



Northwest Justice Project

Filing a Complaint to Divide Property and Debts of an Unmarried Couple

**Instructions and Forms
April 2008**

The Northwest Justice Project would like to thank attorney Ron Steingold for his generous assistance in creating this publication.

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, April 2008.

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Filing a Complaint to Divide Property and Debts of an Unmarried Couple

Introduction

This packet is intended to help you fill out and file the forms and papers that you need to start a case in a Washington State Superior Court to ask the court to divide property and debts you have acquired during a long term, stable, marriage-like relationship with a domestic partner.¹ The legal term for the type of relationship is “meretricious” or “committed intimate relationship.”² The partner filing the case is called the “Plaintiff.” The partner the case is filed against is called the “Defendant.”

Our publication [Washington Property Law for Unmarried Couples who are Separating](#) (available at <http://www.washingtonlawhelp.org/link.cfm?2175> or from CLEAR at 1-888-201-1014) contains basic information on property law concerning unmarried couples.

You should use this packet only if you believe you meet the standards of this type of relationship and if you do not wish to make other claims (see Section I.3 below). **Do not use this packet if you have registered a domestic partnership with the state. Special laws, not covered in this packet, apply to dissolving a state registered domestic partnership and to dividing property and debts of the partners.**³

This packet is only appropriate for people who have lived together in Washington or acquired property together in Washington.

WARNING: You should seek the advice of an attorney. This publication is not intended to substitute for the advice and representation of an attorney. Meretricious relationship is an area of law that is constantly changing. Your particular situation may not be addressed accurately and completely by the information in this packet. What might work in one situation may not work in another. There are no required court forms for a case of meretricious relationship. The forms here are samples only. Neither Northwest Justice Project nor the authors of this packet warrant (promise) that the forms provided, the descriptions of how to fill in the forms, the descriptions of procedure or the information about this area of law will be complete, accurate or adequate for your purposes. Use of this publication and of these forms is at your own risk.

¹ In this packet, you will see footnotes, like this one. These footnotes will tell you the law or court case that supports the statement that comes before the footnote. RCW stands for Revised Code of Washington, which is the law of Washington State. CR is the [Superior Court Civil Rules](#). GR stands for [General Rules](#). Court cases have names, such as *In re* _____. You may use the footnotes to look up the law at your local law library, or to tell the court when you are making a legal argument. 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.

² *Olver v. Fowler*, ___ Wn. 2d ___ (2007)

³ [Chapter 6, Laws of Washington for 2008, Section 1001 et seq.](#), available at <http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Session%20Law%202008/3104-S2.sl.pdf>

Before you use this packet, consult an attorney. We strongly recommend that you consult an attorney before filing your case. If you are low-income and do not live in King County, you may call CLEAR at 1-888-201-1014. If you live in King County, you may contact the King County Bar Association's Neighborhood Legal Clinics (206) 340-2593 to ask for a free half-hour of legal advice (ask for the family law clinic). **This packet does not contain information about other types of legal claims that may be available to you. If you file a case to divide your property and do not make those other claims, they may be lost to you.**

How Much Does Filing a Case Cost?

The costs involved include a filing fee of \$200-250, photocopying fees, and (possibly) fees for service (delivering the papers to your former partner). If you are unable to afford the filing fee, you should fill out a special form which may let you file without paying the filing fee. See Section III for more information.

In Which County Should My Case be Filed?

You should usually file the case in the county where you lived as a couple.

What if I have Questions that Aren't Answered in this Packet?

If you have questions that aren't answered in the instructions or forms in this packet, your county's Superior Court may have a Family Law Facilitator who can help you. Many counties also have free or low-cost clinics or lawyer referral services. If you are low-income and you do not live in King County, you may also call CLEAR at 1-888-201-1014. If you live in King County, you may contact the King County Bar Association's Neighborhood Legal Clinics (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday, to ask for a free half-hour of legal advice (ask for the family law clinic).

Section I: Steps to Take To File a Case

The following are the steps, in order, to follow in filing your case. This is a very general description of the steps involved. Use the following checklist as you go through your case to make sure that you are doing what you should at the proper times.

Many counties have case schedules that must be followed in addition to these timelines and steps. Some counties require mediation or a settlement conference before a judge will sign final orders. Speak with an attorney, call your court clerk's office, or check with the Family Law Facilitator, if there is one in your county, to find out about case schedules and local court rules.

- 1. Learn About the Law in Washington.** If you are filing a case on your own, you should try to learn more about the law in Washington. You may want to go to the website (www.washingtonlawhelp.org) and read our legal information publication called *Washington Property Law for Unmarried Couples who are Separating* (available at <http://www.washingtonlawhelp.org/link.cfm?2175> or from CLEAR at 1-888-201-1014).
- 2. Check for Special Local Rules and Forms.** Different counties handle this type of case in different ways. **Some counties treat them as civil cases, and others treat them as family law cases.** This can affect case scheduling, the basic court forms to use, the

handling of motions before the court, and other important aspects of the case. This may also affect whether the Family Law Facilitator can assist you.

Some counties have special requirements, which are not in this packet. Check with the court clerk's office, or, where available, with the family law facilitator in your county for more information.

Local court rules are available on the internet at

<http://www.courts.wa.gov/rules/local.cfm?group=superior> or at your local law library.

3. **Get individual legal advice.** Try to speak with an experienced family law attorney in the county where you plan to file to learn about 1) local practice in this type of case, 2) whether you meet the legal standard for a “meretricious relationship,” 3) whether there are claims you can make that are not covered by this packet 4) what to ask the court about how to divide the property /debt in your individual case, 5) whether asking the former partner to accept service is advisable, 6)whether you have a state registered domestic partnership⁴ (if you do, you should not use this packet), and 7) whether and how to ask for emergency or temporary orders and/or file a lis pendens.

There are different legal claims (such as partnership, constructive trust, and others) to support a request for division of property and debts of unmarried couples who separate. This packet does not cover those claims. If you could make the other claims in your case, but do not make them, you will probably lose the chance to bring them up later in a different case.

This packet also does not cover anything relating to children you and your partner might have raised together.

It does not include any claims based upon a written “Cohabitation Agreement” between you and your former partner concerning ownership and division of property and debts. It does not describe the ways that a state-registered domestic partnership⁵ is dissolved and the property and debts of the partners divided.

Note for Survivors of Domestic Violence: If another party has a history of physically harming you or the children, or has threatened to do so, and if you have 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 (and may be taken more seriously by the police than a restraining order). For more information, see our publication [*Domestic Violence: How the Legal System Can Help Protect You*](#), contact your local domestic violence program, or call the 24-hour domestic violence hotline at 1-800-562-6025

4. **Make Sure you Know Defendant's Address.** You will need to locate him/her to serve your Complaint.
5. **Complete the Forms.** See Sections IV and V.

⁴ RCW 26.60.010 et seq.

⁵ Id.

6. **Make Copies of Each of the Completed Forms** that you are filing with the court.
7. **File the Original of Your Complaint and related documents with the Court Clerk's office** in the Superior Courthouse of the county where you are filing your case.
8. **Serve the Papers on the Defendant.**
 - A. Consider asking him/her to accept service. If you decide not to, or if s/he refuses, then
 - B. Try to get personal service on him/her. If you cannot personally serve the other party and s/he will not accept service, then
 - C. Serve by other means. In limited circumstances, service by publication may be available. This packet does not describe the requirements for service by publication. See RCW 4.28.100. You will need to talk with an attorney if you are not able to have the defendant personally served and you want to try to serve by publication.
9. **File the Completed Acceptance of Service or Return of Service.**
10. **File a Motion for Temporary Orders or a Motion for Emergency Orders, if needed.**

Filing your Complaint is not the same as having a court order dividing your property and debts. Filing the case does not restrain the defendant from disposing of property or require him/her to pay bills. Filing the case does not decide who can continue to live in the home and who must move out, or who can use personal property. Temporary orders can cover these matters between the time the Complaint is filed and the final court decision is made. Emergency orders may be available in urgent circumstances. At the present time, there is no packet for filing your own temporary or emergency orders in this type of case. You might be able to modify our packets concerning divorce cases to meet your needs.

A domestic violence protection order under Ch. 26.50 RCW might be appropriate in some cases.

If real estate is at issue and you are concerned that your former partner will attempt to sell or borrow money on the property, you should talk with an attorney about whether and how to seek a temporary or emergency order that restrains your former partner from selling or otherwise encumbering the real estate. The court may require you to file a money bond before a restraining order becomes effective.⁶ If you successfully obtain a temporary or emergency order, and if your case involves real estate, you should also consult with an attorney about recording a "Lis Pendens" with the county auditor where the property is located. A "lis pendens" is a document that gives legal notice of your lawsuit to people who look at the auditor's records in preparation for buying or loaning money against the property. Because a substantial judgment plus court costs and attorney's fees could be awarded against you if a court determines you have no interest in the real estate, we do not recommend recording a lis pendens without first obtaining a favorable court order.
11. **Ask for Discovery, if you want it.** Discovery is the process of gathering information needed to come to settlement or be able to present your case at trial. Through the discovery process you can learn about how your former partner views the case, and you

⁶ CR 65(c), but see also RCW 26.09.060(6) in counties where meretricious relationship cases are treated like family law cases

can ask for information and documents that could help you prove your case if you go to trial. To find out about discovery, consult an attorney; also, the Family Law Facilitator may be able to provide general information about discovery. At the present time there is no self-help packet about conducting discovery.

- 12. Finish your case.** This can be done by agreement, by default (if the defendant is served and fails to participate in the case), by dismissal (ending the case without a court order dividing the property/debts) or by trial (decision made by a judge). **This packet only describes the beginning stages of the case and does not describe how to finalize a case or tell you which alternative is suitable in a particular case.**

Section II: What Forms Are in This Packet?

This packet contains the following blank forms, and instructions for each form, for filing a Complaint to Divide Property and Debts:

Forms You Will Need to Start the Case that are in This Packet:

Form Title
Complaint
Summons
Return of Service
Declaration Re: Service Members Civil Relief Act (WPF All Cases 01.0200)
Notice re: Dependent of a Person in Military Service (WPF DRPSCU 01.0185)

Forms You May Also Need that Are in this Packet:

Form Title
Acceptance of Service
Declaration Regarding Personal Service Outside the State of Washington (WPF DRPSCU 01.0180)
Waiver of Rights Under Service Member's Civil Relief Acts

Section III: What Other Documents or Forms Will I Need that are not In This Packet?

This packet is designed only to help you start your case concerning property and debts. You will need other documents to complete your case or to ask for temporary orders.

- ❑ **Filing In Forma Pauperis** - If you cannot afford to pay the filing fee (usually \$200-\$250), you may be able to ask the court to waive (forgive) the filing fee. You will need to get this packet to find out how to file the motion you need.
- ❑ **Emergency and Temporary Orders, Finalizing Your Case** – These packets are not presently available. You may try to modify the packets available for dissolution of marriage cases, available at www.washingtonlawhelp.org. Some counties may additionally require that you post a bond, or prove the nature of your relationship, or follow additional procedures not required in Dissolution of Marriage cases.

If you have children with your partner, you will need other packets. What you need will depend on the facts of your case. There is a range of packets available at www.washingtonlawhelp.org. Click on the “Family Law” topic area, then select “Unmarried Couples”. This packet does not tell you how to combine cases concerning children and property. Practice differs around the state.

Section IV: Follow These General Instructions Before You Begin To Fill Out Any of the Forms

These instructions apply to all of your forms. You will find more instructions on how to complete each individual form in Section V. As you read through these instructions, look at the sample “Note for Motion Docket” form. The sample form is located immediately following these instructions.

The 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 you are filing your case in the blank space where the form reads "Superior Court of Washington County of _____."
- In the blank space above the word “Plaintiff” just before the comma, write your name.
- On the next blank below in the blank space above the word “defendant” just before the comma, write your former partner’s name.

Case Number. When you file your papers, the court clerk will give you a case number. As soon as you get a case number, write it near the top on the right-hand section of the page after "No.". The case number is on the right, above the title.

You **must** write your case number on the first page of **every** form that you file with the court. If you do not, your form may be lost, or it may be returned to you. Some courts will also fine you for filing incorrect forms.

Title. Each form has a title. The title of the following sample form is "Note for Motion Docket". The title is written on the right-hand side of the form under the case number.

The Contents. Fill out each form according to the instructions for that form. You may print or type the information (**do not write it in longhand**), but it must be readable and you must use **DARK BLUE or BLACK INK**. After filling out each form, re-read it to be sure you have correctly filled in all the blanks you need to. If you have to make corrections, it is best to complete a new, blank form. If the correction is only one or two words, you may use white out. Be sure the correction is neat and readable.

Dates. On the last page of most forms (not including orders), there is a space for you to write the date. For most forms, you will fill in the date that you sign the form. All of the Declaration forms require a date and place of signature. If someone is doing a declaration for you (example: Return of Service), they need to fill in the date when they signed the form as well as the place they signed it (example: Signed this 10th day of October, 2002 at Seattle, WA). **Note: Dates in forms called "Orders" are to be filled in by the Judge or Court Commissioner.**

Plaintiff's Signature. Many of the forms require your signature. On some forms you will have to sign twice. Look at the sample Note for Motion Docket form. There is a place for "Plaintiff's Signature." Sometimes a form will say "Signature of Lawyer or Plaintiff". After you fill out the form, date it and sign your name in that space. Some forms require you to sign in more than one place, so look carefully.

Other Signatures. If someone else must sign the form (like the defendant, or the person serving papers on your former partner), be sure that they fill out all information correctly and sign in the proper space provided. The defendant does not have to agree with or sign every form on which there is a space for defendant's signature. The space is provided so that the defendant can sign on your form if s/he agrees, or can sign his/her own proposal.

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

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

Almost all pleadings, orders and other papers that are filed with the court are available to the public, and may be available to the public on the internet. General Rule 31 tries to protect privacy of certain types of information in court cases:

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

Social Security/Driver's License, ID Numbers: Write only the last four digits, not the whole number, for adults and children.

Bank Account, Credit Card Numbers: Write the bank name, type of account (savings, checking, etc.), and only last four digits of the account number. If you file bank statements or other documents showing account numbers you should redact (white-out) all but the last four digits of the account number.

If your county treats meretricious relationship cases as family law cases, you may need to file additional forms, such as a Confidential Information Form. The General Instructions sections of our family law self-help packets summarize confidentiality rules in family law cases. See the Washington LawHelp web site at www.washingtonlawhelp.org and click on “Family Law” or, if you are low income, from CLEAR at 1-888-201-1014.

SAMPLE FORM

**SUPERIOR COURT OF WASHINGTON
COUNTY OF EVERGREEN**

JANE DOE,

Plaintiff,

and

JOE DOE,

Defendant.

NO. 01-3-99999-9

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 14, 2005**

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

LOCATION: **Treelane Superior Courthouse**

COURTHOUSE ROOM: **2**

ADDRESS: **102 West Broadway**

Treelane, WA 98000

NATURE OF MOTION: **Motion for Default**

Date: **9-25-05**

Jane Doe

Jane Doe, pro se
1212 S. Harriet Drive
Treelane, WA 98000

Section V: Instructions for Filling out Individual Forms and Filing and Serving Your Complaint

A. *Complaint*

Caption. Fill out the caption as shown in Section IV.

Section I. Basis

- **Paragraph 1.1** Read this paragraph.
- **Paragraph 1.2 Identification of Plaintiff.** Fill in your name and the county and state where you live.
- **Paragraph 1.3. Identification of Defendant.** Fill in your former partner’s name and the county and state where s/he lives.
- **Paragraph 1.4. Date and Place.** Fill in the date you believe your relationship became marriage-like.
- **Paragraph 1.5. Separation.** Put in the date you and your former partner stopped living together for the last time.
- **Paragraph 1.6. Jurisdiction.** Read the paragraph carefully and check all of the boxes that apply. This packet is only appropriate for people who have lived together in Washington. Check the first box. If defendant still lives in Washington, check the second box. If you and defendant lived in Washington while you were together and you still live here, check the third box. In the text following the third box, write in the name of the county where you resided together and make sure you file your Complaint with the court in that county.
- **Paragraph 1.7. Property.**

Check the first, second, and third boxes.

In the blank after the second box (The plaintiff should be awarded the parties’ interest in the following property), list every item of property that you want the court to award to you. (Note that a court is not able to award the property of one partner to the other partner to the extent that such property was acquired before the relationship began or acquired by separate gift or inheritance ⁷.) If you do not have enough room, you may write “see attached Exhibit A” and write a list on a separate paper, write “Exhibit A- property that should be awarded to Plaintiff” at the top of the separate paper, and staple it to your Complaint.

In the blank after the third box (The defendant should be awarded the parties’ interest in the following property), list every item of property that you want the court to award to your former partner. If you do not have enough room, you may write “see attached Exhibit B” and write a list on a separate paper, write “Exhibit B – property that should be awarded to Defendant” at the top of the separate paper, and staple it to your Complaint.

⁷ Connell v. Francisco, [127 Wn.2d 339](#), 346, 898 P.2d 831 (1995). Soltero v. Wimer, [_159_ Wn. 2nd _428_\(2007\)](#).

Remember that property includes things like bank accounts, pensions, 401(k) plans, IRAs, and stock, as well as your home, real estate, cars and household items. If you list accounts, write in the institution holding the account, the type of account and “Account number ending in ___” and write in only the last four digits of the account number. You should list specific household items that are very valuable (example: plaintiff’s mother’s diamond ring), but, if you are separated, you do not need to list every item of clothing or dish that you have. If the property includes real estate, obtain and include the property’s legal description.

If you are separated and are happy with how you have split up your household items, you may write “All personal and household items currently in his/her possession” in the spaces saying what the Plaintiff and Defendant should be awarded.⁸

- **Paragraph 1.8. Debts and Liabilities.**

If you and defendant do not have any debts, check the first box. If you are requesting that you should pay certain debts or liabilities check the second box. If you are requesting that defendant should pay certain debts or liabilities check the third box.

If you have checked the second box, then in the blank after the second box (“The plaintiff should be ordered to pay the following debts and liabilities to the following creditors”) list every debt that you want the court to order you to pay. (Note that a court is not able to award the debt of one partner to the other partner to the extent that such debt was acquired before the relationship began.) If you do not have enough room, you may write “see attached Exhibit C” and write a list on a separate paper, write “Exhibit C – debts and liabilities Plaintiff should be ordered to pay” at the top of the separate paper, and staple it to your Complaint.

If you have checked the third box, then in the blank after the third box (“The defendant should be ordered to pay the following debts and liabilities to the following creditors”) list every debt that you want the court to order your former partner to pay. If you know specific debts that only your partner incurred but you want to make sure s/he is ordered to pay them, place them here. If you do not have enough room, you may write “see attached Exhibit D” and write a list on a separate paper, write “Exhibit D - debts and liabilities Defendant should be ordered to pay” at the top, and staple it to your Complaint.

When you are listing your debts, write the name of each creditor (person or company that you owe money to) and the amount owed for each debt. For example, if you owe \$350 on your JC Penney charge card, you would write “JC Penney -- \$350, account ending 1234”. Remember to use only the last four digits of account numbers, to protect personal privacy.

In most cases (whether or not you had debts before you separated), you should check the last box next to “Each party should pay their debts incurred since separation.”

⁸ Our publication *Washington Property Law for Unmarried Couples* contains more information about property and debts. In addition, the portion of our publication *Ending Your Marriage in Washington, the Basics*, that deals with community property (property acquired during the relationship, not separate property), might be useful. However, community property law only guides and does not directly govern marriage like relationships.

Section II. - Relief Requested

You must complete this section to tell the court what you want the court to order in your case. Check the first two boxes.⁹ If you have other requests, you may check the last box and write your requests in the blank.

Signature. You should date the form and sign where it says “Signature of Plaintiff or Lawyer” and then print or type your name in the blank below that. You must also write the place (city, state), date, and your signature under the sentence that says “I declare under penalty of perjury...”

B. Summons

This packet contains the blank form and instructions for filling out a Summons for **personal service** in a civil case, either in Washington or another state. You must try to have your former partner personally served unless s/he has signed an Acceptance of Service. In limited situations, if you have diligently tried to have your former partner served personally but have not been able to do so, you might be able to have him/her served by publication. However, for service by publication, you will need a different summons and you will need to follow a different procedure, not covered in this packet ¹⁰.

Caption. Fill out the caption for the Summons as shown in the General Instructions.

- **Signature.** You should date the form and sign where it says “signed” and then print or type your name in the blank below that.
Check the box next to “Plaintiff.”
- **Write your address.** If you do not want the other party to know where you live, you may write in a Post Office Box number if you have one, or you may put the address of a friend or family member whom you trust to tell you immediately if you receive any legal papers. Some counties’ local rules may require you to give a physical street address where legal papers may be served on you. You are not required to state a telephone number, but you may do so. We recommend that you provide a phone number, unless you are concerned about harassment by the other party. If you do write in a telephone number, you are not required to give your own home or work number; you may use another, reliable telephone number, as long as you learn immediately if you receive calls about the case.
- **“File Your Original Answer with the Clerk of the Court at:”** Write in the name and complete address of the courthouse where you will file your case.
- **“Serve a Copy of your Answer on:”** Check the first box. In the blanks, write your name and repeat the address you listed above for yourself.

⁹ Because our packets are for people who are handling their cases without an attorney, we do not give details about the procedure for requesting attorney’s fees or explain when the court might order them.

¹⁰ You should talk with an attorney before trying to serve by publication, since this type of service is not available in many cases, and, even where it is available, the procedure is very technical. Do **not** use the washingtonlawhelp.org packet on Service by Mail or Publication, since that packet does not cover this type of case.

If you are a survivor of domestic violence, and you want to keep your address secret, you may also want to get information about the Address Confidentiality Program offered through the state of Washington. For more information, call 1-800-822-1065.

C. Declaration re Service Member's Civil Relief Act WPF All Cases 01.0200

This declaration states whether or not you believe the defendant is a member on active duty in the military¹¹ or the dependent of a service member who is a resident of Washington on active duty and a National Guard member or a Reservist. Dependents are usually spouses or minor children, although they may also be people for whom the service member provided most of the support for the last six months.¹²

It is your job to try to find out whether or not the other party is on active duty in the military, or is a protected dependent.

Ways to try to find out if another party is on active duty include

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

To try to make sure the other party is not a dependent of a service member, you should have the Notice re: Dependent of a Person in Military Service form served with the other papers that begin your case.

Write your name on the first line before “Declare.”

Paragraph 1. Service member status.

Paragraph 1 A.

- Fill in the other party's name in the blank.
- Check the box(es) next to the item(s) that shows his/her service member status.

Paragraph 1 B. after *Factual basis*

¹¹ Service members who are protected by the act include all members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at http://www.uscg.mil/legal/la/topics/sscra/sscra_guide.htm#coverage.

¹² [RCW 38.42.010](#) lists people considered dependents of a service member.

- If you checked the website <https://www.dmdc.osd.mil/scra/owa/home>, and the site reported the other party 's military status, check the first box and staple the report you received to this form
- If you have another factual basis for your answer in Paragraph 1 A, check the second box and write in what you know about whether the other party is in the military and whether they are on active duty. Describe all the efforts you made to find out about the other party's military status and the results of each effort. For example, you may describe contacts with the other party's friends, family, and employers. If you contacted the Defense Manpower Data Center by fax or mail, explain that contact and attach any certificate about military service you received in reply.

Paragraph 1 C. If the other party is on active duty, check the box at the beginning of 1 C and the box(es) under it that apply. If you check the last item, make sure you check the appropriate box in the text of that item.

Paragraph 2 Dependent of a service member status:

Paragraph 2A Write the other party's name in the first line and then check the box below that applies.

Paragraph 2 B *factual basis*:

- If you had a Notice re: Dependent of a Person in Military Service mailed to the other party at least 23 days ago (or served more than 20 days ago), and s/he did not respond to it, check the box next to "the nonmoving party failed to respond to a notice," check the box that applies and fill in the date requested. Otherwise, skip that box.¹³
- If you have another factual basis for your answer in Paragraph 2 A, check the second box and explain.

Paragraph 2 C. If the other party is a dependent of a resident of Washington who is on active duty and is a national guard member or a Reservist, check the box at the beginning of 2 C and the box(es) under it that apply. If you check the last item, make sure you check the appropriate box in the text of that item.

Sign your name on the signature line at the end of the declaration and fill in the city, state and date of your signature. Print your name on the line below your signature.

¹³ If you are filling out this form when at the beginning of your case, rather than later on, it is unlikely that you would have already served the Notice re Dependent form. If you serve the form at the start of your case, however, and the other party does not respond to it, you should be able to check this box in the motion form if you later move for default.

If another party is covered by the service members civil relief acts and is willing to give up his/her rights under those acts, s/he may be willing to sign the waiver form in the section on the military later in this packet.

***D. Instructions for Notice re: Dependent of a Person in Military Service.
WPF DRPSCU 01.0185***

Certain members of the military¹⁴ and certain service member dependents (usually spouses or minor children or people who have received most of their recent support from the service member) can receive special protections under the law. This form tells military dependents that they need to report their dependent status to you within 20 days or risk having you and the court presume they are not a military dependent if you apply for an order of default. Although this form is “optional,” we recommend that you have this notice served on the defendant with the Summons and Petition even if you believe the defendant has no connection at all to the military.¹⁵

Fill in the caption.

Sign and date the form at the bottom of the page and print or type your name in the space indicated.

Section VI: Filing and Serving Your Papers

A. Filing Your Documents

- Make copies of every form you filled out.** Make 2 copies of all pleadings you are filing (original for the court, one for you and one for your former partner). Make one additional copy of the Summons to attach to the Return of Service later on.
- Make full sets of your forms (one set of originals and two sets of copies).** Organize your forms into sets by placing all the originals in one set and making two complete sets of copies, with each set containing one copy of each form you have filled out.
- Take the originals and the copies to the county court clerk’s office** in the superior courthouse where you are filing your case (the county where you and your former partner resided together). Give the clerk the originals of the Complaint, and Summons.
- Pay the Filing Fee.** The filing fee is \$200-250. If you cannot afford the filing fee, you may ask the court to waive it (allow you not to pay it). To do this, use our packet called *Filing in Forma Pauperis* or contact the Court Clerk or the Family Law Facilitator (if there is one).

¹⁴ See footnote later in this packet for members of the military who are protected.

¹⁵ In some circumstances, the law allows for mailing of this notice separately, but this packet does not explain how to do that.

- ❑ **Ask the clerk to stamp your copies** to show the date that you filed the originals. The clerk will also give you a case number. Ask the clerk to stamp the case number on your copies. (In some counties, the clerk may hand you the case number stamp for your use on the copies.) Before you leave the clerk’s office, make sure that the case number has been added to page 1 of each of your copies.

The clerk will keep the originals. Take the copies with you. One set of copies will be for you, and one set will be for service on your former partner.

Case Schedule. In some counties, the clerk will give you a case schedule when you file your complaint. **This paper is very important** – it tells you the name of your trial judge and most of the important dates and deadlines in your case, including your trial date. The clerk will ask you to sign a statement saying that you will give a copy of the case schedule to each of the other parties. You must make sure that you serve the case schedule on the other parties if you get one.

B. Preparing to Serve Your Complaint and other documents

You need to arrange to serve copies of your forms on the Defendant.

Copy and Organize Your Papers. Organize the copies you made (see paragraph “A” above) into one complete set of each paper for the defendant and one for yourself. Compare each set to your checklist to make sure that you included everything. Put defendant’s set of papers into an envelope, addressed to him/her, with your return address. Follow the instructions below to be sure defendant is notified properly.

C. Acceptance of Service

Consider Finding Out if Defendant Will Accept Service of the Papers. The defendant may agree to accept service of the papers (to allow you to give them to him/her directly and to sign for them). **If the defendant accepts service, that does not mean that s/he is agreeing to the things you asked for in the Complaint. S/he is only agreeing to say that he or she received the Summons, Complaint, and other documents listed in the Acceptance of Service.** If s/he will not accept service of the papers, or if s/he agrees but then fails to sign the Acceptance of Service form, or if you decide not to ask him/her to accept service, skip to the next section (VI D).

C.1. Instructions for the Acceptance of Service Form

Complete this form only if the defendant agrees to sign a paper saying that s/he has received the Summons, Complaint, and other documents you list on the Acceptance form. If the defendant completes and files this form (or gives it to you to file), you are not required to file a Return of Service. You must give the defendant copies of the Summons, and Complaint and other documents you have filed (and the case schedule if

the court gave you one), and list every document on the Acceptance of Service form before s/he signs the Acceptance of Service.

Caption. Fill in the caption.

Paragraph 1. Acceptance of Service. Write the defendant's name in the blank. Read the names of forms and make sure that you check the box to the left of every form that you are giving to him/her. Check the first box for Summons and Complaint. Check the last box and write in the title of every other form you give the defendant (examples: Notice re: Dependent of a Person in Military Service, Order Setting Case Schedule).

Paragraph 2. Consent to Personal Jurisdiction. If defendant agrees that Washington has personal jurisdiction over him or her, check the second box and write in defendant's name. (Personal jurisdiction is the court's power to make rulings binding that defendant). If defendant will not agree that Washington has jurisdiction over him/her, then check the first box, or the third (and write in the blank that the defendant objects to personal jurisdiction).

Signature. Defendant should date the form and sign where it says "Signature of Party or Lawyer" and then print or type his/her name and address in the blank below that.

If defendant has signed the acceptance of service, then provide a copy, keep a copy and file the original with the court.

