



Northwest Justice Project

Filing a Motion for Emergency Orders in a Nonparental Custody Case

Forms and Instructions

June 2010

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Section 1: Introduction and Important Information

A. What's a Motion for an Emergency Order?

A Motion for an Emergency Order is officially called a Motion for an Ex Parte Restraining Order/Order to Show Cause. It's a way for you or another party to ask the court to enter a court order that gives you certain rights and/or protections in your case between the time your case is filed and the date it's finished. The main difference between this type of motion and a Motion for Temporary Orders is that you use it in an **emergency**. You'll be asking the court for a court order that takes effect **immediately**, usually with little or no advance notice to the other party. Because the court usually doesn't want to enter an order before the other party has a chance to tell her/his side of the story, file a Motion for Emergency Orders only if there is an emergency or urgent reason why you need an order entered before you can have a temporary orders hearing.

Either the petitioner or the respondent may file a motion for emergency orders. Motions for Emergency Orders can include orders related to issues such as the parties' safety, child support, parenting plans or residential schedules, and guardians ad litem.

- ❖ You can't file a Motion for Emergency Orders unless you have a nonparental custody case that is already started, or you're filing a nonparental custody case at the same time that you are filing this motion.
- ❖ If you're filing a nonparental custody case at the same time as a motion for emergency orders, you may need to schedule your Adequate Cause hearing before, or at the same time as, the hearing on your motion for emergency orders, as explained in our packet [Filing a Nonparental Custody Case](#).

❖ **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.

B. Should I use this packet?

This packet is intended to help you fill out and file the necessary forms and papers for a Motion for Emergency Orders when your nonparental custody case isn't yet final, or when your nonparental custody case is final but you or the other party files a petition to modify the

parenting plan or residential schedule. Before using this packet, decide whether you should file a Motion for Temporary Orders or a Motion for Emergency Orders or no motion at all. For help deciding whether you need a Motion for Temporary Orders, talk with an attorney or read one of our legal information publications about your case (example: the publication called [Nonparental Custody of a Child: Frequently Asked Questions and Answers](#)).

If you and the other party agree about the temporary orders that you want the court to sign, see our packet [Filing a Motion for Temporary Orders in a Nonparental Custody Case](#) or [Residential Schedules and Child Support in Nonparental Custody Cases](#).

◆ **Note for Survivors of Domestic Violence:** If another party has a history of physically harming you or the child/ren or has threatened to do so, and if you've had a dating, roommate, marital, or family relationship with that party, then think about filing a Petition for an Order for Protection if you need immediate protection. See Section III for further information.

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

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

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

If the other party is a member on active duty in the military,¹ or is the dependent² of a service member who is a resident of Washington on active duty and a National Guard member or a

¹ Service members who are protected by the federal Service Members Civil Relief Act, 50 U.S.C. App. Sections 501 *et seq.* include all members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at

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

http://www.uscg.mil/legal/la/topics/sscra/sscra_guide.htm#coverage. For Washington State's Service Members Civil Relief Act, see RCW 38.42.010 et seq.

Section 2: Steps to Take to File Your Motion

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

- ❑ 1. **Check for special local rules and forms.** Check with your county court clerk or family law facilitator or read the local court rules to find out:
 - A. if your county has its own forms or information about Ex Parte Restraining Orders/ Orders to Show Cause in nonparental custody actions. Get any additional forms that you'll need.
 - B. the deadlines for filing and serving family law motions in the county where your case was filed.
 - C. how the local procedures for background checks and adequate cause hearings may affect the scheduling of show cause/temporary orders hearings.²
 - D. whether your county requires you to prepare a Residential Schedule, Child Support Worksheets, and/or proposed orders with your motion.
 - E. whether there is a limit to the number or length of declarations you file with your motion.

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 following website:
<http://www.courts.wa.gov/rules/local.cfm?group=superior>.

◆ A 2007 law³ requires that the court:

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

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

This law is recent, so ask your local court clerk or family law facilitator

² The packets [Filing a Nonparental Custody Case](#) and [Responding to a Nonparental Custody Case](#), and the publication [Nonparental Custody of a Child: Frequently Asked Questions and Answers](#) describe the meaning of adequate cause and background checks, and explain the importance of understanding local procedures. See www.washingtonlawhelp.org.

³ [Ch 496, Laws of 2007](#)

local forms and procedures not described in this packet.

2. **Gather your evidence and, if applicable, financial information.** If possible, get the evidence you'll need now, for use while you're filling out your forms. Think carefully about whether there is information that will help you show that what you're telling the court is correct. Examples include:
- Declarations of Witnesses- Declarations (sworn written statements) from you and other witnesses who have personal knowledge about you, the child/ren, the other parties.
 - Records- Bills, records of past criminal convictions, medical or mental health treatment, school records, and day care records are among the types of records to include.
 - Photographs- if they help prove or disprove an issue in your motion.
- If you're asking for child support or any type of financial relief (including attorney fees), or if you're asking for the appointment of a Guardian ad Litem, you must give the court certain financial information. See Section 4.
3. **Gather other packets and forms if necessary.** You may need child support worksheets, a Residential Schedule or other forms. See Section 4 for a list of other packets and Section 5 for brief explanations.
5. **Follow the General Instructions** and fill in the captions of all of the forms. See Section 5.
6. **Complete the forms.** See Section 6 and any other forms you're using.
7. **Make enough copies of each of the completed forms and other documents** that you're filing with the court (original documents for the court, one copy for you, and a separate copy for each other party). If you need to give the judge or commissioner⁴ "working papers," make one more copy. Don't copy the Law Enforcement Information sheet because it won't be served on other parties.
8. **Ask the judge to sign your Ex Parte Restraining Order/Order to Show Cause.** Call the court clerk's office and ask where to take your papers to get an ex parte family law order signed. See Section 7.
9. **Make enough copies of the Ex Parte Restraining Order/Order to Show Cause after the judge has signed it.** Don't leave the courthouse with the original of the order. If you can't make a copy yourself at an office of the courthouse, ask the clerk to make copies. You may be asked to pay a fee (usually a few dollars) for getting copies of the orders. Obtain a certified copy of the order to keep with you at all times, and additional certified copies to have served on every restrained party.

⁴ Court commissioners are similar to judges. Many decisions in family law cases are made by court commissioners instead of judges. However, to make this packet simpler, we just refer to a "judge."

- 10. **File your papers with the court clerk's office** in the Superior Courthouse where your nonparental custody case was filed. Stamp the copies you've made to show the court filing date. See Section 7.
- 11. **Deliver a set of working papers to the judge, if necessary.** See Section 8.
- 12. **Have the Ex Parte Order and supporting papers served upon every other party.** See Section 7.
- 13. **Have the server fill out the Returns of Service and file them with the clerk.** See Section 7.
- 14. **Review the other parties' responses** when you receive them.
- 15. **Confirm your hearing, if necessary.** See Section 8.
- 16. **Complete, file, and serve your reply** to the other parties' responses (if your county allows a reply) or prepare to reply in person at the hearing.
- 17. **Go to your show cause/temporary orders hearing.** See Section 8.
- 18. **Ask the court to enter written order(s) at the end of hearing showing the decision the judge made.** See Section 8.
- 19. **Get copies of the orders signed by the judge.** See Section 8.
- 20. **If you disagree with the court's order, quickly decide whether to file motions for reconsideration or revision or an appeal. Deadlines are very short!** See Section 8.

Section 3: What's In This Packet?

This packet contains many of the forms you'll need to file a Motion for Ex Parte Restraining Order/Order to Show Cause. You may also need forms found in other packets. **Section V lists and briefly describes other forms you may need with your Motion.**

When you prepare the forms that require the judge's signature (orders and the Residential Schedule form), make more than one copy before you begin. Prepare one copy showing what you want the judge to decide, but also take a blank copy of each order form to the show cause/temporary orders hearing, in case you need to make major changes to your proposal.

Also, make several copies of the declaration after you've filled in the caption, so you have blank forms for different witnesses to use.

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

Form Title	Form Number
Motion and Declaration for Ex Parte Restraining Order and Order to Show Cause	WPF CU 03.0150
Law Enforcement Information Sheet (LEIS)	WPF 01.0400
Ex Parte Restraining Order	WPF CU 03.0170
Declaration of Witness	WPF DRPSCU 01.0100
Temporary Custody Order	WPF CU 03.0200
Order Appointing Guardian Ad Litem on Behalf of Minor	WPF CU 04.0200
Return of Service	WPF DRPSCU 01.0250

See Sections 4 and 5 for additional forms you may need that aren't in this packet.

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

You may need other packets and forms to file and finish your motion. How many other packets you need will depend on the facts of your case. Read the following list, then check off the boxes next to the other packets you need. Get those packets before filling out your forms. Download our other packets on the internet at www.washingtonlawhelp.org.

- [Residential Schedules and Child Support for Nonparental Custody Cases](#)** - If you want to ask the court to enter a temporary order about custody and visitation, use this packet. If you want to ask the court to enter an order about temporary child support, get this packet. A Residential Schedule is a detailed order placing custody of the child/ren with the nonparent and describing the parent(s)' visitation. The Child Support Worksheets state the parties' incomes and calculate the parent(s)' child support obligation. The Child Support Order sets their obligation. The Sealed Financial Documents Coversheet form, if you use it, allows you to keep some private financial information out of the court file.
- [Filing a Nonparental Custody Case](#)** – A nonparental custody case must be started before or at the same time that a Motion for Ex Parte Order/Order to Show Cause is made.
- [Responding to a Petition for Nonparental Custody](#)** - Use this packet to respond to the petition if you've been served with a Petition for Nonparental Custody.
- [Petition for Order for Protection](#)**– Complete these forms if you're asking that an Order for Protection from domestic violence take effect either during the case or at the end of the case. Get the forms from your county clerk's office, domestic violence advocacy program, or online at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16>. (Note: the "Petitioner" on the Protection Order form is always the protected person, even if that person is the respondent in the nonparental custody case.) If you're considering asking for an Order for Protection, get individual legal advice. This packet doesn't explain how to combine the cases.

◆ **Note for Survivors of Domestic Violence:** If another party has a history of physically harming you or the child/ren or has threatened to do so, and if you've had a dating, roommate, marital, or family relationship with that party, then think about filing a Petition for an Order for Protection if you need immediate protection. Orders for Protection offer strong safety restraints. For more information, see our publication [Domestic Violence – How the Legal System Can Help You](#), contact your local domestic violence program, or call the 24-hour domestic violence hotline at 1-800-562-6025. **Orders for Protection are, however, limited in their ability to make residential arrangements for the child/ren.**⁵

⁵ See [RCW 26.10.115 \(3\)](#)

If you obtain an Order for Protection during the nonparental custody case and want to ask that it be made permanent and/or to cover the child/ren for longer than one year, or if you want an Order for Protection to begin at the end of the nonparental custody case, sometimes it's possible to combine the protection order case and the nonparental custody case.

If you apply for an Order for Protection, or if you want to combine the two types of cases, get individual legal advice about how the Order for Protection process relates to the nonparental custody case.

- ❑ **Serving Papers on the State** - If any of the child/ren has received DSHS welfare benefits, such as TANF, food stamps or medical benefits, you must include the State of Washington as a party to your case and have the State served with the papers you file. This packet will tell you how to serve the State.
- ❑ **Local County Court Forms and Rules.** Some counties have other special forms that you may need that aren't in this packet, and most will have special "local rules" to follow. Check with the court clerk or family law facilitator in your county for more information.

Some county clerk's offices have forms and local rules available online.

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

- ❑ **Financial Information.** If your Motion includes a request for attorney fees, appointment of a GAL, or any financial issues, get the items listed below. Local rules may also require you to submit this information if you're asking the parents to pay child support. If you're a parent and child support is requested, you must provide this information.
 - Your federal income tax returns from the last two years. If you don't have copies of your income tax returns, request copies from the IRS (there is a fee).
 - Your pay stubs. (Provide stubs for at least a month. It's best to give the last six months of pay stubs or back to January 1st, whichever is longer.)
 - If you receive some type of benefits, official letters from Social Security, L&I, Employment Security, or DSHS showing how much you receive in benefits.
 - If you're self-employed, or if you have no pay stubs or tax returns, get papers that prove what your income is. Examples:
 - Bank account statements and check registers
 - Business tax returns or records, or 1099 forms
 - Any other information necessary to support your request for financial relief (examples: the other parties' income tax returns or pay stubs, bank account statements, copies of bills, etc.)

- In some counties, such as King, you may need to provide more financial information as required by local court rules. Consult your court clerk's office, local court rules, or family law facilitator.

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

These instructions apply to all of your forms. Instructions on how to complete each individual form are in Section 6. As you read these instructions, look at the **sample** “Note for Motion Docket” form after these instructions.

Caption. The caption is the name of your case. It appears at the top of the first page of every form.

- Write in the name of the county where your case was filed in the blank space where the form reads "Superior Court of Washington County of _____."
- If you or another party has already filed the case, look at the Petition form and copy the information from the upper left-hand side of that form onto your blank forms. (The Petition will say *In re Custody of*).
- If you're filing the Petition for Nonparental Custody at the same time that you're filing this motion, follow the instructions for preparing the caption found in the packet *Filing for Nonparental Custody*.

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

◆ You must write or stamp the case number on the first page of every copy of every paper you file with the court and on the copies you make for other parties. If you don’t, your papers may be lost, or they may be returned to you. Some courts will 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. Sometimes you must add more information to complete it. (Example: on a declaration, you write in the name of the person completing the declaration.)

◆ **Format:** Pleadings (legal forms) that you file with the court and attachments to those pleadings must follow the court rules about size and margins (GR 14(a)). 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. Use black or dark blue ink. If your forms don't follow these rules, the court clerk may refuse to file them or may make you pay a fine.

The contents. Fill out each form according to the instructions for that form. In most counties you may print or type the information, but it must be readable and you must use BLACK OR DARK BLUE INK. A few counties require that all documents be typed. After filling out each form, re-read it to be sure you've correctly filled in all the blanks you need to. If you have to make corrections, be sure the correction is neat and readable. Don't write in the margins of any page or the clerk may reject your form.

Dates. On the last page of most forms (not including orders), there's a space for the person who completes a form to write the date that the form 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. Look carefully. Some forms require you to sign in more than one place. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
- When you prepare and file motions, you are the moving party. After you prepare a motion look for each place marked "signature of moving party or lawyer." Look carefully. Some forms require you to sign in more than one place. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
- When you prepare an order and plan to present it for the judge to sign, look for each place marked "presented by." Sign in the space underneath.

- **Judge's Signature:** Leave the judge's signature line and the date blank.

- **Other party's signature:** Certain forms you prepare have a place for other parties to sign. You cannot force another party to sign a court paper – s/he can choose to sign, or not. However, if you've prepared an order after a hearing, the other party may be willing to sign the form you 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 isn't happy with the decision itself.

- Agreed orders. If the other party agrees with the orders you've written, that party should sign in the appropriate place (petitioner/respondent/moving or nonmoving party) on each court order that is agreed.
- Approved for entry/Notice of Presentation Waived. If you are the respondent or nonmoving party, or if you didn't prepare the order, you may be asked to sign in a blank under these words. If you check "Approved for entry," this means that you are agreeing that the judge should sign the order as it is written. If "Notice of

Presentation Waived” is checked, that means that you’re agreeing that the other party can give the order to the judge for him/her to sign without letting you know when the other party 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’s writing the declaration.

Place signed. Declarations and Returns of Service must include the place they’re 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 (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 don’t have to write these in court papers. However, you do need to write in an address where you can get mail from the court. Also, it’s 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’re not required to write these in court papers. If you do, write only the last four digits, not the whole number.

Dates of Birth of Children: Don’t write them in court papers.

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

Box #2:

Private Information That Should Be Filed With Sealed Cover Sheets:

If a sealed cover sheet is used, this information is usually available to the other party and the court but 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 won't be available to the public.

Medical or Mental Health Records or Information: If you file papers containing health or mental health information (information about past, present, or future physical or mental health of a person, including insurance or payment records), you must attach the papers to a Sealed Personal Health Care Records form so that they won't be available to the public.

Confidential Reports: Reports such as Parenting Evaluations, CPS Reports, Domestic Violence Assessments, and Guardian ad Litem Reports that are intended for court use must have two sections, a public section and a private section. 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" don't. 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](#). There's no packet that tells you how to do this and there are presently no mandatory forms for this type of motion. Talk to an attorney.

Box #3

When You Should Write Private Information In Court Forms:

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

You're 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're afraid to give your address on these forms, consult an attorney, or call CLEAR at 1-888-201-1014.

SAMPLE FORM

Fill in the 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,

Fill in Respondent's name.

Petitioner,

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
 1212 S. Harriet Drive

Section 6: Instructions for Filling Out Individual Forms

A. Motion/Declaration for Ex Parte Restraining Order and for Order to Show Cause – WPF CU 03.0150

The Motion/Declaration for Ex Parte Restraining Order and for Order to Show Cause has two purposes. First, it requests a restraining order right away because there is an emergency. Second, it sets up a show cause/temporary orders hearing so the court can decide whether to extend the restraining orders and whether to grant other temporary orders (such as temporary custody and visitation, temporary child support, and orders appointing a GAL or other parenting investigator).

Caption. Fill in the caption.

Section I. Motion. The Motion contains many possible requests. Mark an “X” in each box that is next to a sentence describing things that you want the court to do. Check more than one box in some paragraphs, as long as your requests don’t conflict with each other.

Paragraph 1.1. Ex Parte Restraining Order.

This is a list of things that you may ask the court to order before the show cause/temporary orders hearing.

- If you check a box, make sure to fill in the blanks that are in that paragraph, too. Example: if you check the first box on the form (for restraints on molesting or disturbing the peace), make sure to also fill in the blanks so that the court will know who should be restrained and who should be protected.
- **Safety Restraints.** You may ask the court to order other parties not to disturb you or come near you or the child/ren. You must be able to show an urgent need for these restraints before you’ll get them.
 - To stop other parties from bothering or harassing you (called “molesting⁶ or disturbing the peace”), check the first box in Paragraph 1.1 on the Motion form and fill in the blanks. Name the protected child/ren, if you want to include them.
 - To stop other parties from coming to your home or coming near your home, work or school (or the child/ren’s school or daycare), or coming within a certain distance, check the second and third boxes. Make sure you write in the names of the parties to be restrained, the distance away that you want the other parties to stay (example: “150 feet” or “500 feet”), and the name(s) of the protected child/ren.
 - To stop the other parties from removing the child/ren from Washington, check the fourth box in Paragraph 1.1 and fill in the blank with the name of the party to be restrained.

⁶ The term “molesting or disturbing the peace” can be confusing. If you check this box, you’re not accusing another party of sexually molesting you or the child/ren. You’re asking the court to order that other person not to bother you or the child/ren.

- Add other restraining order requests you want to make under the “*other*” section of Paragraph 1.1.

- **At the end of paragraph 1.1**, fill in the names of all of the other parties.

Paragraph 1.2. Other Ex Parte Relief.

If you want the court to order that the child/ren will stay with you until the show cause/temporary orders hearing, check the first box and write in your name. If you want the court to order other relief immediately, check the box next to “other.” Write in the blank what you’d like the court to order.

Paragraph 1.3. Surrender of Deadly Weapons.

If the other parties own guns, knives or other deadly weapons, and you fear that they may harm you, the child/ren or someone else with the weapons, check the second box and write in the names of the parties who should give up their weapons. Make sure to explain in your declaration the specific reasons why you believe the person should turn in their weapons. If you’re not asking for the surrender of weapons, check the first box.

Paragraph 1.4. Other Temporary Relief.

This is a list of things that you’re asking the court to order at your show cause/temporary orders hearing. If you ask for items in this paragraph, check the second box on the far left and then write in the names of the other parties. Check each item that you want the court to order.

- If you’re the petitioner and are asking for temporary custody, check the first indented box “grants the Petitioner” and write in the name of the child/ren whose temporary custody you’re asking for. You may also need to fill out a Proposed Temporary Residential Schedule, found in our packet called [*Residential Schedules and Child Support for Nonparental Custody Cases*](#), if your local court requires it or if you choose to use it. If you’re the respondent and are asking for temporary custody, check the “other” box and write in your request. Example: “grants _____ (your name) custody of the following child/ren _____ (name the child/ren).”
- If you’re asking for reasonable visitation between a parent and the child/ren, check the second indented box, print in the name(s) of the people who will have reasonable visitation after the words “gives reasonable visitation to _____.” Try to propose a specific reasonable visitation schedule and can do so by also checking the last box “Other,” and writing out the schedule you propose and who should have that schedule. Or, propose a Temporary Residential Schedule. (See more information about residential schedules below.)

Note: If you’re asking that restrictions be put on visitation, don’t check the second indented box (which refers to reasonable visitation). Instead, check the “other” box and write in the visitation and restrictions you believe are appropriate.

- If you’re asking for temporary child support from a parent, check the third indented box. Most courts will require you to complete child support worksheets (and if you’re a parent, submit a financial declaration and provide proof of income) if a parent has asked to pay temporary child support. Instructions for the child support worksheets are in our publication [*Residential Schedules and Child Support in Nonparental Custody Cases*](#).

- If you're asking for payment of attorney fees or other professional fees and costs, check the fourth indented box and state the amount and the payee. Fill out a Financial Declaration and provide proof of your income.
- Check the last indented box ("Other") if you want the court to order other things that aren't already listed in the motion. Write what you want the court to order in the blank. Examples:
 - If you're asking for a specific reasonable or restricted visitation schedule for another party, or for no visitation, write in the party, the detailed schedule you propose, and any restrictions or conditions that should be placed on that visitation.
 - If you're asking for a Temporary Residential Schedule, write in "approves the Temporary Residential Schedule proposed by the undersigned."
 - If you think that the child/ren may not be safe with the other parties, perhaps due to alcohol or drug abuse or child abuse, write in a request for a guardian ad litem (GAL) or for a custody evaluation or family court referral. For more information on GALs, see our publications [*Nonparental Custody of a Child: Frequently Asked Questions and Answers*](#), and [*Working with GALs and Parenting Evaluators: Tips for Parents in Family Law Cases*](#).

Paragraph 1.5 Indian Child Welfare Act.

The Indian Child Welfare Act (ICWA) is a special federal law which applies to children who meet the legal definition of "Indian Child." This definition is complex. Whether or not a child is an Indian Child depends on the particular rules for each tribe that the child might be affiliated with. See our publication [*Nonparental Custody of a Child: Frequently Asked Questions and Answers*](#) and [*Indian Child Welfare Act*](#). If you think ICWA may apply to any child in your case, consult an attorney familiar with ICWA. It'll be extremely difficult to handle your case without a lawyer.

Indian Child Status. If any of the child/ren are or may be members (or are eligible to be members and are the child/ren of a member) of or affiliated with a tribe, check the first box. If not, check the second box.

Jurisdiction: If you checked the first box under "Indian Child Status," then you must check one of the boxes in this paragraph. Read both carefully. Mark the second box if the child/ren reside or are domiciled within the boundaries of an Indian Reservation, or if a Tribal Court has continuing jurisdiction over them. Otherwise, check the first box.

Paragraph 1.6. Other.

Use this paragraph if you want the court to order other things that aren't already listed in the motion. Write what you want the court to order in the blank. For example, if you think that the child/ren may not be safe with the other parties, perhaps due to alcohol or drug abuse or child abuse, ask for a guardian ad litem (GAL) in this motion or for a custody evaluation or family court referral.

In addition, if you're filing or have filed other documents in your case, such as declarations from neighbors, teachers, etc. or your own declaration on a separate form, and you believe the

information shows more support for your Motion, write in: “This motion is also based upon [and write in the name of the documents you want the court to consider].”

Signature.

Write in the date, sign your name above “Signature of Moving Party or Lawyer,” and print your name on the line below.

Section II. Declaration

The Declaration in support of your motion is important.⁷ It’s your statement of reasons and evidence for your requests. Use the declaration to show the court that each of your requests is appropriate and that an emergency exists justifying the court entering an order without prior notice to the other parties. Describe, in your own words, why you need the orders you’re requesting and what facts show that your requests are appropriate. This includes why you want the custody/visitation requested in your motion, why you believe other parties shouldn’t have custody or reasonable visitation, and why you’ve asked for the other items in your motion. Explain what harm would result if the judge doesn’t issue the order. Review your declaration to be sure that it shows the need for each item you’ve requested in your motion.

If your show cause/temporary orders hearing will be combined with the Adequate Cause hearing, make sure the declaration(s) you file cover all the issues for both hearings.

Most likely you won’t have a chance to testify at the show cause/temporary orders hearing. In most counties you can argue from information already in the file but you can’t add new evidence.⁸ See 8 below.

For detailed instructions and suggestions on how to write declarations, see our packets [Filing a Nonparental Custody Case](#) and [Responding to a Petition for Nonparental Custody](#). See also the general instructions in Section 6 C of this packet.

Paragraph 2.1. Injury to Be Prevented.

This is where you write down the injuries you’re afraid will happen if you don’t get the emergency order. Examples include the child/ren being hurt or taken away by the other parties (and why that would harm the child/ren) or other harm you fear.

Paragraph 2.2. Reasons Why the Injury May Be Irreparable.

Write in reasons why, if the injuries you described do happen, they are irreparable (can’t be fixed). Examples: if another party hit you, that couldn’t be undone. If another party takes the child/ren, they might be harmed because of a specific problem the other party has (identify the problem and the harm).

Paragraph 2.3. Reasons for Other Ex parte Relief.

Look back at Paragraphs 1.1 and 1.2 of your motion. If you asked the court to order who the child/ren will live with until the show cause/temporary orders hearing, or if you asked for anything else there, check the second box and explain why it’s necessary that the court grant your requests.

⁷ You’ll also probably want to obtain declarations from witnesses familiar with all or part of the situation. Use the declaration form described in Section 6 C for their statements.

⁸ Declarations can’t usually be used at trial, and, in a few counties, witnesses also will need to appear in person at show cause/temporary orders hearings.

Paragraph 2.4. Clear and Convincing Reasons Why Weapons Should Be Surrendered.

If you checked the box in paragraph 1.3 asking other parties to surrender their weapons, complete this paragraph by filling in the reasons why they should do so. If you didn't ask for weapons surrender, check that this paragraph doesn't apply.

Paragraph 2.5. Reasons for a Temporary Order.

Check the second box and write, in detail, the reasons why your temporary orders requests are necessary and should be ordered. You may need more space than what is provided on the form. If you fill the form out on the computer, type as many lines as you need and the form will get longer. If you're handwriting the form or typing it on a typewriter and need more space, write "See my Declaration, filed separately with this Motion," then write out additional items in your Declaration on the separate "Declaration of Witness" form described in Section D below.

Paragraph 2.6. Service Member or Dependent of a Service Member.

If the other party is on active duty in the military as described in this paragraph, or is the dependent (usually spouse or minor child/ren) of someone on active duty, and might not be present at the hearing because of this, check the box, then write in the blank why it's important for the court to grant the things you're asking for before the other party can return to Washington.

Guardian ad Litem (GAL):

If you're asking the court to appoint a GAL or other custody investigator, explain why and state your proposal for how the costs of his/her services be paid. Do this in Paragraph 2.5.

Signature.

Fill in the date and location and sign in the appropriate spaces. If you also used a separate Declaration of Witness form for your statement, sign that form on the last page also, and fill in the date and city you signed.

Section III. Efforts to Give the Other Party Notice. Write in the blank what you'll do to contact the other parties or their lawyers before you go to get your Ex Parte Order/Order to Show Cause signed. If you're not going to try to give the other party(ies) notice, write that in the blank. Write the reasons why the court shouldn't require notice. Example: if you fear that notice would result in another party hurting you or the child/ren, write that in. Unless you can show a real risk of harm if notice is given, the court may expect you to give notice (even of only a few hours) before the judge considers your motion.

Signature. After you've completed any steps you said you made to give to the other party notice, date and sign the form and print your name in the blank below your signature.

B. Law Enforcement Information Sheet – WPF All Cases 01.0400

Fill out this form if the judge grants an ex parte order or Temporary Custody Order containing restraints. Give the completed form to the Superior Court clerk. S/he'll send it to your local law enforcement agency to place your restraining order into the police computer. **Don't deliver this form to the other parties. Don't give it to them by mistake.**

Write your case number in the top right-hand blank. Under that, check the second box.

Restrained Person's Information. In each blank, write information about the parties being restrained (name, driver's license number, nickname, sex, etc). Fill out this form as completely

as possible. You don't need to know all of the answers. If more than one party is being restrained, complete a separate form for each person.

Does the Restrained Person Have a Disability, etc.? If you check the "yes" box, please write out a description that will help law enforcement in serving the order.

Hazard Information. If you think the other party might use weapons when served, circle the type of weapon and describe why the other party is dangerous. Check the box showing where they usually keep the weapon. Fill in the boxes regarding the restrained person's history.

Protected Person's Information. In each blank, write your name, sex, race, and birth date. If the other party already knows your address, write your address in the blank under "*If your information is not confidential.*" If the other party doesn't know your address and you don't want the other party to find out, write under "*If your information is confidential*" the name/address and telephone number of a "contact" where you can be safely and reliably contacted. This could be a friend or family member, or post office box.

Minor's Information. Write each child's information.

Victim's Household Members or Adult Children Protected: fill in the information for any of these who are protected by the order.

C. Ex Parte Restraining Order/Order to Show Cause – WPF CU
03.0170

If you're writing this as a proposed order, fill it in to show the decision you want the judge to make. If you're preparing it after the judge has made a decision, fill it in to show the decision the judge made.

Caption.

Fill in the caption. If you're asking for a safety restraining order (keeping the other party/ies from harming you and/or the child/ren or from coming near you or your home), check the two boxes below the title of the form in the top right section of the caption next to *Clerk's Action Required* and *Law Enforcement Notification*.

Restraining Order Summary.

Look at paragraph 4.1 of the ex parte restraining order/order to show cause. If you're not going to check any of the boxes in paragraph 4.1, then check "Doesn't apply" and skip to Section I. If you'll check any of the boxes in paragraph 4.1, then check the second box, "Restraining Order Summary is set forth below." In the first blank, print the names of the parties to be restrained. In the second blank, write the names of the parties to be protected and identify any child/ren listed in Paragraph 4.1 of this form.

Section I. Show Cause Order.

Write in the name(s) of all the other parties in the first blank.

Identify your hearing date and deadline for service (see box below) and then, in most cases, give yourself a few days extra to make sure that you'll have time to have the other parties served. If you'll be asking the court to set your hearing more than 14 days away, you must show "good cause" (a good reason) for asking for more time, and you must be sure the order doesn't end

before your show cause/temporary orders hearing date.⁹ Write the date (example: Wednesday, Feb. 27, 2009), and time of your show cause/temporary orders hearing in the blanks (circle a.m. or p.m.).

◆ **Getting a Hearing Date.** Set the hearing date far enough away so that you'll have time to give the other parties proper notice. In most counties, you must give them at least five court days' (business days that aren't holidays) notice, not including the date that the other parties get the papers.¹⁰ However, some counties, such as King County, require much more advance notice. In addition, many courts have special days, times and courtrooms where family law motions are heard. You might also need to choose a date when the Adequate Cause hearing can also take place or, if the state is a party to your case, a day when the State schedules its own hearings. Check with your family law facilitator or court clerk, or read the local court rules to find out how much notice to give for your motion, what days of the week and times you may set your hearing, and the courtroom number where your hearing will take place.

Write the name of the courthouse on the blank next to "Place." Write the courtroom number next to "Room/Department."

Section II. Basis.

Write in the name(s) of the other parties if you haven't given them notice of your ex parte motion.

Section III. Findings.

Indian Child Welfare Act (ICWA):

Indian child status: If any child is or may be an Indian child, check the first box. The court will need to decide whether the Indian Child Welfare Act requirements have been followed (second box, located in the middle of the first paragraph) or whether more steps will be required (third box, indented after first paragraph). Check the second box (located in the middle of the first paragraph) if all ICWA requirements have been met **and** write, in detail, what's been done. If the ICWA requirements haven't yet been met, check the third box ("All notice and evidentiary requirements ...have not been satisfied"), and write in the steps that still must be taken. If none of the child/ren are or might be Indian child/ren, check the last box ("the child/ren aren't Indian child/ren").

The Indian Child Welfare Act has many special requirements. It will be extremely difficult to follow them without the ongoing advice of a lawyer familiar with this law.

Jurisdiction: Check the same box that you checked in the "jurisdiction" part of Paragraph 1.5 in the Motion and Declaration for Ex Parte Restraining Order/Order to Show Cause.

Further: The last box, located just before "IV. ORDER," has to do with military service. If another party is on active duty in the military as described in this paragraph (or is the dependent of someone on active duty), check the box next to "*Further the court finds that...*" If none of the

⁹ [CR 6\(b\)](#).

¹⁰ [CR 6\(d\)](#).

other parties is in the military or on active duty, and none is the dependent of someone on active duty, skip this paragraph.

Section IV. Order.

Paragraph 4.1. Restraining Order.

Look at the Motion/Declaration for Ex Parte Restraining Order and for Order to Show Cause form that you already completed. Check the same items that you checked in Paragraph 1.1 of the Motion and fill in the blanks next to the boxes you've checked. Show the names of the parties restrained and the persons protected in any boxes you check, and fill in the distance limitation if you check the fourth box. If you didn't ask for any safety restraints (Paragraph 1.1 of the Motion), check the box "Doesn't apply" at the beginning of Paragraph 4.1 of the Order. If you're checking any other box (the 2nd, 3rd, or 4th) in Paragraph 4.1 of the Order, then also check the fifth box "Clerk's Action." In the blank, print the name of the police department that patrols your home area (example: Bellevue Police Department, or Pierce County Sheriff).

Paragraph 4.2. Other Restraining Orders.

Again, look at the Motion/Declaration for Ex Parte Restraining Order and for Order to Show Cause form that you already completed. Check the same items that you checked in Paragraph 1.1 and paragraph 1.2 of the Motion and fill in the blanks in the boxes you've checked. If you added any items in the "Other" parts of Paragraph 1.1 or 1.2 of the Motion, repeat them again here, but re-state them as orders. Examples: "Respondent Mother is restrained from" or "Petitioner shall"

Paragraph 4.3. Surrender of Deadly Weapons.

Again, look at the Motion/Declaration for Ex Parte Restraining Order and for Order to Show Cause form that you already completed. Check the same boxes that you checked in Paragraph 1.3 of the Motion. In addition, if weapons are to be surrendered, write in the names of parties giving up weapons, and check the first or second indented box, writing in who the weapons should be surrendered to.

Paragraph 4.4. Expiration Date.

Read this paragraph. If you need the ex parte order to last for more than 14 days (and you may, for example, if you live in a county that requires you to give fourteen days notice before your hearing), see Paragraph 4.5 below.

Paragraph 4.5. Other.

If you're asking the court to set your hearing more than 14 days after you ask the court to sign this Ex Parte Restraining Order form, then write in this blank "The court finds good cause to extend the date of expiration of this order to the date indicated in Section I." Write any other orders that you want the court to enter immediately, as long as those items were requested in your motion.

If you give other parties notice of your motion for an ex parte order, state that here, and indicate who was present in court when you presented this motion. (Remember: going to court to present your ex parte motion is different from going to court for the order to show cause/temporary orders hearing. You must give notice of the order to show cause/temporary orders hearing.)

Signature.

Don't write the date or time or write on the judge's signature line. Under "Presented by," sign your name and then print your name on the blank below that.

D. Declaration of Witness – WPF DRPSCU 01.0100

A declaration is a statement, sworn to be the truth under penalty of perjury, by any person who has direct knowledge about the issues in your motion.

If there are people who know about one or more issues in the case, ask them to do declarations explaining what they know. Also, if you didn't have enough space for your Declaration at the end of the Motion form, use this form to complete your own statement.

Be aware that 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.

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.

A nonparent must meet a high legal standard to obtain custody. See the publication [Nonparental Custody of a Child: Frequently Asked Questions and Answers](#). Witness declarations can be very helpful in proving the case for Petitioner or Respondent(s).¹¹

At your show cause/temporary orders hearing, you and the other parties won't have much time to speak – usually 10 minutes or less. In most counties, the judge won't let you testify about facts in your case, but the judge will decide whether or not to grant your orders based mainly on the written information you've given to the court. The best way to provide the court with this information is by using declarations.

E. Financial Declaration – WPF DRPSCU 01.1550

The Financial Declaration tells the court how much income you make, and how much you pay in monthly expenses and bills. Get this form if your motion asks for child support, attorney's fees, or any type of financial relief. Our packet called [Residential Schedules and Child Support in Nonparental Custody Cases](#) also tells you how to fill out a Financial Declaration. Complete just one Financial Declaration for this motion.

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

I. Summary of Basic Information.

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

II. Personal Information.

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

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

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

III. Income Information.

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

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

Write your name above one column and the other party's name above the other column. If there are more parties, make another copy of page 2 and 3 of the Financial Declaration, and write on it your case number, and the other party's name as well as their financial information. If you need

¹¹ Declarations can't usually be used at trial, and, in a few counties, witnesses also will need to appear in person at temporary orders hearings.

to attach this separate page, write on this financial declaration form that the other party's information is attached, and make sure you write the name of the party you are describing in each column of the form and your attachment. For example: if the other parties are the children's mother and father, you could write your name and financial information in the first column of this financial declaration, write the father's information in the second column, and attach a separate copy of page 2 and 3 with one of the columns filled out with the mother's name and financial information.

- **Fill in the income information and income deduction information requested,** making sure that you use the correct column for each party named at the top of the column.
- **Income From Benefits.** Do not include income from needs-based public assistance (TANF, SSI, GA-U, VA benefits, food stamps) under section 3.1.¹² If a parent receives Social Security Disability (SSDI) or workers' compensation (L&I, or other disability benefits from an employer), fill that amount in under 3.1.e "Other Income."
- **Work-Related Disability Benefits:** If the child/ren receive dependent benefits as a result of a parent's disability (as may happen when the parent gets SSDI, L&I and some employer-paid disability benefits) or Social Security retirement, the payments that they receive directly count as income to that parent even if the money is actually paid to the other parent or custodian. Make sure to add those amounts to income of the parent who gets SSDI, L & I) under 3.1.e. **Those benefits should also be credited as child support paid by the parent** (in other words, the obligated parent's support should be reduced dollar for dollar by the amount of the dependent benefits his/her children receive directly for current child support). See RCW 26.18.190; In re Marriage of Maples, 78 Wash. App. 696 (1995).
- **Deductions From Income.** If you include deductions from income other than income tax, FICA, and L&I payments, provide documents that prove each deduction.¹³ Pay stubs may show union and pension plan deductions; however, you will need to provide additional documents (such as some pages from a collective bargaining agreement or employee handbook, or a letter from the employer) showing that these deductions are required. If pension deductions are voluntary, show documents to prove that the deduction has been taken for at least two years or it may not be allowed. If you are claiming business expenses, be prepared to present business records and receipts showing how much your expenses are if the other party disputes your claims. Follow the instructions at the end of the Financial Declaration Form and attach private financial information to the Financial Source Documents Cover Sheet.

Paragraph 3.3

Follow the instructions to fill in monthly net income.

Paragraph 3.4. Miscellaneous Income.

¹² [RCW 26.19.071\(4\)](#).

¹³ [RCW 26.19.071\(5\)](#).

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

Paragraph 3.5. Income of Other Adults in the Household.

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

Paragraph 3.6. Disputed income.

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

IV. Available Assets.

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

V. Monthly Expense Information.

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

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

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

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

VI. Attorney Fees.

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

Signature:

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

Financial Records List:

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

F. 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.”

G. 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.”

H. 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...”

I. Temporary Residential Schedule – WPF CU 01.0450

Some courts require this form. Where not required, use it anyway when petitioner has custody. It allows for a very specific plan and schedule for visitation between parents and child/ren and for outlining restrictions and conditions on visitation.

The form and instructions for it are in the packet [*Residential Schedules and Child Support in Nonparental Custody Cases*](#), available at www.washingtonlawhelp.org.

J. Temporary Child Support Worksheets – WSCSS - Worksheets

If temporary child support is being requested, get this form if you haven't already prepared it or if your information has changed. If the court sets temporary child support, the judge will need to sign a set of worksheets s/he approves. This form states the parties' incomes and the amount of child support the parents should pay under the Washington State Child Support Schedule.

The form and instructions for it are in the packet called [*Residential Schedules and Child Support for Nonparental Custody Cases*](#), available at www.washingtonlawhelp.org.

K. Nonparental Custody Order of Child Support – WPF CU 01.0500

If temporary child support is ordered, prepare this Order for the temporary orders hearing. In some counties you'll need to file and serve a proposed Temporary Child Support Order with any Motion that requests temporary child support, and we recommend you prepare a proposed order if child support is requested, even in counties where proposed orders aren't required.

The form and instructions for it are found in the packet called [*Residential Schedules and Child Support for Nonparental Custody Cases*](#), available at www.washingtonlawhelp.org.

L. Temporary Custody Order – WPF CU 03.0200

You'll need this order for the show cause/temporary orders hearing, and in some counties you'll need it before that. Some counties require you to serve a proposed Temporary Custody Order with your Ex Parte Order. Even in counties where it's not required, you should prepare and serve a proposed order showing the decision you want the judge to make at the show cause/temporary orders hearing. When you write a proposed order, write in all of the relief that you asked for in your Motion. If you prepare the order after the hearing, write it to show the judge's actual decision at the hearing, even if that is different from what you requested.

At the show cause/temporary orders hearing, the judge's oral decision must be put into a written order for the judge to sign. One of the parties is responsible for doing this. Ask the judge to sign your proposed order if it's the same as the judge's decision. If the judge's decision is slightly different from your proposed order, change your order to show the judge's decision. If there are many differences, write a new order using a blank form

In addition to the Temporary Custody Order, you may also need a Temporary Residential Schedule and a Temporary Order of Child Support, and, if the judge orders a GAL, an Order Appointing Guardian ad Litem.

Caption. Fill in the caption. If you're asking for a safety restraining order (an order to keep other parties from harassing you or the child/ren), check the two boxes under the title next to the words *Clerk's Action Required*) and "*Law Enforcement Notification.*"

Section I. Judgment/Order Summaries.

1.1 Restraining Order Summary.

If you're asking for safety restraining orders (you're checking any of the boxes in paragraph 3.2 of the Temporary Custody Order), check the box next to "*Restraining Order Summary is set forth below*" and fill in the names of the parties restrained and identify the persons (including child/ren) protected in the blanks. If you're not asking for restraining orders, check the box "*Doesn't apply.*"

1.2 Money Judgment Summary.

If you're asking another party to pay you a lump sum of money (such as for attorney fees), check the second box and fill in the blanks. If you prepare this order after the hearing, write in the judge's decision.

- A. Judgment creditor. The person who is collecting the money.
- B. Judgment debtor. The person who owes the money.
- C. Principal judgment amount. The total amount of back child support owed, without interest.
- D. Interest to date of judgment. The amount of interest owed, if any.
- E. Attorneys' fees. The amount of any attorney fees you want the other party to pay to you or your attorney.
- F. Costs. The amount of any costs (for the motion, or for other costs of your court case besides attorney fees) that you want the other parties to pay to you. Costs usually include things like messenger or process server fees.
- G. Other recovery amount. Any other amounts of money that you didn't include above.
- H. Interest rate on the judgment. Write in up to 12% simple interest.
- I. Interest rate on attorney fees. Write in up to 12% simple interest.
- J. Attorney for judgment creditor. The name of the attorney (if any) who represents the person who is collecting the money.
- K. Attorney for judgment debtor. The name of the attorney (if any) who represents the person who owes money.
- L. Other. Fill in any other important information related to the judgment in the blank.

Section II. Basis.

Indian Child Welfare Act.

Indian child status: If any child is or may be an Indian child, the court must decide whether the Indian Child Welfare Act requirements have been followed or whether more steps will be required. If any child is or may be an Indian child, check the first box. If all ICWA requirements have been met, also check the next box in the middle of the same paragraph ("*all*

notices... have been satisfied”), and in the first blank write in detail what’s been done. If the ICWA requirements haven’t yet been met, check the box (“*All notice and evidentiary requirements ...have not been satisfied*”), and write in the steps that still must be taken.

If none of the child/ren is or may be an Indian child, check the last box (“*the child/ren aren’t Indian child/ren*”), just before the word “jurisdiction.”

Remember: the Indian Child Welfare Act has many special requirements. It’ll be extremely difficult to follow them without the ongoing advice of a lawyer familiar with this law. See our publications [Nonparental Custody of a Child: Frequently Asked Questions and Answers](#) and [Indian Child Welfare Act](#).

Jurisdiction: Check the same box that you checked in the “jurisdiction” part of Paragraph III in the Ex Parte Order.

Military: If another party is on active duty in the military as described in this paragraph (or is the dependent of someone on active duty), check the box next to “*Further the court finds that...*” If none of the other parties is in the military or on active duty (or the dependent of an active duty service member), skip this paragraph.

Section III. Order

3.1 Temporary Relief.

Look back at paragraphs 1.1 and 1.4 of your Motion and Declaration for Ex Parte Restraining Order/Order to Show Cause. Look at your requests concerning custody and visitation.

In the proposed Order, check the boxes “*Temporary Custody shall be as follows:*” and “*Temporary Visitation shall be as follows:*” and write in the custody and visitation arrangements you requested in your Motion. If you’re writing this order at the end of your show cause/temporary orders hearing, then write in the decision made by the judge. State clearly under the first box who is awarded temporary custody, and name the child/ren. Under the second box, write in exactly what the visitation schedule is, if any, for each party, and any restrictions or conditions on that visitation. If you’re using a Temporary Residential Schedule to describe custody and visitation arrangements, write in under both boxes “The Residential Schedule signed by the court is approved and incorporated as part of this order, and the parties shall comply with it” and ask the judge to sign the Temporary Residential Schedule.

Child Support. If temporary child support is being ordered, check the second box in Paragraph 3.1. You’ll also need an Order of Child Support. Ask the judge to sign that order.

3.2 Restraining Order.

Look back at the restraints you requested in Paragraph 1.1 of your Motion.

When you prepare a proposed order, check boxes for the same requests in paragraph 3.2 of the Temporary Custody Order that you asked for in your motion. If you’re filling in or changing this form at the end of your hearing, show the decision the judge made.

If you check a box ordering a restraint, make sure to

- fill in any blanks in the paragraph that are necessary and
- check the box (*Clerk’s Action Required*) and write in the blank the name of the police department that is responsible for patrolling where the protected person lives. (Example: King County Sheriff)

Service. Leave the two boxes in this part of paragraph 3.2 blank until the end of your show cause/temporary orders hearing. Check one of these boxes after that hearing. If the parties being restrained appear at the hearing, check the first box under “Service.” If they don’t appear, check the second box.

Expiration Date: If the restraining order will last more or less than 12 months, fill in a date in the blank at the end of the “Expiration Date” paragraph.

3.3 Other Restraining Order.

When you prepare a proposed order, look back at Paragraphs 1.1 through 1.4 of your Motion and Declaration for Ex Parte Restraining Order/Order to Show Cause. If you asked that the child/ren not be removed from the state, or if you asked that weapons be surrendered, or if you asked for costs/fees or for other relief, then check those boxes and fill in the information to cover the same issues here. If you requested any other relief, make sure your requests are rewritten here as orders. Example: “Respondent Father shall”

If you’re filling out or changing this form at the end of the show cause/temporary orders hearing, write in the Order on these items to show the judge’s decision.

3.4 Bond or Security.

In some cases, the court may order one of the parties to post a bond or security with the court clerk (this could be money, for example). When you prepare a proposed order, check the second box. If the judge wants to order you to post a bond, s/he’ll order this at the hearing and you’ll fill out or change the order to show the judge’s decision.

3.5 Other.

Write in any additional things that you asked the court to order. Make sure that your order covers the items listed in Paragraphs 1.4 and 1.6 in your motion. Once again rewrite your motion requests in the form of orders. Example: “Respondent Mother shall” If you’re filling out this form at the end of the show cause/temporary orders hearing, show the decision the judge made.

Signature. Don’t date the form or sign on the line that says Judge/Commissioner. The judge will do that at your hearing. Sign under Petitioner or Respondent as appropriate and print your name on the blank below your signature. If another party agrees with everything you’re asking for in the Temporary Custody Order, the other party should sign and then write their name in the blank below.

M. Order Appointing Guardian Ad Litem on Behalf of Minor – WPF CU 04.0200

Use this form if the judge appoints a Guardian Ad Litem for the child/ren.

◆ Note: If the court orders a CASA or a Family Court Services social worker/evaluator to be assigned to your case rather than a private GAL, the court might have a special form to fill out at the hearing. Those forms aren’t usually available ahead of time but, if needed, the judge will fill one out at your hearing.

Caption. Fill in the caption.

Section I. Basis.

Paragraph 1.1. Basis for the Appointment.

Read this paragraph

Paragraph 1.2. Child/ren to Whom the Order Applies.

Write in the name of the party who requested the GAL, and the names and ages of the child/ren for whom the GAL is being appointed.

Section II. Findings.

Section III. Order.

Paragraph 3.1. Appointment of Guardian ad Litem.

If you know the name of the GAL to be appointed, fill it in before your hearing. Remember: the GAL will have to agree to serve, and either the other party will have to agree to that GAL or the court will choose the specific GAL for your case. Most counties appoint the GAL from a rotating list of available GALs unless there are special circumstances, so you usually won't fill in the name of the GAL before your hearing.

Paragraph 3.2. Duties of the Guardian ad Litem.

This section explains, in detail, the duties of the GAL assigned to your case. The language in this paragraph is "standard." It remains the same in most cases. If your case has special circumstances, you can specify the issues to be investigated by checking the appropriate boxes. This section is also where the due date for the GAL report can be found. The court might order a specific date. Otherwise the report is due to you and all parties or your lawyers at least 60 days before trial.

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

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

Paragraph 3.5. Payment of Fees and Costs.

If you know the GAL's hourly fee, fill that in the blank. Otherwise, the judge should fill in the hourly fee and total amount that the GAL can charge without coming back to court for approval.¹⁴ Make sure to fill in the blanks about how the parties should divide the GAL's fees and costs. Usually, the judge will order each parent to pay his or her proportionate share according to the child support worksheets (line 6) or will have them split it 50/50. If one party can't afford to pay the GAL, write that the other party should pay 100%. Be aware: the judge may change this at the hearing.

Paragraph 3.6. Consent of Children over 12 to Investigation.

If you have children who are 12 years of age and older, the GAL needs the child's consent to obtain medical, psychiatric or other information from experts who have treated the child. If possible, ask

¹⁴ [RCW 26.12.183.](#)

the child to sign the GAL order at the bottom. Then, check the box saying that the child gave his/her consent. Otherwise, check the box saying that the child didn't give consent.

Paragraph 3.7. Authorization for Release of Information.

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

Paragraph 3.8. Termination of Appointment.

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

Paragraph 3.9. Other.

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

N. Return of Service – WPF DRPSCU 01.0250

Use a separate form for each other party in the case. Instructions for the form are in Section 7. The form must be completed and filed after another party is served with your Motion and Ex Parte Order/Order to Show Cause.

Section 7: Instructions for Filing and Serving Papers

After you've filled out the forms, you need to file them with the court and then have them served on the other parties. This section explains these steps. **Before filing and serving your papers, make sure you've completed all the forms you need, including forms from any other packets.** For example, many people will need forms from our packet [Residential Schedules and Child Support in Nonparental Custody Cases](#).

A. **Filing your motion with the court and asking the judge to sign your order.**

You'll file the original forms in court. You must have already filed your Petition (or have it with you to file immediately) when you ask the judge to sign your ex parte order.

If the petition has already been filed, follow the instructions below to present your motion for Ex Parte Order to the judge. If you're filing the Petition at the same time you're requesting an Ex Parte Order, you'll need to follow the steps below and also the steps for filing your petition in [Filing a Nonparental Custody Case](#).

You must have your ex parte order signed by a judge before you file and serve it.

- Make copies of every paper**, including the proposed orders and financial documents, **except don't copy the Law Enforcement Information Sheet. (This form isn't given to the other party.)** Make one copy for each other party and one for you. If you must give the judge working papers, make one more copy.
- Organize your papers into full sets (one set of originals and sets of copies).** Make sure each set has one copy of every paper you file with the court and all proposed orders (except for the law enforcement information sheet).
- Call the court clerk's office** or family law facilitator to find out where you go to ask the judge to get your Ex Parte Restraining Order/Order to Show Cause signed, and during what hours and on what specific days you may do that.
- Notify the other party/ies or their attorney(s) if you're giving them notice of the ex parte Order.** Tell the other party or the attorney the date/time you're going to get your orders signed. Try to do this in writing so you have proof, by fax or mail. If you can't do it in writing, call. Write on the last page of the Motion form when you gave this notice. If you gave written notice, attach a copy of your email or fax or letter to the Motion. If you're not giving notice, have a good reason not to and write it on the motion, as explained in the instructions. If the other parties come to court when you request your ex parte order, give them a set of your motion papers (but not the Law Enforcement Information sheet). If you give no advance notice, or if the party doesn't come to court at this time, have them served with this set, as explained below.

If you're not giving notice, remember: your Motion/Declaration needs to explain why.

- ❑ **Go to the courthouse courtroom number at the time the clerk’s office gave you.** Look for a clerk or bailiff so you can sign in (usually someone sitting at a desk near the judge). Give the clerk the set of the originals of your papers. Sit down to wait for your turn. When your case name is called, tell the court that you’re present. When told to come forward, tell the court that you want an Ex Parte Restraining Order/Order to Show Cause. The court may ask you why you need the restraining order and why the other parties shouldn’t be notified in advance (if they weren’t). If you think you’ll be nervous, write out a list of the things to say at the hearing beforehand. Take it with you when you talk with the judge. You’ll have only 5 – 10 minutes to explain why you need the order, so be prepared. The judge may make changes to your order and then may sign it. The judge should then give you all of your papers back, including any signed orders. **Caution: Don’t make any changes to the Ex Parte Order the judge signed and don’t leave the courthouse with the original order. If the judge made changes to the Ex Parte Order you requested, and you prepared a proposed temporary order that checked the box keeping the previous restraining order in effect,** write a new proposed temporary order. In the new proposed order, check the box that replaces the restraining order with a new order and then show the restraints you want the court to order at the show cause/temporary orders hearing.
- ❑ **Go to the court clerk’s office to file your papers.**
 - Make copies of the signed Ex Parte Restraining Order/Order to Show Cause showing the judge’s signature. If your Ex Parte Order includes safety restraining orders, ask the clerk to make two certified copies of the Ex Parte Restraining Order (one for you to keep with you at all times, in case you need to call the police to enforce the order, and one to be served on the restrained party). You’ll pay for certified copies. Note: many clerk’s offices don’t take personal checks.
 - Ask the clerk to file the originals of all of your papers (Motion, declarations, Ex Parte Restraining Order/Order to Show Cause, etc.) except ask the clerk what to do with any proposed orders you’ve prepared (Temporary Order, Temporary Parenting Plan, Temporary Order of Child Support, and Order Appointing Guardian ad Litem, if you’ve completed these forms). Usually, you’ll keep the original proposed orders and bring them to the show cause/temporary orders hearing for the judge to sign then. Make sure by asking the clerk. If working papers are required in your county, provide the judge copies of these proposed orders as part of the working papers.
 - Ask the clerk to stamp your copies of the papers you filed (motion, declarations, etc.) to show the date that you filed the originals of your other forms and to show the judge’s signature on any order(s) s/he signed. Take the stamped copies back from the clerk. The clerk will keep the originals.
- ❑ If you need to deliver working papers to the judge for your show cause/temporary orders hearing, do so before you leave the courthouse.
- ❑ The judge can refuse to sign your ex parte order if s/he finds no emergency exists. In this situation, try to file a motion for temporary orders instead. See the packet [Filing a Motion for Temporary Orders in a Nonparental Custody Case.](#)

B. Preparing to serve your ex parte order and related papers.

Follow these steps after the judge has signed your ex parte order.

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

Who to serve. Every other party in the case. You must have the other party/parties served now, even if you didn't give advance notice before the judge signed the Ex Parte Restraining Order/Order to Show Cause. If the State or a GAL are involved in your case, they must be served too.

What to serve. All the papers you filed must be served **except don't serve** the Confidential Information form and addendum and Law Enforcement Information Sheet, if you've prepared these forms. The forms to be served include at least the following: Ex Parte Order and Order to Show Cause, Motion/Declaration, any proposed orders that you prepared (Temporary Order, Parenting Plan, Order of Child Support, Order Appointing Guardian ad Litem), Declarations of Witnesses, if you've filed them, and other documents filed with your motion.

When to serve. Your papers must be served in time to give the other party the amount of advance notice of the show cause/temporary orders hearing legally required in your county. The civil rules require five court days (not counting the date of service, weekends, or holidays) before the hearing date. Many counties require more than 5 days notice. You must serve all the parties before the deadline you calculated in setting the date for the show cause/temporary orders hearing when you filled out the Ex Parte Order form.

How to Serve. You can't serve the papers yourself. Arrange to have the papers personally served, as explained below.

- **If you're filing the petition with your motion**, and having both served at the same time, follow the instructions for personal service in the Filing a Petition for Nonparental Custody packet. If the judge has signed your Ex Parte Order, have it and the related papers (motion, proposed orders, etc.) served with the petition, summons, and other starting paperwork. Remember: you must have the petition and summons delivered personally to the other party, so add the emergency orders paperwork in with the rest of the papers to be delivered personally. Make sure the Ex Parte Restraining Order/Order to Show Cause you serve is a certified copy (and make sure the Return of Service also includes this paperwork on the list of documents served.)
- **If you've already had the petition personally served upon the other party, or if you're the respondent**, you don't have to have the other party personally served with your motion. However, we recommend that you do so anyway because the other party may not be forced to obey the Ex Parte Restraining Order unless it's personally served on him or her.¹⁵ Follow the instructions below.

¹⁵ [CR 65\(d\)](#) states that temporary restraining orders are effective when the other party is given "actual notice of the order by personal service or otherwise."

1. How to copy and organize your papers for service.

Make any additional necessary copies of the papers.

You'll need:

- _____ one set for you
- _____ one set for each other party (1 x _____ number of other parties = _____)(except don't serve the Confidential Information Form and addendum or LEIS (if you have a restraining order) on any other parties). Make sure the Ex Parte Restraining Order and Order to Show Cause show the date the order was filed in court and the judge's signature.
- _____ one for the judge ("working papers")¹⁶
- _____ one for the State (if you're serving the State)
- _____ one for the Guardian ad Litem if there is a Guardian ad Litem in your case
- _____ Total = This is how many copies you need of each document

Organize the papers:

- Organize the forms into sets. Each set should have a copy of each form you've filled out, except for any Confidential Information form and addendum and Law Enforcement Information Sheet.
- Compare each set with the checklists in this packet to be sure you have the forms you need.
- Put one certified copy of the Ex Parte Order in the set for the restrained party and keep the other copy with you at all times.
- Keep a full set of copies for yourself. Put any Confidential Information form, addendum and Law Enforcement Information Sheet into the set you'll be keeping. Don't serve these forms.
- Put each of the other parties' sets of papers in an envelope, addressed to that party, with your return address.

¹⁶ We recommend you always make a copy for the judge. If the local court does not require you to give the judge a copy (sometimes called "working papers"), take the papers with you to your hearings because sometimes the judge does not have the case file in the courtroom, or papers you have filed in the clerk's office have not yet been placed in the court file.

2. Instructions for personal service in Washington

- **You must properly follow the rules when you're having the other parties personally served. Don't serve the documents on the other parties yourself.** Find a person who is over age 18 to serve the papers for you.
- **Consider hiring a professional process server.** If you can afford it, think about hiring a professional process server or the sheriff to serve the papers for you. It usually costs \$30-\$80. Using a professional process server may be best because the sheriff may not be willing to try more than once to serve the other party who may not be at home when the sheriff tries to serve him/her. Process servers are listed in the yellow pages of the telephone book.
- **Ask an adult friend to be your process server.** If you can't afford a process server or the sheriff, any adult over age 18, who is not a party in the case and who has no mental disability making that person incompetent, may serve the papers for you. That person must understand how important it is to serve the papers and fill out the return of service form correctly. If you don't serve the other parties properly, then your court orders could be set aside, even years later.

Give your server (the sheriff, a process server, or the adult friend who has agreed to serve the papers for you) the envelope of papers you prepared for service on the other party, together with the other party's home and work address, a physical description of the other party, and any other information that will help the server locate the other party for service.

Give your server a Return of Service form to fill out and return to you once service is complete. (Some process servers have their own Return of Service form that they'll fill out and give to you instead.)

- **If possible, your server should hand the papers directly to each party.** Your server may hand the papers to each party at home, work, or anywhere else that s/he can be found. **If the State of Washington is a party, see our packet [Serving Papers on the State](#).**

3. Instructions for the Return of Service form – WPF DRPSCU 01.0250

Your server will need to complete a separate Return of Service for each party s/he serves. After your server has completed service and signed the Return of Service form(s), file it with the court.

Caption.

Fill out the caption.

Paragraph 2.

Write the name of the party being served in the blank. Read the list of forms and check the box to the left of each form served on that party. Sometimes you must fill in a blank to better describe a form (example: if you check the box after "declaration," write in the name of the person who wrote the declaration). If you had the other party served with any forms that aren't listed, check the box marked "other." Then write in the names of those additional forms. List ALL the forms that were served on the other party. If you leave a form off your list, you'll have no proof that the other party received it.

Paragraph 3.

The server should fill in the date, time (show a.m. or p.m.) and address where the papers were served.

Paragraph 4.

If the server gave the papers directly to the other party, check the first box. If the server did abode service¹⁷, check the second box and fill in the name of the person to whom the papers were given.

Paragraph 5.

If your server didn't include this form, skip this paragraph.

Paragraph 6.

In the "Other" section, your server may write additional information. Example: if your server tries several times to serve the other party but s/he is never home or can't be found, the server should write the dates and times and descriptions of each time the server tried to serve the other party. Or, if the server gave the papers to an adult living with the other party who wouldn't give his/her name, the server should write what the person who received the papers looks like.

Signature.

The server should write the city and state where s/he signed the form, write in the date, and sign where it says "Signature" and then print or type his/her name where it says "Print or Type Name."

Usually, only professional servers will use the box for fees and mileage.

4. Filing Your Proof of Service

Gather your original signed Return(s) of Service. Have one for each of the other parties. Make one copy of each original. Take the originals and the copies to the court clerk's office. Give the originals to the clerk, and ask the clerk to stamp the date of filing on your copies. Keep the copies in a safe place and take them with you to your hearing(s). You may need them to prove to the judge that you served the other party.

C. If you don't serve the other parties on time.

If you don't correctly serve the papers on the other party in time, prepare for and go to the hearing anyway. If the other party appears and doesn't object to holding the hearing on that date, the court may go ahead with the hearing. If the other party doesn't show up, or shows up and objects to the hearing, ask the court to postpone or "continue" the hearing to a later date. Also ask the judge to enter an order continuing the hearing date and extending your ex parte order until the new hearing date. In this situation, you'll still need to complete proper service.

¹⁷ If you don't know what "abode service" means, look back at the explanation for abode service in the instructions for personal service section

Section 8: Preparing For Your Show Cause/Temporary Orders Hearing

A. Judge's working papers/confirmation.

In many counties, you must:

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

To learn the rules for working papers and confirming the hearing in your county, read local court rules, and check with the Family Law Facilitator or court clerk.

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

B. Replying to the other parties' Responses.

The other parties must respond to your motion in writing before the hearing. In most counties, the other parties must deliver their responses to you and the court no later than one court day before the hearing. However, some counties require that the response be delivered to you more than one day before the hearing.¹⁸

- **If another party sends no response**, go to the hearing nonetheless. If the party doesn't show up, you may be able to get your Temporary Custody Order signed (and any Temporary Order of Child Support, Temporary Residential Schedule, and Order Appointing a Guardian ad Litem) (see *Going to the Hearing*, below). If the party comes to the hearing without giving you a written response in advance, tell the judge that the other party didn't send you a written response on time. The judge may decide not to consider the other party's papers, or may reschedule the hearing to a later date. If the hearing is rescheduled, ask the judge to sign a new order keeping your ex parte order in effect.
- **If the other party sends a response**, read the response carefully. If you get no chance to file a reply, then be prepared to tell the judge what you disagree with in the other party's response.

Filing and Serving a Reply. In some counties (such as King County), you'll have a chance to file a written reply to the other party's response. However, in most counties (which follow the general Civil Rules), you get no chance to file a reply.¹⁹

¹⁸ [CR 6\(d\)](#).

¹⁹ [CR 6\(d\)](#).

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

When you've completed your declaration, make a copy of it (and every other paper that you'll file with your reply) for each of the other parties, yourself, and the judge (if you need working papers).

File the originals of these papers with the court clerk. Have the clerk stamp the copy that you keep so you can prove when you filed it.

Have a set of the papers delivered to each of the other parties (and to the judge if you need working papers – see the instructions, above). **Make sure to file and serve the papers by the deadline for your reply.** Prepare a certificate of mailing or personal delivery to show that the other parties have received your Reply.²⁰ Check with your family law facilitator, court clerk, or read local rules for the reply deadline. If you don't serve your reply by the deadline, the judge may not read it.

C. Going to the hearing.

At the show cause/temporary orders hearing, the judge will decide on the requests in your motion, such as temporary custody, visitation, restraining orders, child support and the appointment of a GAL or other custody evaluator. The judge will also decide whether to keep the restraining order in effect.

- **If another party gets an attorney.** If at any time before the hearing another party's attorney contacts you, or if an attorney for another party shows up at the hearing, you may want an attorney yourself. If so, tell the attorney, the court, and the other parties that you want to postpone (continue) the hearing for that reason. Unless all parties have agreed in advance to a continuance and you have an agreed order signed by the parties and the judge showing the hearing has actually been postponed, you still need to go to the court at the original time and place scheduled. At the hearing, ask the court to continue the hearing, but be prepared to go forward with the hearing if the judge says no. If the attorney for another party asks you to sign some documents, don't sign anything you don't understand. **If your hearing is postponed by agreed order or at the hearing, try to obtain a new court order extending the date of your ex parte order until the new hearing date, or else it may expire (end).**
- **Prepare for the Hearing.** Try to go to court before the day of your hearing and watch other hearings. Also, make some notes to yourself about the main points you want to tell the judge when you have a chance to talk during your hearing.
- **Take all your papers to the hearing.** Your papers should include the documents you've filed so far in the nonparental custody action, the Returns of Service showing the other

²⁰ You can find this form and instructions for it in the packets Filing a Nonparental Custody Case and Responding to a Nonparental Custody Case.

parties were notified of the show cause/temporary orders hearing, your proposed orders²¹ (Temporary Custody Order, etc.), responses you've received, and blank copies of the Order forms in case you need to make major changes to your proposed orders.

- **Get to Your Hearing Early.** Dress neatly. Bring a pad of paper and black pen to write notes with. Don't bring child/ren if you can help it – the judge will usually not let them sit in the courtroom. If you're late, the hearing may 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 into the room, stand. When your case name is called, tell the court that you're present. Remain in court until your case is called for hearing.

When you're told to come forward, do so and give the court the originals of your orders. You'll have a Temporary Custody Order, and also perhaps an Order Appointing GAL, a Temporary Residential Schedule, and Temporary Order of Child Support and Child Support Worksheets. If other motions are scheduled in your case for the same day, you may have other proposed orders.

- **Presenting Your Case.** If the other parties show up at the hearing, each of you will have a chance to tell your side of the case. Stand while speaking. Tell the judge briefly what you want and why. Try to make notes ahead of time to use at the hearing. Try to keep your argument short. Outline only your main points. In most cases, the judge will have read your papers before the hearing, so don't repeat everything in your papers. In a few counties the court will expect the parties to testify (speak under oath about the facts and evidence) about their requests. During the hearing, talk to the judge, not the other party(ies).
- **If the other parties don't appear,** show the judge your Returns of Service. Ask the judge to sign your Temporary Custody Order and other orders you've prepared. Tell the clerk or bailiff you need a copy of the orders and follow their instructions.

DON'T INTERRUPT THE JUDGE/COMMISSIONER.

- **Hearing the Judge's Decision.** After the judge has heard all sides, s/he'll decide on your requests. Listen carefully. Make notes. The judge may make changes to the orders you prepared, or s/he may direct you, the other party, or the other party's attorney to do it. If another party makes changes to the orders, read them carefully and make sure that they say what the judge said. If you're not sure about any of the changes, don't sign the orders. Ask the other parties if they'll agree to go back before the judge to make sure that the order says what the judge said.

Make sure to finish filling out the service part of paragraph 3.2 of the Temporary Custody Order by checking one of the boxes to show whether or not the other parties appeared at the hearing.

- **Ask the Judge to Sign All the Orders.** These will include the Temporary Custody Order and may include a Temporary Residential Schedule, Temporary Order of Child Support,

²¹ The proposed orders will include the Temporary Custody Order and may include a Temporary Residential Schedule, Temporary Order of Child Support, Child Support Worksheets, and an Order Appointing Guardian ad Litem.

Child Support Worksheets, and an Order Appointing Guardian ad Litem. If you've filed other motions for the same day, present your case and orders concerning those now also.

- **Getting Copies of the Orders and Filing Them.** Make sure you get a copy of the orders signed by the judge. Ask the clerk how to do this. The clerk may give you the originals and tell you to 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.** After you've made copies, take the originals to the court clerk's office and file them with the clerk.

If you don't know what to do with the originals, ask someone at the clerk's office for help. If restraining orders are included in your Temporary Custody Order, and you're the protected party, file the Law Enforcement Information Sheet with your Temporary Custody Order.

- **Certified Copies.** If your Temporary Custody Order includes safety restraining orders, ask the clerk to make you one to three certified copies of the Temporary Custody Order. The police may be more likely to enforce a certified copy of your order. It'll cost a few dollars to get each copy. Make sure the other parties also get a copy of the orders. If another party didn't show up for the hearing and the court included safety restraints against that party in your Temporary Custody Order, the protected party should have the Temporary Custody Order personally served on that party. The safety restraints aren't be effective until the other party is personally served with the order. **Don't give copies of the Law Enforcement Information Sheet to the other parties.**

D. Getting an Agreed Temporary Custody Order.

If you've reached an informal agreement with the other parties, try to get an agreed Temporary Custody Order and any related orders. Be sure that you each agree about what should happen to the child/ren, child support, and all other issues discussed in your paperwork before getting your agreed order.

Write the word "AGREED" in the caption of the Temporary Custody Order form. Then, fill in the blanks showing what orders you want. You MAY also need an Agreed Temporary Residential Schedule, Agreed Temporary Order of Child Support, Child Support Worksheets, and/or an Order Appointing GAL.

ALL PARTIES MUST SIGN THE ORDER(S) (except a party against whom the judge has already signed an order of default) AND THEY ALSO MUST BE SIGNED BY A JUDGE. Ask the court clerk's office how to have an agreed order signed.

Get a copy of the order(s) for your records and give copies to the other parties.

E. If you disagree with the court's order.

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

- If a court commissioner or judge decided your motion, and you believe that there is other evidence or another legal basis (see [CR 59\(a\)](#)) that could change the commissioner or judge's mind, you may file a Motion for Reconsideration. You have 10 days from the date the court

signed the order to file a Motion for Reconsideration. Motions for Reconsideration aren't usually easy to win. Try to consult with an attorney, if possible, before filing one.

- ❑ If a court commissioner decided your motion, and you don't want to try to give the commissioner more evidence, you may file a Motion for Revision, which will be heard by a judge. (See [RCW 2.24.050](#).) You have 10 days from the date the court commissioner signed the order to file a Motion for Revision. 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). You have 30 days to do this. However, there are other requirements for filing in the Court of Appeals, 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.

Section 9: 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 a lot of changes. You may need forms from other packets, and you may not need all the forms in this packet.

**Superior Court of Washington
County of _____**

In re the Custody of:

_____ Child(ren),

_____ Petitioner(s),

and

_____ Respondent(s).

No. _____

**Motion/Declaration for
Ex Parte Restraining Order
and for Order to Show Cause
(Nonparental Custody)
(MTSC)**

I. Motion

Based upon the reasons set forth in the declaration below,
(name of requesting party) _____ moves the court for a
temporary order and order to show cause.

1.1 Ex Parte Restraining Order

A temporary restraining order should be granted without written or oral notice to (name of other party) _____ or the other party's lawyer because immediate and irreparable injury, loss, or damage will result before the other party or the other party's lawyer can be heard in opposition. This order should restrain or enjoin:

- (Name) _____ from disturbing the peace of (name(s)) _____.
- (Name) _____ from going onto the grounds of or entering the home, work place or school of the requesting party, or the day care or school of the following named children: _____.
- (Name) _____ from knowingly coming within or knowingly remaining within (distance) _____ of the home, work place or school of the requesting party or the day care or school of the following children: _____.

- (Name) _____ from molesting, assaulting, harassing, or stalking (name(s)) _____.
- (Name) _____ from removing any of the children from the state of Washington.
- Other:

(Name) _____ should be required to appear and show cause why these restraints should not be continued in full force and effect pending final determination of this action.

1.2 Other Ex Parte Relief

- Order that (name) _____ shall be the person with whom the children reside until the hearing.
- Other:

1.3 Surrender of Deadly Weapons

- Does not apply.
- (If this box is checked, clear and convincing reasons for this request must be presented in paragraph 2.4 below.)*** The court should require (name) _____ to surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of this proceeding, to his or her lawyer or to a person designated by the court.

1.4 Other Temporary Relief

- Does not apply.
- (Name(s)) _____ also be required to appear and show cause why the court should not enter a temporary order which:
- grants the petitioner custody of the following children:

grants visitation for respondent (name) _____ as set forth in the attached proposed Residential Schedule, or as follows:

grants visitation for respondent (name) _____ as set forth in the attached proposed Residential Schedule, or as follows:

orders child support as determined pursuant to the Washington State child support statutes.

orders him or her to pay temporary attorney fees, other professional fees and costs in the amount of \$_____ to:

Other:

1.5 Indian Child Welfare Act

The requesting party requests that the court enter an order finding that:

Indian Child Status:

- The child(ren) are Indian child(ren) as defined by the Indian Child Welfare Act, 25 USC § 1903, and notice of this action must be given in accordance with 25 U.S.C. § 1912(a).
- None of the child(ren) are Indian child(ren) as defined by 25 U.S.C. § 1903.

Jurisdiction:

- The child(ren) are Indian child(ren) as defined by the Indian Child Welfare Act, 25 USC § 1903, but are not domiciled or residing within the boundaries of an Indian reservation; and no Tribal Court has continuing jurisdiction over the child(ren); this court has jurisdiction under 25 USC § 1911.
- The child(ren) are Indian child(ren) as defined by the Indian Child Welfare Act, 25 USC § 1903, and are domiciled or residing within the boundaries of an Indian reservation; or a Tribal Court has continuing jurisdiction over the child(ren).

1.6 Other

Date Signature of Requesting Party or Lawyer/WSBA No. Print or Type Name

Date Signature of Requesting Party or Lawyer/WSBA No. Print or Type Name
 Guardian Ad Litem

Date Signature of Guardian ad Litem or Lawyer/WSBA No. Print or Type Name

II. Declaration

2.1 Injury to be Prevented

The ex parte restraining order requested in paragraph 1.1 above is to prevent the following injury (define the injury):

2.2 Reasons for Other Ex Parte Relief

- Does not apply.
- It is necessary that the court issue the other ex parte relief requested in paragraph 1.2 above for the reason set forth below:

2.3 Reasons why the Injury May Be Irreparable

This injury may be irreparable because:

2.4 Clear and Convincing Reasons Why Weapons Should Be Surrendered

- Does not apply.
- (Name) _____ should be required to surrender any deadly weapons as requested in paragraph 1.3 above because of following clear and convincing reasons:

2.5 Reasons for a Temporary Order

- Does not apply.
- It is necessary that the court issue a temporary order with the relief requested in paragraph 1.4 above for the following reasons:

2.6 Service Member or Dependant of Service Member

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

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

Signed at (city) _____, (state) _____ on (date) _____.

Signature of Requesting Party

Print or Type Name

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

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

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

III. Efforts to Give Other Party Notice

The following efforts have been made to give the other party or other party's lawyer notice and the following reasons exist why notice should not be required:

Dated: _____

Signature of Requesting Party or Lawyer/WSBA No.

Print or Type Name

LAW ENFORCEMENT INFORMATION	Do NOT serve or show this sheet to the restrained person! Do NOT FILE in the court file. Give this form to law enforcement.
------------------------------------	--

Type or print clearly! This completed form is **required** by law enforcement. This information is **necessary** to serve, enforce and enter your order into the state wide law enforcement computer. Fill in the following information as completely as possible.

Court:	Case Number:
--------	--------------

<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Dissolution/Separation/Invalidity/Nonparental Custody/Paternity
<input type="checkbox"/> Unlawful Harassment	<input type="checkbox"/> Vulnerable Adult
	<input type="checkbox"/> Sexual Assault

Restrained Person's Information (This is the person that you want the court to restrain.)

Name:	First	Middle	Last	Nickname	Relationship to Protected Person
--------------	-------	--------	------	----------	----------------------------------

Date of Birth	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	Height	Weight	Eye Color	Hair Color	Skin Tone	Build
---------------	--	------	--------	--------	-----------	------------	-----------	-------

Last Known Address Street: City:	State: Zip:	Phone(s) w/Area Code	Need Interpreter? Yes or No Language:
--	------------------	----------------------	--

Employer	Employer's Address	WORK Hours: Phone: ()
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Vehicle License Number	Vehicle Make and Model	Vehicle Color	Vehicle Year	Drivers License or ID number	State
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Does the restrained person have a disability, brain injury, or impairment requiring special assistance when law enforcement serves the order? No Yes. If yes, describe (continue on back, if needed):

Hazard Information Restrained Person's History Includes:

Involuntary/Voluntary Commitment Suicide Attempt or Threats
 Assault Assault with Weapons Alcohol/Drug Abuse Other:

Weapons: Handguns Rifles Knives Explosives Other:

Location of Weapons: Vehicle On Person Residence Describe in detail:

Current Status (Circle **Yes**, **No** or **N/A**.) Is the restrained person a current or former cohabitant as an intimate partner? **Y N**
Are you and the restrained person living together now? **Y N** Does the restrained person know he/she may be moved out of the home? **Y N N/A**
Does the restrained person know you're trying to get this order? **Y N** Is the restrained person likely to react violently when served? **Y N**

Protected Person's Information (This is the person you want the court to protect.)

Name:	First	Middle	Last
--------------	-------	--------	------

Date of Birth	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	Height	Weight	Eye Color	Hair Color	Skin Tone	Build
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If your information **is not confidential**, you must enter your address and phone number(s).

Current Address Street: City:	State: Zip:	Phone(s) w/Area Code	Need interpreter? Yes or No Language:
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If your information **is confidential**, you must provide the name, address and phone number of someone willing to be your "contact."

Contact Name	Contact Address	Contact Phone
--------------	-----------------	---------------

If you filed for someone else, list your name, phone number and address:

Minor's Information			Describe the minor's relationship using terms such as: child, grandchild, stepchild, nephew, none. →				Minor's Relationship to Protected Person Restrained Person		
Name:	First	Middle	Last	Sex	Race	Birth date	Resides With	Person	Person

Victim's Household Members or Adult Children Protected	Name: birth date:
Name: birth date:	Name: birth date:

**Superior Court of Washington
County of _____**

In re the Custody of:

Child(ren),

Petitioner(s),

and

Respondent(s).

No. _____

**Ex Parte Restraining Order/
Order to Show Cause
(Nonparental Custody)
(TPROTSC/ORTSC)**

Clerk's Action Required

Law Enforcement Notification, ¶ 4.1

Restraining Order Summary:

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

Name of person(s) restrained: _____ . Name of person(s)
protected: _____ . **See paragraph 4.1.**

***Violation of a Restraining Order in Paragraph 4.1 Below With Actual Knowledge of its
Terms is a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to
Arrest. RCW 26.10.115.***

I. Show Cause Order

It is ordered that (name) _____ appear and show cause, if any, why the restraints below should not be continued in full force and effect pending final determination of this action and why the other relief, if any, requested in the motion should not be granted. A hearing has been set for the following date, time and place:

Date: _____ Time: _____ a.m./p.m.

Place: _____ Room/Department: _____

If you disagree with any part of the motion, you must respond to the motion in writing before the hearing and by the deadline for your county. At the hearing, the court will consider *Written* sworn affidavits or declarations. Oral testimony may **Not** be allowed. To respond, you must:

(1) file your documents with the court; (2) provide a copy of those documents to the judge or commissioner's staff; (3) serve the other party's attorney with copies of your documents (or have the other party served if that party does not have an attorney); and (4) complete your filing and service of documents within the time period required by the local court rules in effect in your county. If you need more information, you are advised to consult an attorney or a courthouse facilitator.

Failure to Appear May Result in a Temporary Order Being Entered by the Court Which Grants the Relief Requested in the Motion Without Further Notice.

II. Basis

A motion for a temporary restraining order without written or oral notice to (name of nonrequesting party) _____ or that party's lawyer has been made to this court. The court has consulted the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child(ren).

III. Findings

Indian Child Welfare Act

Indian child status:

The child(ren) are Indian child(ren) as defined by 25 U.S.C. § 1903. The Indian Child Welfare Act does apply to these proceedings; all notice and evidentiary requirements under the Indian Child Welfare Act have been satisfied, as follows:

All notice and evidentiary requirements under the Indian Child Welfare Act have not been satisfied. The court directs the following actions occur to ensure that notice and evidentiary requirements under the Indian Child Welfare Act have been or will be satisfied:

The child(ren) are not Indian child(ren) as defined by 25 U.S.C § 1903 and the Indian Child Welfare Act, 25 U.S.C. § 1901, et seq., does not apply to these proceedings.

Jurisdiction:

The child(ren) are Indian child(ren) as defined by the Indian Child Welfare Act, 25 USC § 1903, but are not domiciled or residing within the boundaries of an Indian reservation; and no Tribal Court has continuing jurisdiction over the child(ren); this court has jurisdiction under 25 USC § 1911.

The child(ren) are Indian child(ren) as defined by the Indian Child Welfare Act, 25 USC § 1903, and are domiciled or residing within the boundaries of an Indian reservation; or a Tribal Court has continuing jurisdiction over the child(ren).

The court adopts paragraphs 2.1, 2.2, and 2.4 of the Motion/Declaration for an Ex Parte Restraining Order and for an Order to Show Cause (Form WPF CU 03.0150) as its findings, except as follows:

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

IV. Order

It is Ordered:

4.1 Restraining Order

Violation of a Restraining Order in Paragraph 4.1 With Actual Notice of its Terms Is a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to Arrest. RCW 26.10.115.

Does not apply.

(Name) _____ is restrained and enjoined from disturbing the peace of (name(s) of the protected person(s)) _____

(Name) _____ is restrained and enjoined from going onto the grounds of or entering the home, work place or school of the protected person(s) or the day care or school of the following named children: _____

(Name) _____ is restrained and enjoined from knowingly coming within or knowingly remaining within (distance) _____ of the home, work place, or school of the protected person(s) or the day care or school of these children:

(Name) _____ is restrained and enjoined from molesting, assaulting, harassing, or stalking (Name) _____.

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

Service

The requesting party must arrange for service of this order on the restrained party. File the original Return of Service with the clerk and provide a copy to the law enforcement agency listed above.

4.2 Other Restraining Order

- (Name) _____ is restrained and enjoined from removing any of the children from the state of Washington.
- The children shall reside with (name) _____ until the hearing.
- Other:

4.3 Surrender of Deadly Weapons

- Does not apply.
- It is ordered that (name) _____ surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to:
- the (name of county) _____ county sheriff.
- (Name) _____.

The court finds that irreparable injury could result if an order is not issued until the time for response has elapsed. (See RCW 26.09.060(2)(b).)

4.4 Expiration Date

This order shall expire on the hearing date set forth above or 14 days from the date of issuance, which ever is sooner, unless otherwise extended by the court.

4.5 Other

Dated: _____ at _____ a.m./p.m.

Judge/Commissioner

Presented by:

Signature of Requesting Party or Lawyer/WSBA No.

Print or Type Name Date

**Superior Court of Washington
County of _____**

In re the Custody of:

Child(ren),

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 the Custody of:

Child(ren),

Petitioner(s),

and

Respondent(s).

No. _____

**Temporary Custody Order
(Nonparental Custody)
(TCO/TMO/TMRO)**

Clerk's Action Required

Law Enforcement Notification, ¶ 3.2

I. Judgment/Order Summaries

1.1 Restraining Order Summary:

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

Name of person(s) restrained: _____ . Name of person(s)
protected: _____ . **See paragraph 3.2.**

***Violation of a Restraining Order in Paragraph 3.2 Below With Actual Notice of its Terms Is
a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to Arrest.
RCW 26.10.115.***

1.2 Money Judgment Summary:

Does not apply. The judgment summary is as follows:

- A. Judgment creditor _____
- B. Judgment debtor _____
- C. Principal judgment amount (back child support) \$ _____
From (date) _____ to (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. Basis

A motion for a temporary nonparental custody order was presented to this court and the court finds reasonable cause to enter this order. The court has consulted the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child(ren).

Indian Child Welfare Act

Indian child status:

The child(ren) are Indian child(ren) as defined by 25 U.S.C. § 1903. The Indian Child Welfare Act does apply to these proceedings; all notice and evidentiary requirements under the Indian Child Welfare Act have been satisfied, as follows:

All notice and evidentiary requirements under the Indian Child Welfare Act have not been satisfied. The court directs the following actions occur to ensure that notice and evidentiary requirements under the Indian Child Welfare Act have been or will be satisfied:

The child(ren) are not Indian child(ren) as defined by 25 U.S.C § 1903, and the Indian Child Welfare Act, 25 U.S.C. § 1901, et seq., does not apply to these proceedings.

Jurisdiction:

The child(ren) are Indian child(ren) as defined by the Indian Child Welfare Act, 25 USC § 1903, but are not domiciled or residing within the boundaries of an Indian reservation; and no Tribal Court has continuing jurisdiction over the child(ren); this court has jurisdiction under 25 USC § 1911.

The child(ren) are Indian child(ren) as defined by the Indian Child Welfare Act, 25 USC § 1903, and are domiciled or residing within the boundaries of an Indian reservation; or a Tribal Court has continuing jurisdiction over the child(ren).

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

III. Order

It is Ordered:

3.1 Temporary Relief

Temporary custody shall be as follows:

Temporary visitation shall be as follows:

Respondent (name) _____:

Visitation shall be

as set forth in the Residential Schedule signed by the court on this date or dated _____; or as follows:

Respondent (name) _____:

Visitation shall be

as set forth in the Residential Schedule signed by the court on this date or dated _____; or as follows:

- Child support shall be paid in accordance with the attached Order of Child Support, signed by the court on this date or dated _____, which is incorporated as part of this temporary order.

3.2 Restraining Order

Previous Order

The prior restraining order dated _____:

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

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

Violation of a Restraining Order in Paragraph 3.2 With Actual Notice of its Terms Is a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to Arrest. RCW 26.10.115.

- Does not apply.
 (Name) _____ is restrained and enjoined from disturbing the peace of (name(s) of the protected person(s)) _____.
 (Name) _____ is restrained and enjoined from going onto the grounds of or entering the home, work place or school of the protected person(s) or the day care or school of the following named children: _____.

(Name) _____ is restrained and enjoined from knowingly coming within or knowingly remaining within (distance) _____ of the home, work place, or school of the protected person(s) or the day care or school of these children:

(Name) _____ is restrained and enjoined from molesting, assaulting, harassing, or stalking (name) _____.

Clerk's Action. The clerk of the court shall forward a copy of this order, on or before the next judicial day, to (name of appropriate law enforcement agency)

_____ which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants. **(A law enforcement information sheet must be completed by the party or the party's attorney and provided with this order before this order will be entered into the law enforcement computer system.)**

Service

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

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

Expiration Date

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

3.3 Other Restraining Order

(Name) _____ is restrained and enjoined from removing any of the children from the state of Washington.

(Name) _____ shall surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to:

the (name of county) _____ County Sheriff.

(Name) _____.

(Name) _____ shall pay temporary attorney fees, other professional fees and costs in the amount of \$ _____ to:

Other:

3.4 Bond or Security

Does not apply.

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

Other:

3.5 Other

3.6 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 five 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.

**Superior Court of Washington
County of**

In re the Custody of:

Child(ren),

Petitioner(s),

and

Respondent(s).

No.

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

I. Basis

1.1 Basis for Appointment

This appointment is being made pursuant to RCW 26.10.

1.2 Children to Whom the Order Applies

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

Name

Age

II. Findings

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

III. Order

It is Ordered:

3.1 Appointment of Guardian ad Litem

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

3.2 Duties of the Guardian ad Litem

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

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

Issues ordered to investigate and report:

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

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

3.3 Other Duties

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

3.4 Guardian ad Litem Access to Children, Records and Information

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

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

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

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

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

3.5 Payment of Fees and Costs

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

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

_____ % by father, _____ % by mother, _____ % by other _____.

Other:

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

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

3.6 Consent of Children Over Twelve to Investigation

Does not apply.

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

3.7 Authorization for Release of Information

- Does not apply.
- Each party's signature hereunder constitutes an authorization for release of information by that party to the agencies listed in paragraph 3.4, above.

3.8 Termination of Appointment

The appointment terminates:

- Upon entry of the final decree or residential schedule.
- Other:

3.9 Other

Dated: _____

Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer WSBA No.

Print or Type Name

Print or Type Name

Accepted upon approval by the court

Guardian Ad Litem

Signatures of the Parties:

Mother's Signature

Father's Signature

Child's Signature
(See Paragraph 3.6)

Child's Signature
(See Paragraph 3.6)

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Return of Service
(Optional Use)
(RTS)**

I Declare:

1. I am over the age of 18 years, and I am not a party to this action.
2. I served the following documents to (name) _____:
 - summons, a copy of which is attached
 - petition in this action
 - proposed parenting plan or residential schedule
 - proposed child support order
 - proposed child support worksheets
 - sealed financial source documents cover sheet and financial documents
 - financial declaration
 - Notice Re: Dependent of a Person in Military Service
 - notice of hearing for _____
 - motion for temporary order
 - motion for and ex parte order
 - motion for and order to show cause re: _____
 - declarations of _____
 - temporary order
 - other:

3. The date, time and place of service were (if by mail refer to Paragraph 4 below):

Date: _____	Time: _____ a.m./p.m.
Address: _____	

4. Service was made:

- by delivery to the person named in paragraph 2 above.
- by delivery to (name) _____, a person of suitable age and discretion residing at the respondent's usual abode.
- by publication as provided in RCW 4.28.100. (File Affidavit of Publication separately.)
- (check this box only if there is a court order authorizing service by mail) by mailing two copies postage prepaid to the person named in the order entered by the court on (date) _____. One copy was mailed by ordinary first class mail, the other copy was sent by certified mail return receipt requested. (Tape return receipt below.) The copies were mailed on (date) _____.
- (check this box only if there is a statute authorizing service by mail) by mailing a copy postage prepaid to the person requiring service by any form of mail requiring return receipt. (Tape return receipt below.) The copy was mailed on (date) _____.

5. Service of Notice on Dependent of a Person in Military Service.

- The Notice to Dependent of Person in Military Service was served on mailed by first class mail on (date) _____.
- Other: _____

6. 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 Print or Type Name

Fees:
 Service _____
 Mileage _____
 Total _____

(Tape Return Receipt here, if service was by mail.)

File the original Return of Service with the clerk. Provide a copy to the law enforcement agency where protected person resides if the documents served include a restraining order signed by the court.

Filing a Motion for Emergency Orders in a Nonparental Custody Case 6/10
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:
