and organize your papers. Make one copy of every paper – see the checklists in this packet – for yourself and one for every other party who’ll receive notice of your hearing. Remember: any party who’s appeared IS entitled to notice. Furthermore, we recommend you give notice even where not required. Include the State of Washington if your children have received public assistance (TANF) or Medicaid, or if any child in the case is in foster care or out of home placement. Also include the Guardian ad Litem, if one’s been appointed in your case. Make one more copy for the judge if you need working papers – see the section “Working Papers” below.²³ **Don’t make a copy of the law enforcement information sheet (if you’re using this form) for any other party.** Organize the copies into sets so that each set contains a copy of every paper you’re filing (except, don’t give the other parties the Certificate of Mailing and don’t give them the law enforcement information sheet).

Make sure that your papers are filed in time to give the court enough notice before the hearing date. See the information above in “How do I Get a Date for My Hearing?” and “How Much Notice Do I Need to Give?”

Take the originals and the copies to the county court clerk’s office in the superior courthouse where you’re filing your motion. Give the clerk the original of all of your forms for filing **except**

- Ask the clerk what to do with the originals of the proposed orders – that’s the Order of Default, the Findings and Conclusions, the Decree, and, in cases with children, the parenting plan, Order of Child Support and Child Support Worksheets. Some cases may also include a proposed Order for Protection or other papers. **Follow the clerk’s instructions.**
- Don’t give the clerk the LEIS at this time (if you’ve prepared this form). You don’t need that form until the judge signs an order containing safety restraints.

Ask the clerk to stamp the copies to show the date that you filed the originals. Take the stamped copies back from the clerk. The clerk will keep the originals.

F. Serving Notice of the Motion for Default and Presentation of Final Orders

Unless more than one year’s passed between the date you served your spouse with the Summons and dissolution petition and the date of your default and final papers hearing, don’t have your spouse personally served with the motion, note for hearing, and final papers. Arrange for service by first class mail or hand delivery as described below. (If more than one year’s passed, special service rules apply.²⁴)

If there are additional parties, the papers must be mailed or delivered to them also.

²³ Remember: you must notify every party, unless s/he’s entirely failed to appear in the case (and we recommend that you give notice even in this situation).

²⁴ [CR 55\(f\)](#).

- **Make sure your motion’s served in time to give the other party enough notice before the hearing date.** See the Instructions for the Note for Motion Docket and “How Much Notice Do I Need to Give?” above. Serve all the parties on time. This includes your spouse, and any other parties such as the GAL or prosecutor. For more information on serving the prosecuting attorney, see our packet [Serving Papers on the State](#).
- **Copy and Organize Your Papers.** Make one copy of every paper (including the proposed orders) for each of the other parties. If you need Working Papers, make another copy for the judge (see the Working Papers section below). Make a set of the papers for each of the other parties and the judge. Compare it to the checklist in this packet to make sure that you included everything. (Don’t give the other parties the Certificate of Mailing or LEIS.)
- **Keep a full set of copies for yourself.** 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.

Follow the instructions below for giving the papers to the other parties.

G. Giving the Papers to the Other Party by Mail or Personal Delivery

While the case is going on, 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 Summons, the Response form, a Notice of Appearance, 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’s mailed or delivered the papers to a party, have him/her fill out the Certificate of Mailing or Personal Delivery the same day. Your friend should fill out a separate form for each person s/he mails or delivers the papers to. 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 the papers are mailed, instead of personally delivered, add at least three (3) days²⁵ 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

²⁵ 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.

that's not a legal holiday or weekend.²⁶ 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's 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 office²⁷; or,
- if there's 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.²⁸

H. **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.

1. **Caption.** Fill in the caption.
2. **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 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

²⁶ [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#) .

²⁷ 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 NOT serve other parties at their offices, unless they've used that as their service address in a Notice of Appearance, Petition, or Response form.

²⁸ [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 preventing him/her from understanding that the legal papers should be given to the other party.

the time and address of delivery in the blanks provided, and the name of the person to whom the papers were delivered.

3. **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.

I. Filing the Certificates of Mailing or Personal Delivery

1. **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.
2. **Take the originals and the copies to the superior court clerk's office** in the courthouse where your case was filed. Give the clerk the originals of the Certificate of Mailing or Personal Delivery forms.
3. **Ask the clerk to stamp your copies** to show the date that you filed the Certificates. Take each stamped copy back from the clerk. The clerk will keep the originals.
4. **Keep your copies of the Certificates in a safe place.** You may need them.

Section 9: Preparing for and Attending Your Hearing

A. Working Papers and Confirming Your Hearing

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.

If you need working papers, make one copy of all your hearing papers (including the proposed orders) for the judge. Keep one copy for yourself. (Look at the forms checklists in this packet. Make sure that you've included all you need.) Try to make an index for the judge that lists the title of each paper you submitted for working papers, and number them. **Write the date, time and room number of the hearing, and “Family Law, Motion for _____” (fill in the subject of your hearing) in the upper-right hand corner of the first paper.** Ask the clerk's office where to deliver the papers. Deliver them to the correct place.

B. Going to the Hearing

- **Take Your Court Papers with You.** Bring along all the proposed orders and other original papers you'll ask the judge to approve. If you've already delivered the original proposed orders to the court, take along an extra copy in case the judge needs it. Bring your own copies of those papers and your hearing papers. Also, take copies of your proofs of service (Returns of Service and the Certificates of Mailing or Personal Delivery). The judge may want to see them. Also bring your own copy of all the papers you filed and served on the other parties earlier in the case. The judge may have a question about them, but not have the court file.
- **Get to Your Hearing Early.** Try to dress neatly. Bring a pad of paper and black pen to write notes with. Bring your set of the papers and the originals of your orders. Try not to bring your children, if you can help it. The judge will usually not 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's called, tell the court that you're present. Remain in court until your case is called for hearing.

- **Presenting Your Papers.** When you're told to come forward, do so. Give the court the originals of your final papers (Order of Default, Findings, Decree, and, if applicable, your Final Parenting Plan, Order of Child Support and Child Support Worksheets, and Order for Protection). The judge will usually ask if any other party's present. The judge may ask you to explain what you're asking the court to approve, and why. Be brief. Make your statement directly to the judge. If any other party appears at the hearing, the judge may allow him/her to speak, or the judge may ask questions.
- **Getting a Default Judgment. If the other party doesn't appear,** ask the judge to sign your orders. (Order of Default, Findings, Decree, and, if applicable, your Final Parenting Plan, Order of Child Support and Child Support Worksheets, and Order for Protection.) The judge may want to see your Return of Service (the form that shows that you served the other party with the Summons, Petition and other papers) or the Certificate of Mailing or Personal Delivery.
- **Don't interrupt the judge.** The judge may ask you questions about your final papers to make sure they're complete and correct. The judge may also swear you in and go through the Findings of Fact, asking you questions about each paragraph. Example: the judge may ask what county you live in, where the other party lives, whether the wife's pregnant, whether there are children, etc. This is called "formal proof." It shows the court that there's evidence to support the judge signing the final orders. If you don't understand judge's questions, ask him/her to explain.
- **If the other party shows up at the hearing,** the judge will probably not grant your motion for default. Ask the judge to enter an order setting a deadline by which the other party must file a Response, and ask for a review (repeat) hearing to make sure that your spouse files the Response.
 - If the respondent doesn't file a Response by the court's deadline, go to the review hearing. Ask the judge to sign your Order of Default and your final papers.
 - If the respondent does file a Response before the review hearing, you can't get an order of default against that respondent. You must either reach agreement or prepare for trial.
 - **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. If you don't know what to do with the original orders, ask someone at the clerk's office to help you.
- **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 and of any Protection Order. (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. 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 and \$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 your order(s), properly deliver copies of the papers to the other parties. See the "Steps to Take" section.

Section 10: If the Other Party Files a Response and You Don't Reach an Agreement, Get Ready to Go to Trial

If

- your spouse files a Response contesting the petition and
- the court doesn't dismiss the case for another reason, and
- you reach no agreement about final orders, then
- both the Petitioner(s) and Respondent(s) must prepare to go to trial.

Follow the court's rules about trial preparation. In some counties, you have a case schedule or other notice that tells you about some of the things to do to prepare for trial. Talk with your family law facilitator for more information. If you don't have a case schedule, don't wait until the last minute to get ready for trial. Start weeks, if not months, in advance. Find out about how your trial's scheduled. Sometimes a case schedule or the court announces the trial date, and sometimes the parties must ask for a trial date.

If child custody or visitation is an issue in your case, and if there's a Guardian ad Litem or other custody evaluator in your case, you should receive a report from him/her before the trial.

If you have a trial, each party will have the chance to tell the judge why the judge should rule in that party's favor. Each party must present the judge with evidence (examples: admissible documents or testimony) that helps prove that party's claims.

We have no packet with detailed information about how to prepare for trial. However, we have other publications that may help you prepare for trial. See our publications called [How to Subpoena Witnesses and Documents](#) and [Basic Tips on How to Prepare for a Court Hearing or Trial](#). Consult an attorney for specific advice about what to do to prepare for trial in your case.

At the end of your trial, the judge will announce his/her decision and give reasons for it. However, the case isn't finished until the judge signs final papers: Findings of Fact and Conclusions of Law, a Decree, and, in some cases, additional papers. If there are dependent children, the final papers will include a parenting plan and an Order of Child Support and Child Support Worksheets, assuming the court has jurisdiction to decide these issues. The judge will usually ask one of the parties or his/her attorney to prepare the final papers for the judge to approve.

Those papers will be presented to the judge at a "presentation" hearing. Sometimes the judge at the end of the trial will tell the parties the date of the presentation hearing. If the judge doesn't set a date, then the person who prepares the final papers must give the other parties advance notice of the time and place of this hearing. The person who prepares the paper must provide the other parties with copies of the papers s/he wants the judge to sign. S/he's supposed to prepare the final papers to say exactly what the judge ordered – not what that party wanted. Any party who doesn't think the proposed final papers say what the judge ordered can come to the hearing

to explain the objection. In some counties, the person who disagrees must prepare and provide final papers that s/he believes more accurately show the judge's decision.

◆ If another party's prepared final papers after trial and asks you to sign them, read each paper carefully to see if it accurately states what the judge decided at your trial. If you believe any paper doesn't show the judge's decision correctly, or if you're not sure, **insist that the other party set a "presentation" hearing** and give you notice of that hearing. Attend the presentation hearing. Explain why you believe the language in the final papers doesn't show the judge's decision. You may be required to prepare your own proposed final papers.

After the judge signs the final papers, read the information in the "Going to Your Hearing" section about getting copies of the order the judge has signed. If the judge signed your order(s), properly deliver copies of the papers to the other parties. See the "Steps to Take" section of this packet.

Section 11: 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.

**Superior Court of Washington
County of _____**

In re the Marriage of:

Petitioner,

and

Respondent.

No. _____

**Motion and Declaration for
Default
(MTDFL)**

I. Motion

(Name of requesting party) _____ moves the court for an order of default against (name of other party being defaulted) _____. Venue of this action is proper as set forth in the Declaration below.

Dated: _____

Signature of Requesting Party or Lawyer/WSBA No.

Print Name

II. Declaration

2.1 Proper Jurisdiction and Venue

The court has proper jurisdiction and venue pursuant to the allegations of the petition at the time of filing.

The petitioner resides in (county and state only) _____.

The child(ren) reside(s) in (county and state only) _____.

Respondent resides in (county and state only) _____.

