



Northwest Justice Project

Responding to a Motion for Contempt in a Family Law Case

**Forms and Instructions
November 2009**

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This publication provides general information concerning your rights and responsibilities. It's not intended as a substitute for specific legal advice. This information is current as of the date of its printing, November 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 court forms if you've been served with a Motion or Petition for Contempt for violating a temporary or permanent parenting plan/residential schedule, a child support order, or other family law order.

◆ **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.

◆ **Before you use this packet,** make sure that this is the right packet for you. The court papers delivered to you should include an **Order to Show Cause re Contempt**.

B. You may have a right to a free lawyer

Because you may be sent to jail for contempt in some circumstances, if you're served with a motion or petition for contempt and you're low income, you may have a "right to counsel" – an attorney that you don't have to pay.¹ Some counties provide attorneys for all low income people who are responding to a contempt motion, while other counties only provide it if the motion requests jail time. To find out whether you qualify for a public defender or court-appointed attorney to respond to the contempt motion or petition, contact your local public defender office. A list of Washington State public defenders can be found at <http://www.defensenet.org/PDOffcs.htm>. If you don't have a local public defender, contact your court clerk or Family Law Facilitator for a referral. In most case, the public defender will represent you only for the contempt hearing. That attorney won't help you file your own motion or other action (such as a petition for modification of child support).

¹ *Tetro v. Tetro*, 86 Wn.2d 252, 254-55, 544 P.2d 17 (1975); *In re Marriage of Wulfsberg*, [42 Wn. App. 627](#), 713 P.2d 132 (1986).

Even if you don't qualify for a public defender, talk with an attorney. An attorney may advise you about important legal rights. For example, a person found in contempt can sometimes have a large judgment entered against them. Or, the person defending a contempt action sometimes should file his/her own motion for contempt or a motion asking for a change in the order being enforced by contempt. An attorney can help advise you about the necessary steps to take.

◆ **WARNING:** If you've been served with contempt papers, you may also have been served with other documents, such as a motion or petition to modify. Read all the papers served upon you, in case more than one motion's been filed. This packet only covers contempt motions.

Additional information about contempt is in our publication called [*Contempt in Washington - the Basics*](#). That publication gives an overview of the law of contempt and the defenses to contempt.

C. Remember: you must respond on time!

When you're served with legal papers, you must act quickly to figure out how to respond. In many cases, if you don't respond on time, the other party will automatically win what they're requesting. Also, a bench warrant for arrest might be issued if you fail to attend the contempt hearing. **For a contempt motion, you may have only a few days after you receive the papers to file your response and to go to the hearing.** If you can't respond in time, file a *Notice of Appearance* and ask for a *continuance* (explained below). If you don't get a continuance, be as prepared as possible for the hearing on the scheduled day.

D. 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.

Try to talk with an attorney familiar with family law before you file anything with the court. Many counties have free legal clinics where you may get specific legal advice about your case. If you're low-income and you don't live in King County, call CLEAR at 1-888-201-1014. If you live in King County, contact the King County Bar Association's Neighborhood Legal Clinics by calling (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). For general information, go to the website (www.washingtonlawhelp.org) and read our publications about your type of family law case and information about legal aid programs in your area. Most counties have family law facilitators who can help you fill out forms. Find out if there's a facilitator in the county where your case is

filed by contacting the superior court clerk there or checking the website:
http://www.courts.wa.gov/court_dir/?fa=court_dir.facils.

E. What if I am in the Military or am the Dependent of a Military Service Member?

If you're on active duty in the military or are the dependent of certain active duty service members, you may have special legal protections. Before you file any papers with the court and well before your deadline for filing, see your JAG office or a private attorney familiar with the Service Members Civil Relief Acts for legal advice about protections under these laws. This packet doesn't describe special protections that may be available to service members or their dependents.

Section 2: Words You May Need to Know

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

Bailiff: The member of the judge's staff 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, which contains 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.

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 is a true copy. Usually, you must 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. In each courthouse, there is 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 is similar to a judge, but only makes decisions relating to a specific subject matter. Many counties have family law commissioners who decide cases only about family law².

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 is not 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 is an order, it must also have the name of the judge who signed it written or stamped on it.

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.

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.

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

² 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."

Dispute Resolution: The part of the parenting plan that states how the parties will try to resolve disagreements about the parenting plan (for example, mediation, counseling, court action). A Residential Schedule form usually doesn't have a dispute resolution provision.

Dissolution: The legal word for divorce.

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

Exhibit: Documents, records, and photographs introduced into evidence at trial or hearing. Attachments to legal forms might also be called exhibits, and 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.)

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.

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

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 for example, temporary relief. In many counties the court limits or doesn't allow live witness testimony at hearings, but the parties are expected to file and serve materials in advance in writing.

Judgment: One type of final court order.

Jurisdiction: The court's authority to make decisions about certain people and issues. If a court doesn't have jurisdiction, it doesn't have the 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

Motion: A formal request to the court for an order.

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

Moving Party: The person who files the motion for contempt. The moving party can be either a Petitioner or a Respondent in the original case. Some court forms have been changed to say "requesting party" rather than "moving party."

Nonmoving party:

- in modification/adjustment cases, the nonmoving party is the party who did **not** file the petition for modification/adjustment.
- in motions, the nonmoving party is the person who did **not** 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 than one 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. Some court forms have been changed to say "nonrequesting party" rather than "nonmoving party."

Nonrequesting party:

- in modification/adjustment cases, the nonrequesting party is the party who did **not** file the petition for modification/adjustment.
- in motions, the nonrequesting party is the person who did **not** 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 than one nonrequesting party, 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. Some court forms use “nonrequesting party” rather than “nonmoving party.”

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. Restraining orders, orders re adequate cause, Residential Schedules or decrees, are all examples of orders, if the judge has signed them. If you disobey an order of the court, you may be held in contempt of court. It’s important to notice if an order you’re served with is only a proposed order or if the judge has actually signed it. An order isn’t in effect until a judge has 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.

Order on Show Cause: The order that will be signed after your contempt hearing.

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

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 will 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 doesn’t include the dispute resolution or decision-making parts of a parenting plan form).

Party: Anyone who is a Petitioner or Respondent. GAL’s and the State of Washington may also be parties.

Personal Service: Giving court papers to the other party personally, by having someone over age 18 who isn't a party to the case hand the papers to the other party or, where the law allows, deliver them to another person "of suitable age and discretion" who lives with them at their home.

Petition for contempt: The document that begins a court case when the order being enforced is from an administrative agency or from another county. These types of cases aren't discussed here – talk with an attorney if this is your situation.

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

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 are not 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.

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

Public Defender: An attorney paid by the State of Washington to represent low income people in certain kinds of criminal cases, and some civil contempt cases.

Requesting Party:

- in modification/adjustment cases, the requesting party is 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. Some court forms have been changed to say "requesting party" rather than "moving party."

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 is one part of the Parenting Plan.
- In parentage cases, the parties may have a Residential Schedule but not the decision-making or dispute resolution parts of a Parenting Plan, or the parties may have a full Parenting Plan.
- In nonparental custody cases, if the nonparent is awarded custody, the parties may have a Residential Schedule.

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. We'll use the word "Response" with a capital "R" to refer to the Response form. We'll say "response" with a small "r" to refer to all types of responses, for example, responses to motions.

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 the ways of service that are legally correct.

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. In some counties, 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 is ordered to pay as that parent's share of basic child support

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

Section 3: Steps Recommended for Preparing and Filing Your Response

The following are the steps to follow in responding to a Motion for Contempt. Use it as a checklist as you go through your case. Many of the following steps are described in more detail later in this packet.

1. **Figure Out How Much Time You Have to Respond.** Some counties allow for a contempt hearing as few as five days after you're notified, and you must usually file and serve your response at least the day before the hearing. Local rules may require more time, or emergency circumstances may give you less time.

Use the items below as a checklist while you proceed.

- The Hearing Date is _____
- I must file and serve my own papers by _____.
- I do [] do not [] need to file Working Papers.
- I do [] do not [] want to file my own motions. If so, I must give _____ days' notice of my motions to the other party.³

2. **Read the Papers That Have Been Given to You.**

- A. **If you've been served with a Motion for Contempt**, the party filing the motion should've given you the following forms:

- Motion and Declaration for Contempt
- Order to Show Cause
- Declaration(s) – although not required, they're often included in a motion
- Proposed Order on Show Cause (not always provided, depends upon the county)
- You may have received a copy of the Order the other party believes you're violating. If you've never seen that order before, be sure to let the court know when you respond to your motion.

◆ If the other party didn't give you all of the required legal papers, ask the court not to give the relief s/he's asking for. First, write a letter to the other party (or his/her attorney) and list the legal papers you should've received but didn't. If you get the legal papers late or don't get them at all, write in your declaration that you didn't get all of the required papers or that they came late, and attach a copy of the letter you sent.

- B. **If you've been served with a Petition for Contempt**, the person filing the case should've given you the following forms:

- All the forms listed above

³ State rules require 5 days. Local rules may require more time. Also remember to include additional time to "serve" the other party.

- Petition
- Summons (not always provided, depends upon the county)

A Petition is used to start a court case where the original order was from an administrative agency⁴ or from a court in a different county. It's usually used by prosecuting attorneys in child support related cases.