D. Instructions for Personal Service and the Return of Service

If the defendant has not signed an Acceptance of Service (or if you decide not to ask him/her to do this), then you must arrange to have him/her personally served. (Note: This packet only gives instructions for personal service and does not provide information on service by other means)

D.1. Personal Service in Washington

You must carefully follow the rules when you are having the defendant personally served. You may not serve the documents on the defendant yourself. You need to 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, it may make sense to pay a professional process server or the sheriff to serve your papers for you. Using a professional process server is usually best because the sheriff often is not willing to try more than one time to serve the defendant who may not be home when the sheriff attempts to serve him or her. Process servers can be found in the yellow pages of the telephone book.
- **Ask an Adult Friend to be Your Process Server.** If you cannot afford to pay a process server or the sheriff, you may also have an adult friend (over age 18, who is not a party to the case and does not have a mental disability that makes that person incompetent) serve the papers for you. Make sure that your friend understands how important it is to serve the papers and fill out the Return of Service correctly. If you do not serve defendant properly, then your court orders could be set aside even years later.

- **If possible, your server should hand the papers directly to the defendant.**
Your server may hand the papers to the Defendant at home, work, or anywhere else that s/he can be found.
- **If the defendant is not home, your server may do Abode Service by delivering the papers at the defendant's home** to any adult (who is not mentally disabled) who lives in that home with the defendant. If your server does this, your server should ask the person they leave the papers with for their name and age, and they should also confirm that the defendant lives at that address and that the person with whom they are leaving the papers also lives at that address.

D.2. Instructions for Return of Service

- **Caption.** Fill out the caption.
- **Paragraph 2.** Write the name of the defendant in the blank. Check the first box showing the Summons and Complaint were served.

If any forms were served that are not listed, check the box marked “other” and write in the names of every other form served. Those may include, for example, a case schedule. All the forms served **MUST** be listed – if you leave a form off your list, you will not have proof that the defendant received it.

- **Paragraph 3.** The server should fill in the date, time and address where the papers were served.
- **Paragraph 4.** If the server gave the papers directly to the defendant, check the first box. If the server did abode service, check the second box and write in the name of the person to whom the papers were delivered.
- **Paragraph 5.** If your server included the Notice re: Dependent of a Member of a Person in Military Service form in the packet of papers served upon the respondent (and we recommend that it be included), check the first box in this paragraph and the first box in the middle of the sentence, and fill in the date at the end of the paragraph.¹⁶
- **Paragraph 6.** In the “Other” section, your server may write additional information. For example, if your server tries several times to serve the defendant but s/he is never home or cannot be found, the server should write the dates and times and descriptions of each time the server tried to serve him/her. Or, if the server gave the papers to an adult living with the defendant who would not give his/her name, the server should write what the person who received the papers looks like (for example, “*Caucasian male, age 24-25, height 5’0”, 175=185 pounds brown shoulder length hair, scar on left cheek.*”)
- **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 and address in blank below that. Usually, only professional servers will use the box for fees and mileage.

¹⁶ The law allows for service of this notice later by mail, but we do not include instructions for later service or for proving that the notice was mailed.

Staple an extra copy of the Summons to the Return of Service.

D.3. Out-Of-State Personal Service

You may serve the defendant outside of Washington using the same general directions as for personal service in Washington (see Sections VI.D.1 & D.2). However, in addition to the Return of Service, you must fill out a *Declaration Regarding Personal Service Outside the State of Washington*.

D.4. Instructions for Declaration in Regarding Personal Service Outside the State of Washington.

- **Caption**. Fill in the Caption.
- **Paragraph 2**. In the first blank, write the name of the defendant. In the blank after the colon, write the reason that the papers cannot be served on the defendant in the State of Washington. (For example, if the defendant lives out of state, write that “Defendant lives in ____ state, not in Washington).
- **Signature**. Print the date and place (city and state) where you are signing the form, sign it, and print your name.

E. Filing Your Proof of Service

Gather your original proof of service (Acceptance of Service or Return of Service with a copy of the Summons attached, and if needed, Declaration for Out of State Service) and make a copy(ies) for yourself. Take the original(s) and the copy(ies) to the court clerk’s office where you filed your Complaint. Give the original(s) to the clerk, and ask the clerk to stamp the date you filed the original(s) on your copy(ies). Keep the copy(ies) in a safe place.

Section VII: Next Steps after Filing and Service

If your former partner (the defendant) is in the military, follow the instructions in Section 8. If your former partner was served in the state of Washington, s/he has 20 days to provide an answer, sixty days if s/he was personally served outside the state of Washington.

If the defendant does not provide the answer by his/her deadline then you ask for an order of default and default judgment. Ask an attorney or Family Law Facilitator how to do this.

If the defendant does provide an answer, then your next steps depend on where your case is filed. In some counties, there are deadlines for completing various steps in the case that are set out in the case schedule. In some counties you have to file a note for trial that determines when the court will hear the case and there is a procedure for confirming that trial date. You also need to prepare for the trial by gathering documents and arranging for witnesses to testify as appropriate. Preparing for and conducting a trial is beyond the scope of this publication. You should consult an attorney concerning this.

To ask the court to enter orders before your trial (or before you get final orders), you may want to ask for temporary or emergency orders.

Section VIII: Instructions If Defendant Is In The Military

If the defendant is or soon may be on active duty in the United States Armed Forces, (or is the dependent of such a service member (see definition of dependent at RCW 38.42.010) when you serve him/her with your papers you should also include a copy of the *Waiver of Rights Under Service Member's Civil Relief Acts and Admission of Service* form. Ask if s/he is willing to sign the form and either return it to you or file it with the court. If s/he will not agree to do this, you will need to see a lawyer.

A. Instructions for the Waiver of Rights Under Service Member's Civil Relief Acts Form

Caption. Fill in the Caption.

In the first blank, write the defendant's full name.

Talk with the Defendant or write a letter about the form. Include the form with the papers when you serve the defendant. Call or write the defendant to ask him/her to fill out the rest of the form with the date that s/he is served with the Summons and Complaint, the service member's name, rank, serial number and unit. The defendant will need to take the form and sign it in front of a notary public. S/he can then return the form to you for you to file, or s/he can file the form with the clerk's office and give you a copy.

Finding a Notary: Often, your local bank has a notary. If you have a bank account there, the bank will sometimes provide the notary service for free. You may also look up notary public in the yellow pages of your telephone book.

B. File the Waiver Form

If and when you receive the form back from the defendant, file it with the clerk's office as soon as possible. Keep a copy for yourself. Ask the clerk to stamp your copy to show the date that the form was filed.

Section IX: Words You May Need To Know

Answer: A formal written answer to a Complaint filed with the court and provided to the other party showing what parts of the complaint the defendant agrees or disagrees with and giving notice of defenses

Caption: The heading of each legal document, which contains the name of the court, the names of the parties, the case number, and the name of the document itself.

Certified Copy: A copy of the document from the court file made by the court clerk, which has an official stamp on it. Usually, you must pay a fee for a certified copy.

Clerk of the Court: An officer of the court who handles clerical matters like keeping records, entering judgments and providing certified copies. Usually, there is one head clerk, but many people who work in the Clerk's Office are also clerks.

Commissioner/Court Commissioner: Similar to a judge, but only makes decisions relating to a particular subject matter and may only make decisions about temporary orders. Many counties have family law commissioners who decide cases only about family law.

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

Default Order: An order that can be obtained if the responding person does not respond on time.

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

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

Hearing: Going before a judge or court commissioner to request a court order.

Judgment: The final court order used after trial or in default cases. It may also be used in agreed cases to finish the case.

Jurisdiction: The court's authority to make decisions regarding certain people and issues. If a court does not have jurisdiction, it does not have the power to make orders.

Lis Pendens: A paper filed with the Auditor's office in the county where real estate is located, showing that a lawsuit has been filed that may affect title to the property described in the Lis Pendens.

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

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

Note/Notice of Hearing: A written request to the clerk to schedule your case for hearing.

Order: A court document signed by a judge or commissioner that requires someone to do or not do something. If you disobey an order of the court, you might be held in contempt of court.

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

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

Process: Written notice to defendant that a case is pending and that the defendant must respond.

Service: Giving court papers to the other party.

Venue: The county where the case should be filed.

Section X: Blank Forms

The following blank forms are available for you to complete using the instructions and sample form. You may want to make a copy of each form so that you have an extra in case your first draft needs many changes.

The following forms are included:

- ❖ Complaint for Division of Property and Debts - Unmarried Couple
- ❖ Summons
- ❖ Return of Service
- ❖ Acceptance of Service
- ❖ Declaration Regarding Personal Service Outside the State of Washington
- ❖ Waiver of Rights Under Service Member's Civil Relief Act
- ❖ Notice re: Dependent of a Person in Military Service
- ❖ Declaration Re: Service Members Civil Relief Act

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**Superior Court of Washington
County of _____**

_____,
Plaintiff,

and

_____,
Defendant.

No.

COMPLAINT FOR DIVISION OF
PROPERTY AND DEBTS—UNMARRIED
COUPLE

(No Mandatory Form Developed)

I. BASIS

1.1 ALLEGATION REGARDING RELATIONSHIP

The parties have lived in a meretricious relationship. The relationship is irretrievably broken.

1.2 NAME AND RESIDENCE OF PLAINTIFF

The name and residence of the Plaintiff is:

Name:

Address:

1.3 NAME AND RESIDENCE OF DEFENDANT

1 The name and last known residence of the Defendant is:

2 Name:

Address:

3
4
5 1.4 DATE OF COMMENCEMENT OF MERETRICIOUS RELATIONSHIP

6 The parties' meretricious relationship began _____, _____.

7
8 1.5 SEPARATION

9 The parties separated _____, _____.

10 1.6 JURISDICTION

11 This court has jurisdiction over the relationship.

12 This court has jurisdiction over the Defendant because:

13 The Defendant is presently residing in Washington.

14 The Plaintiff and Defendant resided together in _____ County, Washington
15 during their relationship and the Plaintiff continues to reside, or be a member of the armed
16 forces stationed in this state.

17 1.7 PROPERTY

18 There is community-like property owned by the parties. The court should make a fair and
19 equitable division of all the property pursuant to the principles laid out in Connell v. Francisco,
20 127 Wn.2d 339 (1995) and subsequent cases. The Plaintiff's recommendation for the division
21 of property is set forth below.

22 The Plaintiff should be awarded the parties' interest in the following property:
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The Defendant should be awarded the parties' interest in the following property:

1.8 DEBTS AND LIABILITIES

The parties do not have debts and liabilities.

The Plaintiff should be ordered to pay the following debts and liabilities to the following creditors:

Creditor	Account number ending in	Amount
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1 [] The Defendant should be ordered to pay the following debts and liabilities to the
2 following creditors:

3 Creditor Account number ending in: Amount
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11 [] Each party should be ordered to pay the debts s/he incurred since separation.

12 1.9 OTHER:
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20 **II. RELIEF REQUESTED**

21 The Plaintiff requests the court to enter an order granting the relief below.

22 [] Divide the property and liabilities.

23 [] Award a judgment in favor of plaintiff in such amount as the Court deems just and equitable to compensate for an otherwise inequitable division of property and debt.

1 [] Award a judgment in favor of plaintiff for the costs of filing and service in this action as
2 allowed under RCW 4.84 or otherwise in law or equity.

3 [] Other:
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7 Dated this ____ day of _____, _____.
8

9 _____
10 Signature of Plaintiff

11 _____
12 Typed or printed name of Plaintiff

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

15 Dated this ____ day of _____, _____ at _____ [city],
16 Washington.

17 _____
18 Signature of Plaintiff

19 _____
20 Typed or printed name of Plaintiff
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**Superior Court of Washington
County of _____**

Plaintiff,

and

Defendant.

**NO.
SUMMONS**

TO THE DEFENDANT:

A lawsuit has been started against you in the above entitled court by _____, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons (or sixty days if you are served outside the State of Washington), excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of

1 this summons and complaint will be void. If you wish to seek the advice of an attorney in this
2 matter, you should do so promptly so that your written response, if any, may be served on time.

3 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State of
4 Washington.

5 _____
Signature

6 _____
Print or Type Name

() Plaintiff () Plaintiff's Attorney

7 P.O. Address _____

8 Dated _____

9 Telephone Number _____

10 FILE ORIGINAL OF YOUR ANSWER
11 WITH THE CLERK OF THE COURT AT:

SERVE A COPY OF YOUR ANSWER ON:

12 [] Plaintiff [You may list an address that is not
13 your residential address where you agree to
14 accept legal documents.]

[] Plaintiff's Lawyer

15 _____
[Name of Court]

15 _____
[Name]

16 _____
[Address]

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[Address]

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**Superior Court of Washington
County of _____**

Plaintiff,
and

Defendant.

NO.
RETURN OF SERVICE
(NO MANDATORY FORM
AVAILABLE)
(RTS)

I DECLARE:

1. I am over the age of 18 years, and I am not a party to this action.
2. I served _____ [Name] with the following documents:
 - a summons, a copy of which is attached, and a Complaint in this action.
 - Notice Re: Dependent of a Person in Military Service
 - Declaration re Service Members Civil Relief Act
 - other:
3. The date, time and place of service were:

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

Address: _____

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4. Service was made pursuant to Civil Rule 4(d):

- by delivery to the person named in paragraph 2 above.
- by delivery to _____ [Name], a person of suitable age and discretion residing at the Defendant's usual abode.

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	_____

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**Superior Court of Washington
County of _____**

Plaintiff,
and

Defendant.

No. _____

**Declaration re: Service
Members Civil Relief Act
(Optional Use)
(AFSCR)**

I _____ [Name] **Declare** that:

1. A. Service member status --- _____ [name of nonmoving party]:
 - is not a service member;
 - is on active duty in the U.S. armed forces (excluding National Guard and reserves);
 - is on active duty and is a National Guard member or a Reservist residing in Washington;
 - is not on active duty in the U.S. armed forces (excluding National Guard and reserves);
 - is not on active duty and is a National Guard member or a Reservist residing in Washington;
 - I am unable to determine whether the nonmoving party is or is not on active duty in the U.S. armed forces;
 - I am unable to determine whether the nonmoving party is or is not on active duty as a National Guard member or a Reservist residing in Washington.
- B. Factual basis:
 - See the attached Defense Man Power Data Center Report obtained from <https://www.dmdc.osd.mil/scra/owa/home>.
 - Other factual basis:

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

2 The nonmoving party is represented by an attorney.

3 The court has appointed an attorney to represent the nonmoving party.

4 A stay of these proceedings has has not been entered by the court.

5 2. A. Dependent of a service member status --- _____ [name of
6 nonmoving party]:

7 is not a dependent of a resident of Washington who is on active duty and is a National
8 Guard member or a Reservist;

9 is a dependent of a resident of Washington who is on active duty and is a National Guard
10 member or a Reservist;

11 I am unable to determine whether the nonmoving party is a dependent of a resident of
12 Washington who is on active duty and is a National Guard member or a Reservist.

13 B. Factual basis:

14 The nonmoving party failed to respond to a notice to him or her as a dependent of a
15 person in Military Service that was served on mailed by first class mail on
16 _____ [Date], therefore he or she should be
17 presumed not a dependent of a resident of Washington who is on active duty and is a
18 National Guard member or a Reservist.

19 Other factual basis:

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

23 The nonmoving party is represented by an attorney.

The court has appointed an attorney to represent the nonmoving party.

A stay of these proceedings has has not been entered by the court.

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 Petitioner or Lawyer/WSBA No.

Print Name

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**Superior Court of Washington
County of _____**

Plaintiff,
and

Defendant.

NO. _____
**ACCEPTANCE OF SERVICE
(ACSR)**

1. ACCEPTANCE OF SERVICE.

_____ [Name] accepts service of:
 the summons and Complaint in this action.
 other:

2. CONSENT TO PERSONAL JURISDICTION.

Does not apply.
 _____ [Name] consents to personal jurisdiction.
 Other

3. OTHER:

Dated: _____

Signature of Party or Lawyer (WSBA No.) Accepting Service

Print or Type Name

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

[Address]

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**Superior Court of Washington
County of _____**

Plaintiff,
and

Defendant.

NO. _____

**Declaration Regarding Personal
Service Outside the State of
Washington
(DCLR)**

The undersigned makes the following declaration:

1. This declaration is made for the purpose of satisfying the requirements of RCW 4.28.185(4).
2. Personal service cannot be made upon _____ [Name] within the state of Washington for the following reasons:

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

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**Superior Court of Washington
County of _____**

Plaintiff,
and

Defendant.

NO. _____

**WAIVER OF RIGHTS UNDER
SERVICEMEMBER'S CIVIL
RELIEF ACT AND ADMISSION
OF SERVICE**

(No Mandatory Form Available)

My name is _____. I am the Defendant in the above-entitled action. Plaintiff has requested a division of our property and debts. I am a member of the United States military or am the dependent of such a service member, and I am informed of my rights under the Servicemembers' Civil Relief Act of March 4, 1918, as amended and the Military Service Members' Civil Relief Act, RCW Ch. 38.42. I waive my rights under the Service Members Civil Relief Act and the Military Service Members' Civil Relief Act, RCW Ch. 38.42 and I request the court to determine whether to grant the relief requested by the plaintiff.

I received a copy of the Summons and Complaint in this matter on _____.

Name: _____

Rank: _____

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Serial No.: _____

Unit: _____

Signed at _____, on _____.
[Place] [Date]

Signature of Defendant

Print or Type Name

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____.

NOTARY PUBLIC in and for
the state of _____,
residing at _____.
My Commission Expires: _____.

**Filing a Complaint to Divide Property and Debts of an Unmarried Couple 4/08
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 is your primary language? _____
3. Are you a *low-income person? yes no
[*\$1200 per month for household of 1; \$1500 for 2; \$1900 for 3; \$2200 for 4; \$2400 for 5]
4. What is the last grade you completed in school? _____
5. Did you read the instructions? yes no
6. Did you also need the help of an agency, court facilitator, or advocate to complete your case?
 yes no
6a. If yes, what agency or individual helped you? _____
7. Did you use the legal forms? yes no
8. Did you find anything difficult to understand? yes no
8a. If yes, please tell us what. _____

9. Did you find any mistakes? yes no
If yes, what mistakes were found? _____

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