Other:

2.2 Jurisdiction Over the Other Party

This court has jurisdiction over the other party because:

- the other party is currently residing in Washington.
- the petitioner and respondent lived in Washington during their marriage or domestic partnership and the petitioner continues to reside, or be a member of the armed forces stationed, in this state.
- the petitioner and respondent may have conceived a child while within Washington.
- The other party was personally served with summons and petition within this state.
- The other party submits to jurisdiction of this state by consent as evidenced by joinder or consent to jurisdiction signed by respondent.
- The other party engaged in sexual intercourse in the state of Washington as a result of which the child may have been conceived.
- The other party resided with the child in this state.
- The other party resided in this state and provided prenatal expenses or support for the child.
- The child resides in this state as a result of the acts or directives of the other party.
- Other:

2.3 Service on Other Party

The other party was served with (documents) _____
on (date) _____:

- in the state of Washington.
 - in (state or country where served) _____.
- Service within the state of Washington could not be made for the following reasons:

2.4 Time Elapsed Since Service on the Other Party

- The other party was served within the state of Washington and more than 20 days have elapsed since the date of service.

- The other party was served outside the state of Washington and more than 60 days have elapsed since the date of service.
- The other party was served by mail and more than 90 days have elapsed since the date of mailing.
- The other party was served by publication and more than 60 days have passed since the date of first publication.

2.5 Appearance of the Other Party

- The other party has failed to appear.
- The other party has appeared, but has failed to respond.

2.6 Servicemembers Civil Relief Act Statement

2.6.1 A. Service member status -- (name of other party) _____:

- is not a service member;
- is on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is on active duty and is a National Guard member or a Reservist residing in Washington;
- is not on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is not on active duty and is a National Guard member or a Reservist residing in Washington;
- I am unable to determine whether the other party is or is not on active duty in the U.S. armed forces;
- I am unable to determine whether the other party is or is not on active duty as a National Guard member or a Reservist residing in Washington.

B. Factual basis:

- See the attached Defense Man Power Data Center Report obtained from <https://www.dmdc.osd.mil/scra/owa/home>.
- Other factual basis:

C. As indicated above, the other party is on active duty and (check all that apply):

- The other party is represented by an attorney.
- The court has appointed an attorney to represent the other party.
- A stay of these proceedings has has not been entered by the court.

2.6.2 A. Dependent of a service member status -- (name of other party) _____:
_____:

- is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- I am unable to determine whether the other party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

B. Factual basis:

- The other party failed to respond to a notice to him or her as a dependent of a person in Military Service that was served on mailed by first class mail on (date) _____, therefore he or she should be presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.
- Other factual basis:

C. As indicated above, the other party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist and (check all that apply):

- The other party is represented by an attorney.
- The court has appointed an attorney to represent the other party.
- A stay of these proceedings has has not been entered by the court.

2.7 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 Requesting Party

Print Name

**Superior Court of Washington
County of _____**

In re the Marriage of:

Petitioner,

and

Respondent.

No. _____

**Order on Motion for Default
(ORDFL)**

granted (ORDFL)

denied (ORDYMT)

I. Basis

A motion for default has been presented by (name of requesting party) _____.

II. Findings

The court *finds*:

2.1 Proper Jurisdiction and Venue

The court has proper jurisdiction and venue.

2.2 Service on Nonrequesting Party

(Name of nonrequesting party being defaulted) _____
was served with _____
_____ on (date) _____.

2.3 Time Elapsed Since Service

- The nonrequesting party was served within the state of Washington and more than 20 days have elapsed since the date of service.
- The nonrequesting party was served outside the state of Washington and more than 60 days have elapsed since the date of service.
- The nonrequesting party was served by mail and more than 90 days have elapsed since the date of mailing.
- The nonrequesting party was served by publication and more than 60 days have passed since the date of first publication.

2.4 Appearance

- The nonrequesting party has failed to appear.
- The nonrequesting party has appeared but has failed to respond.

2.5 Servicemembers Civil Relief Act Statement

2.5.1 Service member status --- It appears the nonrequesting party:

- is not a service member;
- is on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is on active duty and is a National Guard member or a Reservist residing in Washington;
- is not on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is not on active duty and is a National Guard member or a Reservist residing in Washington.

2.5.2 Dependent of a service member status --- It appears the nonrequesting party:

- is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- is presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

2.6 Other

III. Order

It is Ordered:

- The motion is denied.

[] The nonrequesting party is in default.

Dated: _____

Judge/Commissioner

Presented by:

Signature of Requesting Party or Lawyer/WSBA No.

Print Name

Date

**Superior Court of Washington
County of _____**

In re the Marriage of:

and

Petitioner,
Respondent.

No. _____

**Findings of Fact and
Conclusions of Law
(Marriage)
(FNFCL)**

I. Basis for Findings

The findings are based on:

- agreement.
- an order of default signed by the court on this date or dated _____.
- trial. The following people attended:

- Petitioner.
- Petitioner's Lawyer.
- Respondent.
- Respondent's Lawyer.
- Other:

II. Findings of Fact

Upon the basis of the court records, the court ***Finds:***

2.1 Residency of Petitioner

The Petitioner

- is a resident of the state of Washington.
- is not a resident of the state of Washington.
- is a member of the armed forces and has been stationed in this state for at least 90 days.

2.2 Notice to the Respondent

The respondent

- appeared, responded or joined in the petition.
- was served in the following manner:

2.3 Basis of Personal Jurisdiction Over the Respondent

- There are no facts to establish personal jurisdiction over the respondent.
- The facts below establish personal jurisdiction over the respondent.
 - The respondent is currently residing in Washington.
 - The parties lived in Washington during their marriage and the petitioner continues to reside, or be a member of the armed forces stationed, in this state.
 - The parties may have conceived a child while within Washington.
 - Other:

2.4 Date and Place of Marriage

The parties were married on (date) _____ at
(city and state only) _____.

2.5 Status of the Parties

Husband and wife separated on (date) _____.

2.6 Status of Marriage

- The marriage is irretrievably broken and at least 90 days have elapsed since the date the petition was filed and since the date the summons was served or the respondent joined.
- The petitioner wishes to be legally separated.
- The petitioner is petitioning for a declaration concerning the invalidity of the marriage. The court **finds** the following facts concerning the validity of the marriage:

The husband has the following real or personal separate property:

The wife has the following real or personal separate property:

Other:

2.10 Community Liabilities

There are no known community liabilities.

The parties have incurred community liabilities as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of these findings.

The parties have community liabilities as set forth in the separation contract or prenuptial agreement referenced above.

The parties have incurred the following community liabilities:

Creditor

Amount

Other:

2.11 Separate Liabilities

The husband has no known separate liabilities.

The wife has no known separate liabilities.

The husband has incurred separate liabilities as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of these findings.

- The parties have separate liabilities as set forth in the separation contract or prenuptial agreement referenced above.
- The wife has incurred separate liabilities as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The husband has incurred the following separate liabilities:

<u>Creditor</u>	<u>Amount</u>
-----------------	---------------

- The wife has incurred the following separate liabilities:

<u>Creditor</u>	<u>Amount</u>
-----------------	---------------

- Other:

2.12 Maintenance

- Maintenance was not requested.
- Maintenance shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
- Maintenance should not be ordered because:

- Maintenance should be ordered because:

- Other:

2.13 Continuing Restraining Order

- Does not apply.
- A continuing restraining order against the husband wife both parties is necessary because:

Other:

2.14 Protection Order

- Does not apply.
- The domestic violence antiharassment Order for Protection signed by the court on this date or dated _____, is approved and incorporated as part of these findings.

2.15 Fees and Costs

- There is no award of fees or costs.
- Attorney fees, other professional fees and costs shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
- The husband wife has the need for the payment of fees and costs and the other spouse has the ability to pay these fees and costs. The husband wife has incurred reasonable attorney fees and costs in the amount of \$_____.
- Other:

2.16 Pregnancy

- The wife is not pregnant.
- The wife is pregnant. **Note: Under RCW 26.26.116, the husband is the presumed father. If husband or wife believes the husband is not the father, this presumption may be challenged up to two years after the birth of the child or as otherwise provided in RCW 26.26.500 through 26.26.625.**
- Other:

2.17 Dependent Children

- The parties have no dependent children of this marriage.
- The children listed below are dependent upon either or both spouses.

<u>Name of Child</u>	<u>Age</u>	<u>Mother's Name</u>	<u>Father's Name</u>
--------------------------	------------	--------------------------	--------------------------

Other:

2.18 Jurisdiction Over the Children

- Does not apply because there are no dependent children.
- This court does not have jurisdiction over the children.
- This court has jurisdiction over the children for the reasons set forth below.
- This court has exclusive continuing jurisdiction. The court has previously made a child custody, parenting plan, residential schedule or visitation determination in this matter and retains jurisdiction under RCW 26.27.211.
- This state is the home state of the children because:
- the children lived in Washington with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of this proceeding.
 - the children are less than six months old and have lived in Washington with a parent or a person acting as parent since birth.
 - any absences from Washington have been only temporary.
 - Washington was the home state of the children within six months before the commencement of this proceeding and the children are absent from the state but a parent or person acting as a parent continued to live in this state.
- The children and the parents or the children and at least one parent or person acting as a parent, have significant connection with the state other than mere physical presence; and substantial evidence is available in this state concerning the children's care, protection, training and personal relationships; and
- the children have no home state elsewhere.
 - the children's home state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under RCW 6.27.261 or .271.

- All courts in the children's home state have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the children under RCW 26.27.261 or .271.
- No other state has jurisdiction.
- This court has temporary emergency jurisdiction over this proceeding because the children are present in this state and the children have been abandoned or it is necessary in an emergency to protect the children because the children, or a sibling or parent of the children is subjected to or threatened with abuse. RCW 26.27.231.
- There is a previous custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. The requirements of RCW 26.27.231(3) apply to this matter. This state's jurisdiction over the children shall last until (date) _____.
- There is no previous custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. If an action is not filed in (potential home state) _____ by the time the child has been in Washington for six months, (date) _____, then Washington's jurisdiction will be final and continuing.
- Other:

2.19 Parenting Plan

- Does not apply.
- The parenting plan signed by the court on this date or dated _____, is approved and incorporated as part of these findings.
- This parenting plan is the result of an agreement of the parties.
- Other:

2.20 Child Support

- Does not apply.
- There are children in need of support and child support should be set pursuant to the Washington State Child Support Schedule. The Order of Child Support signed by the court

on this date or dated _____, and the child support worksheet, which has been approved by the court, are incorporated by reference in these findings.

Other:

2.21 Other

III. Conclusions of Law

The court makes the following conclusions of law from the foregoing findings of fact:

3.1 Jurisdiction

The court has jurisdiction to enter a decree in this matter.
 Other:

3.2 Granting a Decree

The parties should be granted a decree.
 Other:

3.3 Pregnancy

Does not apply.
 The wife is pregnant. Any challenge to the husband's presumed paternity shall be initiated by: 1) signing and filing a valid denial of paternity and a valid acknowledgement of paternity under RCW 26.26.300 through 26.26.375; or, 2) a proceeding to determine the parentage of the unborn child under RCW 26.26.500 through 26.26.625.

3.4 Disposition

The court should determine the marital status of the parties, make provision for a parenting plan for any minor children of the marriage, make provision for the support of any minor child of the marriage entitled to support, consider or approve provision for maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders, and make provision for the change of name of any party. The distribution of property and liabilities as set forth in the decree is fair and equitable.

3.5 Continuing Restraining Order

- Does not apply.
- A continuing restraining order should be entered.

3.6 Protection Order

- Does not apply.
- A domestic violence antiharassment Order for Protection should be entered.

3.7 Attorney Fees and Costs

- Does not apply.
- Attorney fees, other professional fees and costs should be paid.

3.8 Other

Dated: _____

Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

Signature of Party or Lawyer/WSBA No.

Signature of Party 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:

Petitioner,

and

Respondent.

No. _____

Decree of Dissolution (DCD)

Decree of Legal Separation (DCLGSP)

Declaration Concerning Validity (DCINMG) (Marriage)

Clerk's action required

Law Enforcement Notification, ¶ 3.8

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 3.8.**

Violation of a Restraining Order in Paragraph 3.8 Below With Actual Knowledge of its Terms is a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to Arrest. RCW 26.09.050.

1.2 Real Property Judgment Summary:

Does not apply. Real Property Judgment Summary is set forth below:

Assessor's property tax parcel or account number: _____

Or

Legal description of the property awarded (including lot, block, plat, or section, township, range, county and state):

See Page _____ for full legal description

1.3 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: _____

End of Summaries

II. Basis

Findings of Fact and Conclusions of Law have been entered in this case.

III. Decree

It Is Decreed that:

3.1 Status of the Marriage

- The marriage of the parties is dissolved.
- The husband and wife are legally separated.
- The marriage of the parties is invalid.
- The marriage of the parties is valid.

3.2 Property to be Awarded the Husband

- The husband is awarded as his separate property the property set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The husband is awarded as his separate property the property set forth in the separation contract or prenuptial agreement executed by the parties on (date) _____. The separation contract or prenuptial agreement is incorporated by reference as part of this Decree. The prenuptial agreement or, pursuant to RCW 26.09.070(5), the separation contract is is not filed with the court.
- The husband is awarded as his separate property the following property (list real estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):

Other:

3.3 Property to be Awarded to the Wife

- The wife is awarded as her separate property the property set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The wife is awarded as her separate property the property set forth in the separation contract or prenuptial agreement referenced above.
- The wife is awarded as her separate property the following property (list real estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):

Other:

3.4 Liabilities to be Paid by the Husband

- Does not apply.
- The husband shall pay the community or separate liabilities set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The husband shall pay the community or separate liabilities as set forth in the separation contract or prenuptial agreement referenced above.
- The husband shall pay the following community or separate liabilities:

Creditor

Amount

Other:

Unless otherwise provided herein, the husband shall pay all liabilities incurred by him since the date of separation.

3.5 Liabilities to be Paid by the Wife

- Does not apply.
- The wife shall pay the community or separate liabilities set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The wife shall pay the community or separate liabilities as set forth in the separation contract or prenuptial agreement referenced above.
- The wife shall pay the following community or separate liabilities:

Creditor

Amount

Other:

Unless otherwise provided herein, the wife shall pay all liabilities incurred by her since the date of separation.

3.6 Hold Harmless Provision

- Each party shall hold the other party harmless from any collection action relating to separate or community liabilities set forth above, including reasonable attorney's fees and costs incurred in defending against any attempts to collect an obligation of the other party.
- Other:

3.7 Maintenance

- Does not apply.

- The husband wife shall pay maintenance as set forth in Exhibit _____. This exhibit is attached or filed and incorporated by reference as part of this decree.
- Maintenance shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
- The husband wife shall pay \$ _____ maintenance. Maintenance shall be paid weekly semi-monthly monthly.
The first maintenance payment shall be due on (date) _____.

The obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance unless otherwise specified below:

Payments shall be made:

- directly to the other spouse.
- to the Washington State Child Support Registry (only available if child support is ordered).
- to the clerk of this court as trustee for remittance to the other spouse (only available if there are no dependent children).
- If a maintenance payment is more than 15 days past due and the total of such past due payments is equal to or greater than \$100, or if the obligor requests a withdrawal of accumulated contributions from the Department of Retirement Systems, the obligee may seek a mandatory benefits assignment order under Chapter 41.50 RCW without prior notice to the obligor.
- The Department of Retirement Systems may make a direct payment of all or part of a withdrawal of accumulated contributions pursuant to RCW 41.50.550(3).
- Other:

3.8 Continuing Restraining Order

- Does not apply.
- A continuing restraining order is entered as follows:
 - The husband wife is restrained and enjoined from disturbing the peace of the other party.
 - The husband wife 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 husband wife 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: _____
other: _____.
 - (Name) _____ is restrained and enjoined from molesting, assaulting, harassing, or stalking (name) _____.

(The following firearm restrictions apply if this box is checked: Effective immediately and continuing as long as this continuing 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).)

Other:

Violation of a Restraining Order in Paragraph 3.8 With Actual Knowledge of its Terms Is a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to Arrest. RCW 26.09.060.

- Clerk's Action.** The clerk of the court shall forward a copy of this order, on or before the next judicial day, to: _____ law enforcement agency which shall 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 protected 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

This restraining order expires on: (month/day/year) _____ .
This restraining order supersedes all previous temporary restraining orders in this cause

- Any temporary restraining order signed by the court in this cause number is terminated. **Clerk's Action.** The clerk of the court shall forward a copy of this order, on or before the next judicial day, to: _____ law enforcement agency where **Petitioner** resides which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.

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.

3.9 Protection Order

- Does not apply.

- The parties shall comply with the domestic violence antiharassment Order for Protection signed by the court on this date or dated _____, in this cause number. The Order for Protection signed by the court is approved and incorporated as part of this decree.

3.10 Jurisdiction Over the Children

- Does not apply because there are no dependent children.
 The court has jurisdiction over the children as set forth in the Findings of Fact and Conclusions of Law.

3.11 Parenting Plan

- Does not apply.
 The parties shall comply with the Parenting Plan signed by the court on this date or dated _____. The Parenting Plan signed by the court is approved and incorporated as part of this decree.

3.12 Child Support

- Does not apply.
 Child support shall be paid in accordance with the Order of Child Support signed by the court on this date or dated _____. This order is incorporated as part of this decree.

3.13 Attorney Fees, Other Professional Fees and Costs

- Does not apply.
 Attorney fees, other professional fees and costs shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
 Attorney fees, other professional fees and costs shall be paid as follows:

3.14 Name Changes

- Does not apply.
 The wife's name shall be changed to (first, middle, last name) _____.
 The husband's name shall be changed to (first, middle, last name) _____.

3.15 Other

Dated: _____

Petitioner or petitioner's lawyer:
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.

Print or Type Name Date

Judge/Commissioner

Respondent or respondent's lawyer:
A signature below is actual notice of this order.
 Presented by:
 Approved for entry:
 Notice for presentation waived:

Signature of Respondent or Lawyer/WSBA No.

Print or Type Name Date

Superior Court of Washington
County of _____

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

Petitioner,
and

Respondent.

No. _____

**Note for Dissolution Calendar
(Non-Contested Case - Optional
Use)
(NTC)
Clerk's Action Required**

To the Clerk of Court and to:

1. Please note that this case will be placed on the non-contested dissolution calendar for hearing on _____, on the date set out below.

2. A hearing has been set for the following date, time and place.

Date: _____ Time: _____ a.m./p.m.
Place: _____ Room/Department: _____

Dated: _____

Signature of Requesting Party or Lawyer/WSBA No.

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. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.)

Address

**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: _____

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

Finishing Your Dissolution of Marriage by Default 1/09
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. 8th, 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
[*\$1100 for household of 1; \$1400 for 2; \$1700 for 3; \$2000 for 4; \$2200 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
If yes, what mistakes were found? _____

10. Today's Date: _____
11. Other Comments or Suggestions: _____