- **Learn about Local Requirements.** Local court requirements will affect how to handle your case. Many counties have special forms, or have other local rules you must follow. Many counties require case schedules, classes, or settlement conferences. **You must learn and follow local court requirements.**

Call the court clerk's office or family law facilitator for the court where your case is taking place to find out about these local requirements. Tell them the kind of family law case you have (examples: dissolution with or without children, nonparental custody petition, parentage case, contempt, modification of child support or parenting plan, a motion for ____). Requirements may differ, based upon the type or stage of your case.

Read your local court rules. They're available at your county's law library and often online at http://www.courts.wa.gov/court_rules/?fa=court_rules.local&group=superior

Look at the “*Words You may Need to Know*” section of this packet if you don't know any words used here.

Find out about at least the following:

- whether the county has its own packets or forms for your type of family law case. If so, use those instead of ours. If you use our packet, get any additional local forms that you'll need
- whether case schedules are used (and whether the court requires the person filing the case to serve the schedule on the other parties)
- whether parenting classes, mediation, or settlement conferences are required
- what the deadlines are for filing and serving motions and responses to motions
- whether there is a limit on the number or length of documents you file with motions or responses
- whether your county allows parties and/or witnesses to testify at the hearing and, if so, what you need to do before the hearing to ask to be allowed to testify – sometimes called “live testimony” or “oral testimony”- and to subpoena witnesses.
- the deadline for serving your response.

3. **Gather Your Evidence and other Forms that Aren't in this Packet, if Necessary.** You'll need to gather evidence to support your case before you complete the forms in this packet. Example: if the Motion for Contempt is for unpaid child support, you'll need proof of your financial situation and proof of your payments. Or, if you claim to be unable to work, get proof of disability. With some issues, such as claimed violation of a parenting plan, you may need records — your own, a school's, or a doctor's, for example.

⁴ [RCW 7.21.060](#).

- 4. Complete the Forms You Need.**
- 5. Make Enough Copies of Each of the Completed Forms and other documents that you're filing with the court.**
- 6. Organize your copies for service.**
- 7. File Your Papers** with the Superior Court Clerk's Office in the Courthouse where the contempt motion was filed.
- 8. Serve the Papers on the Other Parties (except don't serve the Confidential Information Form).**
- 9. Deliver a Set of Working Papers to the Judge, if Necessary.**
- 10. Fill Out and File the Certificate of Mailing or Personal Delivery and file it with the Superior Court Clerk.**
- 11. Review the Other Party's Reply, if one is filed, or Prepare for the Hearing.** If you'll have witnesses testify at the hearing, make sure they know when and where the hearing is.
- 12. Go to Your Hearing.**
- 13. Get Copies of the Orders.**
- 14. Decide whether to ask for Reconsideration, Revision or Appeal, if necessary.**

Section 4: List of Forms in this Packet

This packet contains MOST BUT NOT ALL of the forms you'll need to respond to a Motion or Petition for Contempt. You may not need every form in this packet, and you may need forms from other packets.

Form Title	Form Number
Declaration (for all cases)	WPF DRPSCU 01.0100
Pro Se Notice of Appearance (for all cases)	WPF DRPSCU 01.0320
Confidential Information Form and Addendum	WPF DRPSCU 09.0200 & WPF DR PSCU 09.0210
Financial Declaration (optional for motions involving financial issues)	WPF DRPSCU 01.1550
Sealed Financial Source Documents (coversheet)(when financial documents are submitted)	WPF DRPSCU 09.0220
Sealed Personal Health Care Records (Cover Sheet)	WPF DRPSCU 09.0260
Sealed Confidential Reports (Cover Sheet)	WPF DRPSCU 09.0270
Response to Petition/Motion (for cases filed by the State of Washington)	Non-Mandatory Form
Order on Show Cause	WPF DRPSCU 05.0200
Certificate of Mailing or Personal Delivery (for all cases)	Non-Mandatory Form

Section 5: What Other Forms And Documents Will I Need That Aren't In This Packet?

You may need other packets and forms to respond to the motion. How many other packets you need depends on the facts of your case. Read the following list and check off the boxes next to the other packets you think you'll need. Get those documents or packets before filling out your forms. Download our other packets on the internet at www.washingtonlawhelp.org before filing your forms for this packet.

- Local County Court Forms and Rules** - Some counties have other special forms that you'll need that aren't in this packet, and most will have special "local rules" that you'll need to know about to file your motion. Check with the Court Clerk's office or Family Law Facilitator in your county for more information.

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

- Contempt of Court in a Family Law Case: The Basics**. This publication gives general information about the law concerning contempt in family law cases. It covers only the type of contempt most commonly used in family law cases, here called "coercive civil contempt."
- How to Subpoena Witnesses and Documents**. If you're going to an evidentiary hearing or trial at which live testimony's allowed, and you need to make sure that a witness shows up, or that someone brings documents or other items, you can have the person served with a subpoena issued by the court clerk. Before you use this packet, find out whether live witness testimony will be allowed at your contempt hearing.
- Modifying Your Child Support Order** - If you're unable to follow your child support order, consider filing a petition to modify it. This packet can help you with this.
- Filing a Parenting Plans Modification (Dissolution or Parentage)** - If there are any children involved in your case, and the other party is moving for contempt for violation of a parenting plan or child support order, get this packet if you want to change those orders.
- Serving Papers on the State** - if any party's asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical coupons/Medicaid or is in foster care or out of home placement, get this packet. You'll need to include the state as a party and serve them with papers you file.
- Parenting Plans and Child Support for Parentage Cases and Modifications (parents not married) OR Parenting Plans and Child Support for Dissolution Cases and Modifications (married or formerly married parents)** - If there are any children involved in your case, and the other party's moving for contempt for violation of a parenting plan or child support order, get this packet as part of any request you make to modify those orders.
- Financial Information**. If the other party's motion concerns child support, maintenance, or includes any financial issues, get:
 - Your federal income tax returns from the last two years.

- Your pay stubs.
- If you receive some type of benefits, official letters from Social Security, L&I, Employment Security, or DSHS showing how much you receive in benefits.
- If you're self-employed, or you don't have pay stubs or tax returns, you may need to get papers that prove what your income is. Some examples:
 - Bank account statements and check registers
 - Business tax returns or records, or 1099 forms

In addition to these packets, we also offer many other publications, both in family law and other areas of law. Visit the Washington Lawhelp website at www.washingtonlawhelp.org for a complete listing of publications available.

Section 6: Getting Ready To Respond

A. Figure Out How Much Time You Have To Respond And Whether The Motion Is Filed In The Right Place

When you get the papers, look at the Order to Show Cause. You must file and serve your response by the court's deadline. If the notice doesn't state a deadline, immediately call the court clerk's office or your family law facilitator, or check your local court rules, to find out the deadline. In some counties, you must respond (the other parties and the court clerk and judge must receive your papers) no later than 4:30 p.m. the *court* day before the hearing.⁵ Other counties have a different deadline. Court days are all business days (not weekends or federal and state holidays).

1. **Make Sure You Were Properly Served and Received Enough Notice**

The person who files the motion (in most cases, the other parent or his/her attorney) must give you enough notice of the hearing and serve you in the way required by that county's court. Some counties require that contempt motions be "personally served" – that the motion papers were given to you in person or delivered to a teenager or adult living in your household. If not, you may have a defense at the hearing. Check [Civil Rule 5\(b\)](#) and your local rules, or talk with an attorney, to find out whether you should've been "personally served."

Don't ignore the papers. Go to the hearing and object to having the court proceed until you're properly served. You must receive the papers (in person or at your home) as many days before the hearing as is required by your county's local rules. In most counties, you must receive the papers for a motion at least five court days before the hearing, not including the date that the papers are given to you. In some counties, you must get more notice. If the other person mails the papers to you by first class mail (in cases where service by mail is allowed), you should receive at least an additional three days to respond after the date the papers were mailed.

2. **What to Do If You Need More Time**

If you didn't get adequate notice, the court shouldn't enter an order against you on the hearing date. However, it's a good idea to ask for a continuance (delay) before the hearing. You may also ask for a continuance if you did get enough notice according to the rules, but you simply don't have enough time to respond, or you need more time to try to get legal help.

As soon as you know that you want a continuance, contact the other party if possible (or the other party's attorney, if they have one). You should call if there isn't much time until the hearing, but contacting the person in writing (by email or fax) is best. State that you need more time to respond to the papers and ask for a new date for the hearing. Depending on your reasons for asking for the delay, you could ask for a week, or longer.

⁵ [Civil Rule \(CR\) 6\(d\)](#).

◆ It's very important to ask the other party for a continuance before the hearing if you know that you need one. If you don't, and you just show up for the hearing, sometimes the judge will make you pay the other party for having to waste time appearing for the hearing if the judge believes that you could've asked for a continuance in advance. This is especially true if the other party has an attorney, because the other party will need to pay the attorney for his/her time whether or not there's a hearing.

If the other person agrees to the continuance, ask for written confirmation that they've moved the hearing. If you receive no written confirmation, prepare for and go to the hearing on the originally scheduled date.

If the other person won't agree to the continuance, you have a few options:

- A. **Go ahead and respond as best you can and prepare for the hearing.** It's a good idea to respond in some way if you possibly can. The very first thing you should say in your declaration is that you want a continuance. If you didn't get enough notice, say that. If you did, but you need more time, say that and describe your efforts to get the other person to agree to the continuance. Also file a Notice of Appearance.
- B. **Make a Motion for Continuance.** In many cases, you may not have enough time to give the other party the amount of notice that's required for a motion for continuance. Try to get an Order Shortening Time (an order allowing you to bring your motion on less than the required time). This packet doesn't address this type of motion. However, your Family Law Facilitator's office or court clerk may have more information about how to ask for a continuance or an Order Shortening Time in your county court.
- C. **Ask for a Continuance at the Hearing.** Go to the hearing. When your case is called, stand up and state your name and that you'd like a continuance. The judge may ask you to give your reasons, and may listen to the other party's reasons why s/he doesn't want to agree to a continuance. If you tried to get the other party to agree before the hearing, let the judge know that as well.

3. What If the Hearing Already Happened?

If you find out that a hearing already happened, but you didn't get any notice in advance, consult an attorney as soon as possible. You may be able to ask the court to vacate (cancel) the orders. Do so quickly. **When you don't go to court for a contempt motion the court sometimes issues a warrant for your arrest.** Even if there's no warrant, the longer you wait, the harder it may be for you to vacate the orders. For court orders that are over one year old, it can be extremely difficult to vacate the order.

B. Read the Papers That Have Been Given To You

Next, carefully read each paper you received. When you're reading the papers, highlight the main points (and those you disagree with) with yellow highlighter pen, or write notes on a separate piece of paper. Look for:

- The date, time and place of the hearing
- What the other party's asking for
- How the other party says you violated the court's orders
- Claims the other party has made about you or the case
- Think about whether or not there's any proof that you knew about the order that the other party claims you violated. Were you at the court hearing? Were you served with the order afterward?
- Read the orders that the other party says you violated, and think about whether you can prove that you were following the order, or had a good reason for not doing so
- Make sure the order being enforced is the most recent order and that it's still in effect. For example, was the order a temporary order that was replaced by a final order that was different? Another example: if the other party claims you're violating a parenting plan but a modified parenting plan has later been signed, or an Order for Protection's been entered since then, look at the most recent plan or order to see if its requirements are different. If you don't know whether you have the most recent order, check with the Superior Court clerk of the county where the order was filed. They should have your case file. You can look at it to see if there are later orders that change the one being enforced through contempt.

It's important to understand what the papers say so that you can write a good response to what's been filed and prepare for your hearing.

C. Gather Your Evidence

Get the evidence you'll need first, so that you can use it while filling out your forms. Think carefully about whether there's any information that'll help show that what you're telling the court is correct, or that what the other party is telling the court isn't true. Examples include:

- Court Orders or Other Court Documents** – If you believe that the order the other party's trying to enforce is no longer in effect, or you were following a different order, get copies of those orders to include with your response. If you want to show the court that you never knew about the court order that's being enforced, try to look in the court file for a Return of Service or other proof of service, for Minute Entries (that might show whether or not you were at a hearing).
- Declarations of Witnesses** – Declarations of other people who have personal knowledge about you or the other party or your children and whether you've tried to follow the court orders.
- Records** – other court orders, bills, receipts, cancelled checks, and the children's school records or daycare records, child support or CPS records are among the types of official records that you might include in your response.

- ❑ **Photographs** – of injuries to you or the children, or of damage to your home or other property.
- ❑ **Financial Information** – if financial issues are included in the motion (or if you’re asking for a court appointed attorney because jail time has been requested and you’re low income), get evidence of your income and assets, and evidence of the other party’s income and assets. If the motion for contempt is for failure to pay support, maintenance or other obligations, you’ll need to prove whether or not you paid or didn’t have the ability to pay. You may need: Your federal income tax return forms from the last two year, pay stubs, official letters from Social Security, L&I, Employment Security or DSHS saying how much you receive in benefits, bank account statements, and business tax returns or records, or 1099 forms, cancelled checks, and receipts.
- ❑ **Witnesses to Testify at the Hearing** – In some counties, you may be allowed or required to testify (speak under oath) at a contempt hearing, or to bring witnesses to testify. Make sure you let your witnesses know when and where they need to come to the hearing. If you don’t think the witness will come voluntarily but you need them, or you need documents you can’t get another way, ask the court for a subpoena.

Section 7: General Instructions for Filling Out the Forms

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

The caption. The caption includes the name of your case, the case number, the name of the court, the title of the court paper, and sometimes, the type of case. It appears at the top of the first page of every form.

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 Motion or Petition for Contempt.

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

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

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

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

The contents. Fill out each form according to the instructions for that form. In most counties you may print or type the information, but it must be readable and you must use BLACK OR

DARK BLUE INK. A few counties require that all documents be typed. After filling out each form, re-read it to be sure you have correctly filled in all the blanks you need to. If you have to make corrections, be sure the correction is neat and readable. Do not write in the margins of any page or the clerk may reject your form.

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

Signatures.

- **Your signature**

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

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

writing the declaration.

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

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

Box #1

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

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

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

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

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

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

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

Box #2:

Private Information That Should Be Filed With Sealed Cover Sheets:

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

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

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

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

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

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

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

Box #3

When You Should Write Private Information In Court Forms:

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

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

SAMPLE FORM

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

Fill in the name of the Petitioner here.

or Court of Washington
County Of Evergreen

In re the Marriage of:
JANE DOE,
 and
JOE DOE,

Petitioner,
 and
 Opposing party.

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

Your court case number. Assigned by the court when you file your case.

Form title.

NO. 08-3-99999-9

Note for Motion Docket

(No Mandatory Form Developed)

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

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

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

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

LOCATION: **Treelane Superior Courthouse**

COURTHOUSE ROOM: **2**

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

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

 Jane Doe, Petitioner

Section 8: Instructions for Filling Out the Forms You'll Need

A. Declaration (for all cases) WPF DRPSCU 01.0100

Make extra copies of this blank form. You may need them for witnesses.

Write a declaration for yourself to tell the judge what s/he needs to know to rule in your favor and deny the motion for contempt. **Unless you're in a county that requires or allows live testimony**, the judge will decide whether or not to hold you in contempt based mainly on the written information each party has given to the court – the judge may not let you add new facts during the hearing. Explain all the important facts on this declaration and the other forms you're filing with the court. **If your hearing is in a county that allows or requires live testimony, in addition to doing declarations, you may also need to bring your witnesses with you to court on the day of the hearing.**

You may have other people familiar with the contempt issues in your case fill out their own declarations using this form. Your witnesses should follow the instructions here. People who might make declarations for you include family members, friends, teachers, counselors, or other people who have directly seen, heard or otherwise witnessed important events related to the contempt motion.

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

Some Brief Rules about Witness Declarations:

- Make sure you respond to each point in the motion.
- Describe legal defenses you claim (example: if you didn't know about the order or didn't know it was changed).
- Explain the issues in the motion from your point of view.
- Show how you've tried to obey the order and how you've tried to solve any problems you experienced.
 - If you've been unable to obey the order, explain why and provide proof.
 - If you have a reasonable excuse, explain it and provide proof.
- Explain problems you've experienced in trying to obey the order and what you did to try to solve those problems.
- Explain what you want the court to do.

a) Some brief rules about witness Declarations

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

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

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

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

Don’t make the declarations too long.

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

- Example: in a parenting dispute, general statements, such as “she is a bad mother,” or “the children are much happier now living with Mary,” aren’t helpful. Instead, the declaration should describe specific things, and state when and where incidents occurred, such as, “I live on the same street as Joe. About a year ago, Joe knocked over our mailbox while driving. I ran out to the street to see what had happened. Joe was standing next to his car. I smelled liquor on his breath. I’ve seen him weaving down the road in his car three other times this year.”
- In a child support dispute without parenting issues, the statement above may not be relevant to the issues before the court. If it’s not relevant, don’t include it.

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

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

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

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

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

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

section of this packet about the types of papers to keep out of the public file.)

b) Filling out the Declaration form

Caption.

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

On the right side of the caption, after the words "declaration of..." write in the witness's name.

This declaration is made by.

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

Blank Lines

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

Signature Line

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

B. Pro Se Notice of Appearance (for all cases) WPF DRPSCU 01.0320

This form's used to tell the court that you're going to participate in the court case and you want to get notice of what's happening. If the mailing address you use on the Notice of Appearance changes, make sure you complete a new Notice of Appearance form, write "Amended" over the title, and fill in your new address. File it with the court and send it to the other parties. (Also complete a new Confidential Information Form.)

Caption. Fill in the caption.

Address. After the words "*Service Address,*" write in the name and full address where you want the court or other parties to send you legal papers. You don't need to use your home address. You may use a post office box, your work address, or a friend or relative's address. However, make sure that if you get mail at that address, you'll get it very quickly after it arrives.

Signature. Date the form, sign it, and print your name.

◆ If the mailing address you use in the Response or Notice of Appearance later changes, prepare an updated Notice of Appearance. Use the Notice of Appearance form in this packet. Write "Amended" above "Notice of Appearance." State the new address the court and other parties should use. File this notice with the court and provide a copy to the other parties. Use the Certificate of Mailing or Personal Delivery form and procedure to show that notice has been given.

C. Confidential Information Form and Addendum WPF DRPSCU 09.0200 & 09.0210

Do I need this form? Yes, if you haven't previously filed one in your case in this court, or if the information you provided before has changed.⁶ If you've filed this form before in your case and the information hasn't changed, skip to the next form.

In family law cases, you must give the court information about your address and telephone number, your social security number, date of birth, driver's license, and the name and address of your employer, as well as certain information about the other people involved in the case.⁷

Complete this form. File it with the court clerk. Keep a copy for yourself. **Don't serve the Confidential Information Form and Addendum upon the other parties.**

The Confidential Information Form is normally not available to the other parties or the other parties' attorneys. However, note: the form could be provided to DCS (Division of Child Support) and to other divisions of DSHS (Washington State Department of Social and Health Services). Under some circumstances, they may release information in this form to another party. In addition, another party could get access to the Confidential Information Form by following certain court procedures.

◆ Update the court by filing a new Confidential Information Form when your address changes, even after your case is finished. If you don't, legal papers may be sent to you at your old address and orders may be entered against you without actual notice to you.⁸

1. Write in the county where the case is filed and the case number. If you have no case number yet, write in the case number when the clerk gives it to you.
2. Check the first box (*divorce/separation...nonparental custody/paternity/modification...*). If you're updating a form you filed earlier in the same case number, check the box "Information Change."
3. If restraining orders or protection orders are in place, check the related boxes on the form. Show who is protected. If they go into effect later, file a revised and updated form.
4. If you believe the safety of an adult or child would be in danger by giving out address information, even if you don't have a restraining order or a protection order, check the box "[t]he health, safety, or liberty..." Explain the risk of harm.
5. The law requires a residential address on page 2 of the Confidential Information Form. If you're afraid to give your residential address, try to give an alternate address and see if the court clerk will accept it. If the court clerk won't accept your Confidential Information Form, talk with an attorney, your local domestic violence program, or call CLEAR at 1-888-201-1014.

⁶ [RCW 26.23.055](#), [RCW 26.26.130](#)

⁷ [RCW 26.23.050\(5\)\(l\) & \(7\)](#); [GR 22\(g\) & \(h\)](#).

⁸ [RCW 26.23.055\(2\) & \(3\)](#).

6. Write in the information requested on the form concerning the petitioner and respondents and the child/ren. Fill in the information about yourself, including your driver's license number and social security number (if you have one). If you're filing this form as part of a nonparental custody case, list the other adults in petitioner's household on page 2 in the place indicated.
7. Fill out the information requested about the adults the child/ren have lived with in the last 5 years (and the current address of each of those adults), and the names and current addresses of people besides petitioners and respondents who have custody or who claim rights to custody or visitation with the children.
8. If there is any information you don't have, explain why you couldn't provide it in the space after "This information is unavailable because..." right above the signature line.
9. If there are more than 2 children in your case, or there is more than one petitioner or more than one respondent, write the information about those children or parties in the Addendum. Check the box near the bottom of the second page of the Confidential Information form next to "Addendum to Confidential Information Form Attached."
10. Sign and date the form and write in the place it was signed.

◆ If you're afraid to fill in any of the information requested in this form, talk with an attorney about what to do.

Section 9: Forms You May Need Which Are In This Packet:

A. Financial Declaration (optional for motions involving financial issues) WPF DRPSCU 01.1550

Do I need this form? If the motion for contempt is related to money -- not paying child support, paying the other party's attorney's fees, paying for counseling, etc., or you're claiming that you couldn't afford to obey the court order that is the subject of the motion, then use this form.

These instructions cover only parts of the form about which you're most likely to have questions.

Caption. Fill in the caption, and check in the box showing if you're petitioner or respondent.

Below the caption, fill in your name and your date of birth.

I. Summary of Basic Information.

Skip this section. Come back to it after you've completed the rest of the form.

II. Personal Information.

Under "occupation," write your current job. Example: you might be a teacher, software engineer, farm worker, unemployed, etc. Fill in the information requested in the rest of this section.

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

III. Income Information.

This section asks for information about your income. Choose one of the columns on the right, and write your name above it. Then fill in your information in the spaces below your name.

Here are some suggestions for particular issues:

- **Gross income means income BEFORE deductions**
- **Income From Benefits.** Don't include income from needs-based public assistance (TANF, SSI, GA-U, VA benefits, food stamps) under section 3.1.⁹ Report needs-based public benefits in 3.4(b). If you receive Social Security Disability (SSDI) or workers' compensation (L&I, or other disability benefits from your employer), fill that amount in under 3.1.e "Other Income."
- **Deductions from Income.** If you include deductions from your income other than income tax, FICA, and L&I payments, attach documents to the Sealed Financial Source Documents form that prove each deduction.¹⁰ (White out identifying information such as your social security number.) If you're claiming business expenses, be prepared to present business records and receipts showing how much your expenses are if the other parent disputes your claims.

⁹ [RCW 26.19.071\(4\).](#)

¹⁰ [RCW 26.19.071\(5\).](#)

Paragraph 3.4. Miscellaneous Income.

Under miscellaneous income, fill in any money that you receive regularly, and describe it in the blanks. This is where you fill in the amounts you receive in TANF, GA-U, SSI, and food stamps.

V. Monthly Expense Information.

Fill in your monthly household expenses. In the first sentence under Section V, fill in the number of dependents who actually live with you (example: number of children in your household).

Fill in your best estimate of each expense. For expenses not paid on a monthly basis, take the actual amount you pay and calculate the monthly average. Example: if you pay your car insurance every six months, take the amount you pay, divide it by 6, and put that amount in the blank under 5.5.

Your total monthly expenses may end up being larger than your net monthly household income. That's common, particularly for people who are low income. You don't need to make sure that your monthly expenses are exactly equal to or less than your income. On the other hand, if your expenses are far greater than your income, the court might ask how you're meeting your expenses. Be prepared to show the court how you're doing it.

Paragraphs 5.10. Installment Debts & 5.11 Other Debts.

Section 5.10 is for giving more details about expenses that are already listed as expenses in 5.1 through 5.8. For example, you fill in your mortgage and your car loan here, even though you probably already included your mortgage as an expense under 5.1. Other debts, such as credit cards that you haven't already included as expenses in sections 5.1 – 5.8, go under 5.11.

VI. Attorney Fees.

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

I. Summary of Basic Information.

Go back and fill in Section I, based upon the total net income, expenses, debt expenses, and total expenses that you filled in on lines 3.3, 5.9 and 5.11 and 5.12.

Signature: Sign and date the form and write the city and state where you signed it.

Financial Records

Don't attach your financial records to the form. Do check the boxes for the records you will give the court and the other parties and write in descriptions of the records in the space provided.

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

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

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

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

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

Some of the papers that should be filed with this cover sheet are:

- medical and mental health records and bills
- letters or declarations from doctors and counselors
- medical bills & statements of medical coverage (or denial)
- cost estimates for medical care
- social security and L&I and other disability program letters and records
- medical evaluations
- medical insurance records
- dental records
- records of alternative health care practitioners such as massage therapists, acupuncturists or chiropractors

- genetic parentage testing.

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

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

Attach the confidential personal health care records to this form.

Fill out the caption.

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

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

This form is used whenever certain confidential reports are filed with the court. These include reports such as the following when intended as reports to the court in a family law case:

- Parenting evaluations
- Domestic Violence Assessment Reports created by certain qualified people
- CPS reports
- See the form for other types of reports

In addition to the private part of the report, the person preparing the report needs to file a public portion that simply lists the materials or information reviewed, the individuals contacted, the tests conducted or reviewed, and the conclusions or recommendations reached.

Instructions for the Sealed Reports form:

1. **Caption.** Fill out the caption.
2. Check the boxes next to the type of report.
3. At the top of the first page of the report, about one inch from the top of the paper, write "Sealed."
4. Attach the confidential part of the report to this form. If you're afraid for your safety or the safety of the children, block out information that identifies location and address on the copies that you file with the court and deliver to the other parties.
5. The person submitting the records should sign on the line under "submitted by."

E. Response to Petition for Contempt (for cases filed by the State of Washington) Non-Mandatory Form

Do I need this form? Use this form only if you've been served with a "Petition for Contempt pursuant to RCW 26.18.040" (usually filed by the State of Washington, Department of Social and Health Services, Division of Child Support). This form's based upon a petition that numbers paragraphs 1, 2 etc. **If the petition you received is different, you'll need to modify the Response form to match the petition.**

Part 1. Admissions and Denials.

When you complete this part of the response, read through each corresponding paragraph of the Petition for Contempt. If you agree with that paragraph's statement in the Petition, check the box to the left of the word "Admitted." If you disagree with any statement in that paragraph, check the "Denied" box. If you don't know, check the "Lacks Information" box. Do this for each paragraph of the petition. If you disagree with ANY PART of the information in a paragraph, check the "Denied" box for the whole paragraph. For any paragraphs you're marking "Denied," explain why you're denying them in the space provided at the end of part 1.

"Each allegation of the petition which is denied is denied for the following reasons." In the blank space after this sentence, write a sentence or two about why you denied each paragraph of the petition for which you marked "denied" on your response. Write the number of the paragraph denied (example: "Paragraph 1 is denied because..." and then write in the reasons you denied that paragraph.

Part 2 – Dismissal

If you want to ask that the petition be dismissed, check the second box.

Part 3- Request for Relief

- If you don't want to ask the court for anything, check the first box.
- If you want the court to deny the request for contempt, check the second box.
- If you want the court to award you attorney's fees and costs, check the third box.
- If you're making other requests, check the box marked "other." Then write in your requests. (For some requests, you might need to file and serve your own separate motion).

Part 4 – Notice of Further Proceedings

Write the address where you want to get mail from the court (and the other party) about this case. You don't have to use your home address, but use an address where you can **reliably and immediately** get your mail, such as a post office box or the address of a responsible friend who'll give you mail as soon as it arrives.

Signature. Date the form, write the city and state where you're signing it (example: Centralia, Washington), sign and print your name in the blanks.

F. Order on Show Cause - WPF DRPSCU 05.0200

Do I need this form? The court will sign an Order on Show Cause after your contempt hearing. Its purpose is to put the judge's decision in writing. Usually the person who succeeds at the hearing will present an order for the judge to sign.

Some courts require you to prepare and serve a proposed order with your responding papers to show the decision you're asking the court to make. Even where not required, you may use this form to prepare a proposed order to give to the court with your working papers, or to take with you the day of the hearing if you wish. Also, take a blank form with you, in case the judge's decision is different from your proposal. If you prepare a proposed order before you go to the

hearing, use the information in your Declaration to help you state what you want the judge to order in this form. If you prepare a proposed order, serve it on the other parties with your declaration and other responding papers and deliver a copy with your other “working papers” (explained below). If you prepare this form after the hearing, write in the decision the judge made, even if it’s not what you requested.

Caption: Fill in the caption. If the judge orders a new hearing date, write in the new hearing date in the space on the upper right side after “Next Hearing Date:” If a judgment was entered, or a review date set, check the box “Clerk’s action required.”

Section I. Judgment Summary.

Fill in this section if the court orders a money judgment against a party. A judgment might include money owed for back support, or attorney's or GAL fees, or any other money the court orders paid because of the contempt. **If the court entered no money judgment, check the box “does not apply,” and skip to paragraph 2.1.**

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 for back child support, medical support, unpaid other obligations, and/or spousal maintenance, without interest. Fill in the dates for which owed.

D. Interest to Date of Judgment: Write the total amount of interest, if any, which will be owed by the date the court signs the order.

E. Attorney Fees: Write in the total amount of any attorney fees owed by one party to the other.¹¹

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 the judge decides is owed to the judgment creditor (the person in line A).

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.

Section II. Findings and Conclusions

- *Paragraph 2.1. Compliance With Court Order:*

Print the name of the party claimed to be in contempt. Check either the box “did comply” or “intentionally failed to comply,” depending upon whether the judge found that person obeyed or intentionally failed to obey the order, or not. Print in the date of the order the requesting party was (the person filing the contempt motion) was trying to enforce. If

¹¹ This packet doesn’t tell you when you can request attorneys fees or how to do so.

you're writing a proposed order before the hearing, fill in this and the other paragraphs to show the decision you're asking the judge to make.

- *Paragraph 2.2. Nature of the Order.*

Check each box that applies to the motion for contempt.

- *Paragraph 2.3 How The Order Was Violated.*

If the judge decided the nonrequesting party (the party against whom the contempt motion was filed) didn't violate the order, check the first box. If the judge decided that party did violate the order, check the second box. Then, in the blank at the end of the text, print the judge's decision about how and when the order was violated.

- *Paragraph 2.4 Past Ability To Comply With The Order*

Print the name of the nonrequesting party. If the judge decided that person had the ability to obey the order in the past, check the first box. If the judge decided s/he didn't have the ability to comply with the order, check the second box. After "as follows," print the explanation the judge gave.

- *Paragraph 2.5 Present Ability and Willingness To Comply With The Order*

In each blank, print the name of the nonrequesting party. If the judge decided that party now has the **ability** to obey the order, check the first box. If the judge decided s/he does not now have the ability to comply with the order, check the second box. After "as follows" print the explanation the judge gave. If the judge decided that party now has the **willingness** to obey the order, check the first box. If the judge decided s/he does not now have the willingness to comply with the order, check the second box. After "as follows," print the explanation the judge gave.

- *Paragraph 2.6 Back Child Support/Medical Support/Unpaid Obligations/Maintenance¹²:*

If the contempt motion didn't ask for any of the above-listed, or if the judge made no decision about this, check the first box.

Check the second box if any of the things listed were requested, but the judge decided none was owed.

If the judge decided that back child support was due, check the third box. After the check mark, print in the name of the person who owes the child support, then amount back due, and the dates for which due.

If the judge decided that back medical support was due, check the fourth box. After the check mark, print in the name of the person who owes the medical support, then amount back due, and the dates for which due.

If the judge decided that other back obligations were due, check the fifth box. After the check mark, print in the name of the person who owes these unpaid obligations, then amount back due, and the dates for which due.

(The next box concerns maintenance. Maintenance should not be an issue in a parentage case.)

¹² Parentage case orders won't have any item for "maintenance." Spousal maintenance only applies to some dissolution cases.

If the judge made some other order about child support, medical support, or other unpaid obligations, check the box “other.” Then print in the judge’s decision.

- *Paragraph 2.7 Compliance with Parenting Plan/Residential Schedule:*

If the contempt motion didn’t claim the parenting plan/residential schedule was being violated, check the first box. If the requesting party claimed a violation, but the judge disagreed, check the second box and fill in the name of the person the judge says followed the plan. If the motion claimed a violation and the judge found the plan was violated, check the third box and write in name of the party who violated the plan and check the boxes for the items that were violated. Make sure to check the box for whether the violation was in bad faith or not. If the judge made other decisions about the parenting plan, check the “other” box and write in the judge’s decision

- *Paragraph 2.8. Attorney Fees.* If no attorney fees were ordered, check the first box. If they were, check the second box.

III. Order and Judgment

This is the part of the form where the judge describes the legal consequences of the motion for contempt.

- *Paragraph 3.1. Contempt Ruling.* Write in the nonrequesting party’s name and check the appropriate box, depending upon whether the judge found him/her in contempt or not.
- *Paragraph 3.2. Imprisonment.* If no jail time was ordered, check the box “does not apply.” If the judge ordered jail time, check the second box. Write in the nonrequesting party’s name and the name of the jail. If the jail time starts right away, check the first indented box and write the date jail will end. If the jail time is suspended, check the second indented box and write in the judge’s ruling.
- *Paragraph 3.3. Additional Residential Time.* If there’s no additional residential time ordered, check the first box. If the judge ordered additional residential time (visitation), check the second box, write in the name of the person who will have the additional time, and write in the additional time given.
- *Paragraph 3.4 Judgment for Past Child Support.* If the judge awarded no back child support, check the first box. If the motion didn’t ask for back child support, check the second box. If the judge awarded back child support, check the third box. Then write in the name of the person who will receive the back child support, the name of the person who owes it, the amount found due, the interest due, and the dates for which owed.
- *Paragraph 3.5. Judgment for Past Medical Support.* If the judge awarded no back medical support, check the first box. If the motion didn’t ask for back medical support, check the second box. If the judge awarded back medical support, check the third box. Then write in the name of the person who the back medical support, the name of the person who owes it, the amount found due, the interest due, and the dates for which owed.
- *Paragraph 3.6. Judgment for Other Unpaid Obligations.* If the judge awarded no unpaid past obligations, check the first box. If the motion didn’t ask for unpaid past obligations, check the second box. If the judge awarded unpaid past obligations, check the third box. Then write in the name of the person who the unpaid past obligations, the name of the

person who owes it, the amount found due, the interest due, and the dates for which owed.

- *Paragraph 3.7. Judgment for Past Maintenance (dissolution of marriage cases).* If the judge awarded no back maintenance, check the first box. If the judge awarded back maintenance, write in the name of the person who will receive the back maintenance, the name of the person who owes it, the amount found due plus interest, and the dates it covers.
- *Paragraph 3.8. Conditions for Purging the Contempt.* If the judge didn't find the person in contempt, check the first box. If the judge found contempt, check the second box and write in the ways the judge said the person could purge (cure) the contempt.
- *Paragraph 3.9 Attorney Fees and Costs.* If the judge awarded attorneys fees and/or costs, check the second box and write in the name of the person to whom the fees/costs were awarded, the person who must pay fees, and the amounts of fees and costs the judge stated. If none were awarded, check the first box.
- *Paragraph 3.10 Review Date.* If the judge ordered the parties to return to court later to see if the order is being obeyed, write in the date of the next hearing. If no new hearing was ordered, check "does not apply."
- *Paragraph 3.11 Other.* If the judge ordered something not listed elsewhere, write in the judge's order here.
- "Dated" and judge's signature: leave these blank.
- "Presented by:" the person who wrote out the order should sign here and print his/her name below.
- "Approved for entry:" the person who didn't write the order should sign here if s/he agrees that the order accurately describes the judge's decision. If s/he refuses to sign, the judge may sign the order when it's properly presented to the court, or the judge may make changes if the judge believes the order as written was not accurate.

Section 10: Filing and Serving Your Declaration and Other Forms

A. Preparing to File and Serve

After you've filled out the forms, file them with the court. You must also have the other party served with every paper you want the court to consider, including any witness declarations, your own Declaration, and all of your proposed orders (but not the Confidential Information form and addendum).

This section explains how to do file and serve your papers.

Re-check Your Deadlines. Make sure that you file your response with the court and serve it on the other party far enough before your hearing date. In most counties, you must file your response no later than one court day before the hearing.¹³ However, in some counties the deadline is earlier. Check with the court clerk or family law facilitator to make sure you're filing by the proper deadline. If you miss the deadline, file and serve your papers anyway. If the other party objects at the hearing, ask for a continuance of the hearing so that the court will consider your papers.

Make sure you know who must be served or is a party to the action. Usually, the caption lists the other parties by name. In addition, for cases involving children: if the child/ren have ever received public assistance (TANF), or Medicaid, or if the children are in foster care or out of home placement, or there's a pending paternity case concerning the child in your case, you'll need to serve copies on the State of Washington. (For more information, see our packet called [Serving Papers on the State.](#)) If a Guardian ad Litem's been appointed, s/he'll need to be served too. Talk with an attorney for individual advice if you otherwise aren't sure who to serve.

Make sure you have the forms you will need. You'll need at least the following: Pro Se Notice of Appearance and your declaration. Depending upon the case and the county, you may also need financial information, a proposed Order on Show Cause, sealed records cover sheets (with attached confidential information), declarations of witnesses, and other forms.

How to serve. Don't serve the papers yourself. Arrange to have the papers delivered in person or mailed, as explained below.

When to serve. Your papers must be served on all the parties before the deadline in your county. For some counties, this is one day before the hearing. **For many counties, the deadline is earlier.** If the papers you receive don't state your deadline, ask the family law facilitator or the court clerk, or check your local court rules.

¹³ [CR 6\(d\).](#)

❑ Figure out how many copies of each form you'll need. Make the copies.

The original of each form will be filed with the court clerk in the county where the case has been filed. Make copies as follows: (**except**, if you've prepared the Confidential Information Form and addendum and/or LEIS,¹⁴ make just make one copy, for yourself, of these 3 forms).

_____ one copy of each form for yourself

_____ one copy of each form for the other party

_____ if there are additional individual parties one copy of each form for each of these parties (1 x _____ number of additional parties)

_____ one for the State (if you're serving the State)

_____ one for the GAL if a GAL has been appointed in your case

_____ one copy as working papers, if your local court requires you to give the judge "working papers" before a hearing and if you have upcoming hearings.

_____ : **total.** This is how many copies to make of each document (except just make one copy, for yourself, of the Confidential Information Form and addendum and any LEIS. These forms aren't served on any other party).

❑ Organize Your Papers.

Make a set of the papers for the court and for each party. Put all the original forms into the set for the court. Put the copy of the Confidential Information Form and addendum and the LEIS (if you're using these forms) into your own set.

Compare each set to the checklists in this packet to be sure you have what you need.

❑ Put each of the other parties' sets of papers in an envelope addressed to that party at the legal address they have provided.

Add your return address for legal mail. (For your return address, use the address on your Response or Notice of Appearance.)

B. Filing your papers in court

Take the originals and the copies to the superior court clerk's office in the courthouse where the case has been filed. Give the clerk the original copies of your documents for filing. (The clerk doesn't put the Confidential Information form or any LEIS in the public file.) If you have any proposed orders for upcoming hearings, ask the clerk what to do with the original proposed orders and follow the clerk's instructions.

¹⁴ The Confidential Information Sheet and addendum are in our basic Responding packets. They're filed with your first court papers and must be updated when the information in it, such as your address, changes. The LEIS isn't in this packet. Use it with restraining orders and Orders for Protection. Get it at the court clerk's office.

C. Serving the other parties

In addition to filing your papers with the court, you must have them properly served on (delivered to) the other parties, except **don't** serve the Confidential Information form and addendum and any LEIS.

1. Make sure service is completed before the deadline for your response.

Service is required because the other parties have the right to know your response to the papers you've received.

The court doesn't serve the other parties for you. You must arrange for service and make sure your server delivers the papers properly.

After the Summons and Petition have been properly served, most papers prepared by either the petitioner or the respondent can be served on the other party by mail or personal delivery, as explained below.¹⁵ Carefully follow the rules about service.

After service is completed, file proof of service with the court, explained below.

2. Mail or deliver your papers to the other parties or their attorneys.

Because you're responding, your papers can be given to the other parties by regular mail or by personal delivery. While the case is going on, if a party has given you an address for service of legal papers (for example in the Summons form, a Notice of Appearance, or a Response), serve him/her at that address. If a party is represented by an attorney, the papers are delivered to the attorney, not the party.

3. Service must be completed before your deadline.

Although many county courts allow you to do your own service, other counties don't. To be safe, **don't deliver or mail the papers yourself.** Ask an adult friend or relative to do it for you.

When your friend has mailed or delivered the papers to a party, have your friend 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. You then file the original certificates. Keep a conformed copy for your records.

- **Mailing.** If your friend mails the papers, make sure s/he adds three (3) days to the number of days' notice required for your response. When counting, don't count the day of service (or mailing), weekends, or court holidays. **Example: if a document is mailed on a Monday, it's considered served on Thursday.** This is important when setting up or responding to hearings. There are deadlines by which papers must be served. If the

¹⁵ [CR 5\(b\)\(1\)-\(2\)](#). However, if you prefer, you may have a party personally served (using the same procedures as described in our Filing packets for serving the Summons and Petition), and have a Return of Service prepared and filed. This packet tells you if a form needs to be personally served.

third day is on a weekend or holiday, the document is not considered to have been “served” until the next court day.

If a document is sent by regular first class mail, have an additional copy sent by certified mail, return receipt requested, for additional proof of mailing. Staple the green return receipt card to the Certificate.

o **Personal Delivery.**

The papers may be delivered to the other party, instead of mailed. “Delivering” the papers to another party or his/her 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 office¹⁶; or,
- if no one is in charge, leaving it in a place in the office where someone can easily find it (example: on top of the front desk); or,
- If the office is closed or the person has no office, leaving it at his/her residence or usual place of abode (home) with some person of suitable age and discretion then residing there.¹⁷

4. **Instructions for the Certificate of Mailing or Personal Delivery (no mandatory form)**

Make some blank copies of this form. You may need to fill it out and file it several times. Use this form to show that copies of papers you file in court have been given to the other parties. Use a separate form for each party to whom papers were mailed or delivered.

- **Caption.** Fill in the caption.
- **In the first paragraph,** write the date the papers were mailed or delivered in the first blank, and the name of the party served in the second blank. (If you’re serving an attorney for a party, write in the party’s name here and information about the attorney in the paragraphs below.) After “*with the following documents:*” write the name of **every form** sent/delivered to that person. If you leave out a form, you’ll have no proof it was served. If the papers were served by mail, check the first box. Add the name and address of the person the papers were mailed to. If you mailed an additional copy by certified mail, write that in. If the papers were hand delivered, check the second box. Fill in

¹⁶ 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.

¹⁷ [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who is an adult (or at least an older teenager) who does not have a mental impairment that would prevent 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.

- **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.

5. Filing the Certificates of Mailing or Personal Delivery

Make one copy of each completed Certificate. Don't give copies of this form to the other parties. If you mailed a copy of the forms by certified mail, and have a certified mail receipt back from the post office, attach the original receipt to the Certificate of Mailing you file with the clerk. Make a copy for your records. If you used certified mail but don't have the green receipt back when filing the Certificate, file the receipt later, attached to a page labeled with your case caption.

Section 11: Preparing For Your Hearing

A. Judge's Working Papers/Confirmation

In some counties, you may be required to give the judge an extra copy of all of your responding papers for the judge to read.

◆ If you don't give the judge working papers in a county where so required, the judge might refuse to consider your papers.

If you need working papers for the judge, make one copy of your papers (including the proposed orders and all attachments to forms) for the judge. Make sure you have one copy for yourself.

Write the date, time and room number of the hearing, and “family law motion” in the upper right-hand corner of the first paper, and deliver it to the correct place. Ask the clerk's office where to deliver the papers. In some counties, family law motions papers are delivered to a judge, while in others, family law motions are heard before special family law commissioners.

Confirm that Your Hearing is Happening. Call the Court Clerk one day before the hearing to be sure it's scheduled to happen (“on the docket”).

B. Responding to the Other Party's Reply

In some counties, the other party will have a chance to file a written Reply to your response. However, in most counties (which follow the general Civil Rules), the other party doesn't have a chance to file a reply.¹⁸ If your local court rules give the other party a chance to reply, read it carefully and be ready to respond to it at the hearing. The other party isn't allowed to bring up new issues in the reply. S/he may only reply to things that you talked about in your response. If the other party brings up new issues, or serves you with a lot of declarations and other evidence for the first time with the reply, tell the judge at the hearing that you object to the judge considering that evidence, or you want a continuance and a chance to file a response to the reply.

C. Going to the Hearing

◆ If you don't show up, and if the court file shows you were served with the contempt papers, the court might order that a bench warrant be issued for your arrest.

- **If the Other Party Gets an Attorney or You Need an Attorney.** If at any time before the hearing another party's attorney contacts you or shows up at a hearing, you may decide to try to get an attorney yourself. If so, tell the attorney and the court that you need to postpone (continue) your hearing. Don't panic. Don't sign any documents you don't understand. **If**

¹⁸ [CR 6\(d\)](#).

jail time was requested and you weren't able to figure out how to get an attorney appointed for you, make sure you ask for an attorney to be appointed for you when you get to your hearing. Ask the clerk or facilitator how to apply for a court-appointed attorney. If you can't get this information, request a court-appointed attorney in your response and at the beginning of your hearing.

- **Prepare for the Hearing.** Try to go to court before the day of your hearing and watch how the hearings are generally done. Also, try to make some notes to yourself about the main points that you want to make when you have a chance to talk during the hearing.
- **Live testimony** If a party's requested live testimony (also called oral testimony), or if you live in a county that requires it, make sure that you and your witnesses are there in person at the hearing. In these circumstances, the court may not consider written statements in declarations but may require the witnesses to testify in person. NOTE: Live testimony may be required in some counties and not allowed (or allowed only with advance court order) in others. Learn the practice in your county.
- **Get to Your Hearing Early.** Try to dress neatly and bring a pad of paper and black or dark blue pen to write notes with. Bring your set of the papers, as well as your copies of any papers the other parties gave you in response. It's better not to bring your children if you can help it – the judge 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 is called, tell the court that you're present. Remain in court until your case is called for hearing. When you're told to come forward, do so.
- **Presenting Your Case.** If the other party shows up at the hearing, each of you will have a chance to tell your side of the case. The other party speaks first. When it's your turn, stand while speaking. Tell the judge briefly why the court shouldn't hold you in contempt. (Try to keep your argument short. Only outline your main points. In most cases, the judge will have read your papers before the hearing, so don't repeat everything in your papers. Try to make notes to use at the hearing).
- **DON'T INTERRUPT THE JUDGE.**
- **Hearing the Judge's Decision.** After the judge has heard both sides, s/he'll decide on the parties' requests. Listen carefully. Make notes. The judge may make changes to the Order on Show Cause you prepared, or s/he may direct you, the other party, or the other party's attorney to do it or to prepare a new order.
- If the other party's attorney makes changes to the orders, read them carefully and make sure that they say what the judge said. If you're unsure about any of the changes, don't sign the orders. Ask the attorney to go back before the judge to make sure that the order says what the judge said. **Usually you want to have your court orders signed the day of your hearing. Some counties require they be signed before the parties leave the courthouse.**
- **Getting Copies of the Orders.** Make sure you get a copy of the order as signed by the judge. Ask the clerk how to do this. The clerk may give you the originals and tell you to go make copies in the library or at the clerk's office. **DON'T LEAVE THE COURTHOUSE**

WITH OR CHANGE OR DESTROY COURT ORDERS THAT HAVE BEEN SIGNED BY THE JUDGE. If you don't know what to do with the originals, ask someone at the clerk's office to help you.

D. If You Disagree with the Court's Order

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

- **Motion for Reconsideration**. If a court commissioner or judge decided the motion, and you believe that there's new evidence or another legal reason that could change the commissioner or judge's mind, you may file a Motion for Reconsideration. See CR 59(a). You have 10 days from the date the court signed the order to file a Motion for Reconsideration.¹⁹ Local court rules may require you to also serve the other parties within the same deadline – if you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Reconsideration aren't usually easy to win. Consult with an attorney, if possible, before filing one.
- **Motion for Revision**. If a court commissioner decided the motion, and you don't want to try to give the commissioner more evidence, you may file a Motion for Revision. A motion for revision is heard by a judge, and that judge can hold a "new hearing" on the evidence that the commissioner considered. You have 10 days from the date the court commissioner signed the order to file a Motion for Revision.²⁰ Local court rules may require you to also serve the other parties within the same deadline – if you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Revision aren't usually easy to win. Consult with an attorney, if possible, before filing one.
- If you choose not to file either of the above motions or if you lose these motions, then your only remedy is to file an appeal with the Court of Appeals (or, in some cases, a request for discretionary review) and properly notify the other parties. Generally, you have 30 days from the date the judge signed the order to do this.²¹ However, there are other requirements for filing in the Court of Appeals, not all decisions can be appealed, and few cases are successful. Definitely talk with an attorney before filing an appeal/request for discretionary review.

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

¹⁹ [CR 59\(b\)](#).

²⁰ [RCW 2.24.050](#).

²¹ [Rules of Appellate Procedure \(RAP\) 5.2\(a\)](#).

Section 12: Blank Forms

The rest of this packet contains blank forms for you to complete. You may want to 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:

Petitioner(s),

and

Respondent(s).

No. _____

Declaration of

**[Name]
(Optional Use)
(DCLR)**

This declaration is made by:

Name: _____

Age: _____

Relationship to the parties in this action: _____

I Declare:

**Superior Court of Washington
County of _____**

In re:

Petitioner,

and

Respondent.

No. _____

**Pro se Notice of Appearance
(APPS)**

The undersigned enters an appearance in this action, and demands notice of all further proceedings. The Clerk of the Court and the opposing party will be informed of any change in address. Any notices may be sent to [You may list an address that is not your residential address where you agree to accept legal documents.]

Service Address:

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.

Phone Number: Listed on Confidential Information Form.

Dated: _____

Signature of Party Appearing

Print or Type Name

Confidential Information Form (INFO)

County:	Cause Number:	Do not file in a public access file.
---------	---------------	---

Court Clerk: This is a Restricted Access Document

Divorce/Separation/Invalidity/Nonparental Custody/Paternity/Modifications
 Sexual Assault
 Other
 Domestic Violence
 Antiharassment
 Information Change (Check if you are updating information)
 A restraining order or protection order is in effect protecting the petitioner the respondent the children.
 The health, safety, or liberty of a party or child would be jeopardized by disclosure of address information because: _____

**The following information about the parties is required in all cases:
(Use the Addendum To Confidential Information Form to list additional parties or children)**

Petitioner Information	Type or Print Only	Respondent Information
Name (Last, First, Middle)		
Race	Sex	Birthdate
Driver's Lic. or Identicard (# and State)		
Mailing Address (P.O. Box/Street, City, State, Zip)		
Relationship to Child(ren)		

The following information is required if there are children involved in the proceeding. (Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault).)

1) Child's Name (Last, First, Middle)

Child's Race/Sex/Birthdate

Child's Soc. Sec. No. (If required)

Child's Present Address or Whereabouts

2) Child's Name (Last, First, Middle)	
Child's Race/Sex/Birthdate	
Child's Soc. Sec. No. (If required)	
Child's Present Address or Whereabouts	
List the names and present addresses of the persons with whom the child(ren) lived during the last five years:	
List the names and present addresses of any person besides you and the respondent who has physical custody of, or claims rights of custody or visitation with, the child(ren):	
<u>Except for petitions in protection order cases (Domestic Violence/Antiharassment/ Sexual Assault), the following information is required:</u>	
Petitioner's Information	Respondent's Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
Telephone No.: ()	Telephone No.: ()
Employer:	Employer:
Empl. Address:	Empl. Address:
Empl. Phone No.: ()	Empl. Phone No.: ()
For Nonparental Custody Petitions only, list other Adults in Petitioner(s) household (Name/DOB):	

Additional information: _____

Addendum(s) To Confidential Information Form attached. List other parties or children in Addendum(s).

I certify under penalty of perjury under the laws of the state of Washington that the above information is true and accurate concerning myself and is accurate to the best of my knowledge as to the other party, or is unavailable. The information is unavailable because _____

Signed on _____ (Date) at _____ (City and State).

 Petitioner/Respondent

Addendum to Confidential Information Form (AD)

County:	Cause Number:	Do not file in a public access file.
---------	---------------	---

Court Clerk: This is a Restricted Access Document

The following information about additional parties is required in all cases.

Additional Petitioner Information	Type or Print Only	Additional Respondent Information
Name (Last, First, Middle)		
Race Sex Birthdate		
Drivers Lic. or Identicard (# and State)		
Mailing Address (P.O. Box/Street, City, State, Zip)		
Relationship to Child(ren)		
Name (Last, first, Middle)		
Race Sex Birthdate		
Drivers Lic. or Identicard (# and State), (or, if unavailable, residential address)		
Mailing Address (P.O. Box/Street, City, State, Zip)		
Relationship to Child(ren)		

The following information is required if there are additional children involved in the proceeding. (Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault).)

3) Child's Name (Last, First, Middle)
Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts
4) Child's Name (Last, First, Middle)
Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts

Except for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault), the following information is required:

Additional Petitioner Information	Additional Respondent Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
Telephone No.: ()	Telephone No.: ()
Employer:	Employer:
Empl. Address:	Empl. Address:
Empl. Phone No.: ()	Empl. Phone No.: ()

Superior Court of Washington
County of _____

In re:

Petitioner(s),

and

Respondent(s).

No. _____

Financial Declaration

Petitioner

Respondent

(FNDCLR)

Name: _____

Date of Birth: _____

I. Summary of Basic Information

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

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

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

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

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

unknown

II. Personal Information

2.1 Occupation:

2.2 The highest year of education completed:

2.3 Are you presently employed? Yes No

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

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

III. Income Information

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

3.1 Gross Monthly Income

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

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

3.2 Monthly Deductions From Gross Income

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

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

3.4 Miscellaneous Income

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

IV. Available Assets

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

V. Monthly Expense Information

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

5.1 Housing

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

5.2 Utilities

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

Cable \$ _____
Other \$ _____
Total Utilities \$ _____

5.3 Food and Supplies

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

5.4 Children

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

5.5 Transportation

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

5.6 Health Care (Omit if fully covered)

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

5.7 Personal Expenses (Not including children)

Clothing \$ _____
Hair care/personal care expenses \$ _____
Clubs and recreation \$ _____
Education \$ _____

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

5.8 Miscellaneous Expenses

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

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

5.10 Installment Debts Included in Paragraphs 5.1 Through 5.8

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

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

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

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

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

VI. Attorney Fees

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

6.2 The source of this money was:

6.3 Fees and costs incurred to date: \$ _____

6.4 Arrangements for attorney fees and costs are:

6.5 Other:

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

Signed at _____, [City] _____ [State] on _____ [Date].

Signature of Declarant

Print or Type Name

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

Financial records pertaining to myself:

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

Pay stubs for the dates of _____

Other: _____

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

**Superior Court of Washington
County of _____**

In re:

Petitioner(s),

and

Respondent(s).

No. _____

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

Sealed Financial Source Documents

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

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

Submitted by:

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

**Superior Court of Washington
County of _____**

In re:

Petitioner(s),

and

Respondent(s).

No. _____

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

Sealed Personal Health Care Records

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

Records or correspondences that contain health information that:

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

Submitted by:

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

**Superior Court of Washington
County of _____**

In re:

Petitioner(s),

and

Respondent(s).

No. _____

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

Sealed Confidential Reports

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

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

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

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

Submitted by:

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

**Superior Court of Washington
County of _____**

State of Washington on Behalf of:
The Department of Social and Health Services,
Division of Child Support

Petitioners

and

Respondent

NO. _____

**Response To Petition For
Contempt Of Child Support Order
(No Mandatory Form Developed)**

TO THE ABOVE-NAMED PETITIONER AND ALL OTHER PARTIES:

1. ADMISSIONS AND DENIALS.

The allegations of the petition in this matter are ADMITTED or DENIED as follows (check only one for each paragraph):

Paragraph of the Petition

1	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
4	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
5	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
6	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information

Each allegation of the petition which is denied is denied for the following reasons [List separately]:

2. DISMISSAL.

- Does not apply.
- I request that the case be dismissed.

3. REQUEST FOR RELIEF.

The court should grant the following relief:

- Does not apply.
- The court should deny the petition for contempt.
- Grant an award of attorneys fees and costs to responding party.
- Other:

4. NOTICE OF FURTHER PROCEEDINGS.

Notice of all further proceedings in this matter should be sent to the respondent in care of the following service address: [You may list an address that is not your residential address where you agree to accept legal documents.]

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 responding party

Print or Type Name

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Order on Show Cause re
Contempt/Judgment
(ORCN)**

Next Hearing Date:

Clerk's Action Required, ¶ 3.8

I. Judgment Summary

Does not apply.

Applies as follows:

- A. Judgment creditor _____
- B. Judgment debtor _____
- C. Principal judgment amount (back child support/medical support/other obligations/
maintenance) from (date) _____ through (date) _____ \$ _____
- D. Interest to date of judgment \$ _____
- E. Attorney fees \$ _____
- F. Costs \$ _____
- G. Other recovery amount \$ _____
- H. Principal judgment shall bear interest at _____% per annum
- I. Attorney fees, costs and other recovery amounts shall bear interest at _____% per annum
- J. Attorney for judgment creditor _____
- K. Attorney for judgment debtor _____
- L. Other: _____

II. Findings and Conclusions

This Court Finds:

2.1 Compliance With Court Order

(Name) _____ did comply intentionally failed to comply with a lawful order of the court dated on _____.

2.2 Nature of Order

The order is related to child support medical support child care, educational expenses, transportation expenses, or other special expenses spousal maintenance parenting plan (custody/visitation) a restraining order.

2.3 How the Order was Violated

- The order was not violated.
- This order was violated in the following manner (include dates and times, and amounts, if any):

2.4 Past Ability to Comply With Order

(Name) _____ had did not have the ability to comply with the order as follows:

2.5 Present Ability and Willingness to Comply With Order

(Name) _____ [] has [] does not have the present ability to comply with the order as follows:

(Name) _____ [] has [] does not have the present willingness to comply with the order as follows:

2.6 Back Child Support/Medical Support/Other Unpaid Obligations/Maintenance

[] Back child support/medical support/ child care, educational expenses, transportation expenses, or other special expenses/maintenance is not addressed in the contempt motion.

[] No back child support, medical support, child care, educational expenses, transportation expenses, or other special expenses, or maintenance is owed.

[] (Name) _____ failed to pay the other party the sum of \$ _____ for child support and interest to date in the amount of \$ _____ for the period from _____ through _____.

[] (Name) _____ failed to pay the other party the sum of \$ _____ for medical support and interest to date in the amount of \$ _____ for the period from _____ through _____.

[] (Name) _____ failed to pay the other party the sum of \$ _____ for child care, educational expenses, transportation expenses, or other special expenses and interest to date in the amount of \$ _____ for the period from _____ through _____.

[] (Name) _____ failed to pay the other party the sum of \$ _____ for maintenance and interest to date in the amount of \$ _____ for the period from _____ through _____.

[] Other:

2.7 Compliance With Parenting Plan

- Does not apply.
- (Name) _____ has complied, and is currently willing to comply, with the parenting plan.
- (Name) _____ has not complied with
- the residential (visitation) provisions of the parenting plan and had the ability to comply with the parenting plan, and is currently unwilling to comply. The noncompliance with the residential provisions was was not in bad faith.
- decision making provisions of the parenting plan and had the ability to comply with the parenting plan, and is currently unwilling to comply.
- dispute resolution provisions of the parenting plan and had the ability to comply with the parenting plan, and is currently unwilling to comply.
- Other:

2.8 Attorney Fees and Costs

- Does not apply.
- The attorney fees and costs awarded in paragraph 3.7 below have been incurred and are reasonable.

III. Order and Judgment

It is Ordered:

3.1 Contempt Ruling

(Name) _____ is is not in contempt of court.

3.2 Imprisonment

- Does not apply.
- (Name) _____ is to be confined in the (name of county) _____ County Jail.

Confinement shall commence immediately and shall continue until (date) _____ or until the contempt is purged as set forth in paragraph 3.6 below, in which case the contemnor shall be released immediately.

Confinement is suspended as follows:

Other:

3.3 Additional Residential Time

Does not apply.

(Name) _____ shall have additional residential time as follows:

3.4 Judgment for Past Child Support

Does not apply.

No judgment for past child support was requested.

(Name) _____ shall have judgment against (name) _____ in the amount of \$ _____ for unpaid child support arrearages and \$ _____ interest thereon for the period from (date) _____ through (date) _____.

3.5 Judgment for Past Medical Support

Does not apply.

No judgment for past medical support was requested.

(Name) _____ shall have judgment against (name) _____ in the amount of \$ _____ for unpaid medical support arrearages and \$ _____ interest thereon for the period from (date) _____ through (date) _____.

3.6 Judgment for Other Unpaid Obligations

Does not apply.

- No judgment for past child care, educational expenses, transportation expenses, or other special expenses was requested.
- (Name) _____ shall have judgment against (name) _____ in the amount of \$ _____ for unpaid child care, educational expenses, transportation expenses, or other special expenses arrearages and \$ _____ interest thereon for the period from (date) _____ through (date) _____.

3.7 Judgment for Past Maintenance

- Does not apply.
- No judgment for past maintenance was requested.
- (Name) _____ shall have judgment against (name) _____ in the amount of \$ _____ for unpaid maintenance arrearages and \$ _____ interest thereon for the period from (date) _____ through (date) _____.

3.8 Conditions for Purging the Contempt

- Does not apply.
- The contemnor may purge the contempt as follows:

3.9 Attorney Fees and Costs

- Does not apply.
- (Name) _____ shall have judgment against (name) _____ in the amount of \$ _____ for attorney fees and \$ _____ for costs.

3.10 Review Date

- Does not apply.
- The court shall review this matter on (date) _____ at (time) _____.

3.11 Other

3.12 Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child

This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480.

If the person with whom the child resides a majority of the time plans to move, that person shall give notice to every person entitled to court ordered time with the child.

If the move is outside the child's school district, the relocating person must give notice by personal service or by mail requiring a return receipt. This notice must be at least 60 days before the intended move. If the relocating person could not have known about the move in time to give 60 days' notice, that person must give notice within 5 days after learning of the move. The notice must contain the information required in RCW 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended Relocation of A Child).

If the move is within the same school district, the relocating person must provide actual notice by any reasonable means. A person entitled to time with the child may not object to the move but may ask for modification under RCW 26.09.260.

Notice may be delayed for 21 days if the relocating person is entering a domestic violence shelter or is moving to avoid a clear, immediate and unreasonable risk to health and safety.

If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.

A relocating person may ask the court to waive any notice requirements that may put the health and safety of a person or a child at risk.

Failure to give the required notice may be grounds for sanctions, including contempt.

If no objection is filed within 30 days after service of the notice of intended relocation, the relocation will be permitted and the proposed revised residential schedule may be confirmed.

A person entitled to time with a child under a court order can file an objection to the child's relocation whether or not he or she received proper notice.

An objection may be filed by using the mandatory pattern form WPF DRPSCU 07.0700, (Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule). The objection must be served on all persons entitled to time with the child.

The relocating person shall not move the child during the time for objection unless: (a) the delayed notice provisions apply; or (b) a court order allows the move.

If the objecting person schedules a hearing for a date within 15 days of timely service of the objection, the relocating person shall not move the child before the hearing unless there is a clear, immediate and unreasonable risk to the health or safety of a person or a child.

Warning: Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

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

Print or Type Name

Superior Court of Washington
County of _____

In re:

and

Petitioner(s),

Respondent(s).

No. _____

**Certificate of Mailing or Personal
Delivery**

(No Mandatory Form Developed)

I hereby certify and declare under penalty of perjury that on _____ [fill in date of
delivery or mailing] I have provided _____,

_____ with copies of the following documents, _____

_____, in the following manner:

Via first class U.S. Mail, postage prepaid:

Name & Address of Person Being Served

By handing to and leaving with said _____ or another adult member of his household, or his attorney, namely _____, a true and correct copy of said pleadings at the following location: _____ at _____ a.m./p.m.

Dated: _____

Signature

Print or Type Name

Place signed

**Responding to a Motion for Contempt 11/09
EVALUATION FORM**

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

Danielle Rebar
Northwest Justice Project
500 W. 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
[*\$1800 per month for household of 1; \$2400 for 2; \$3000 for 3; \$3675 for 4; \$4300 for 5]
4. What's the last grade you completed in school? _____
5. Did you read the instructions? yes no
6. Did you also need the help of an agency, court facilitator, or advocate to complete your case?
 yes no
6a. If yes, what agency or individual helped you? _____
7. Did you use the legal forms? yes no
8. Did you find anything difficult to understand? yes no
8a. If yes, please tell us what. _____

9. Did you find any mistakes? yes no
10. Today's Date: _____
Other Comments or Suggestions:
