



Northwest Justice Project

Filing a Motion for Temporary Orders in a Nonparental Custody Case

Forms and Instructions

December 2008

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

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Section 1: Introduction and Important Information

A. What's a Motion for a Temporary Order?

A Motion for Temporary Orders is one way to ask the court to enter an order that gives you certain rights and/or protections after your case has been filed, but before it's finished. Either the petitioner or respondent may file a motion. Motions for Temporary Orders can cover issues such as temporary child support, temporary custody, temporary visitation, safety restraints, or custody investigations while the case is pending.

- ◆ You can't file a Motion for Temporary Orders unless a nonparental custody case has already started, or unless you're filing the Petition for Nonparental Custody at the same time that you're filing this motion.
- ◆ If you're filing a Petition for Nonparental Custody, you may need to schedule the adequate cause hearing before, or at the same time as, your Motion for Temporary Orders hearing.

B. Should I Use This Packet?

This packet's intended to help you fill out and file the forms and papers you need in order to complete a Motion for Temporary Orders before your Nonparental Custody case is finished. Before using this packet, decide whether to file a Motion for Temporary Orders or a Motion for Emergency Orders, or, in some cases, no motion at all.

What's the difference between a Motion for a Temporary Nonparental Custody Order and an Ex Parte Restraining Order/Order to Show Cause?

A Motion for a Temporary Nonparental Custody Order requests a Temporary Custody Order but doesn't ask the court to enter any emergency order before the show cause/temporary orders hearing.

In contrast, a Motion for Ex Parte Restraining Order/Order to Show Cause (in the packet *Filing a Motion for Emergency Orders in a Nonparental Custody Case*) requests a hearing for a Temporary Custody Order and also asks the court to approve an emergency Ex Parte Order, effective immediately. If the court approves, the Ex Parte Order's sometimes issued without prior notice, or after only a few hours' notice to the other parties.¹

¹ "Ex parte" means that only one party goes to the judge to ask for an order. The other parties aren't notified, or are given only very short notice that the order will be requested. Only a few kinds of orders can be requested ex parte. A judge signs most other kinds of orders only after notice is given to all parties and all parties have the chance to come to a hearing to say whether or not they agree with the order being requested.

Request an ex parte order if you can't wait one to three weeks for a hearing to get help from the court. Example: when another party's harassing or harming you, has harmed the child/ren or is a danger to them, or has threatened to take the child/ren and this would harm the child/ren.

Since the court usually doesn't want to enter any order before the other parties have a chance to prepare for a hearing on a motion and tell their sides of the story, you should file a motion for Ex Parte Restraining Order/Order to Show Cause only if there's an **emergency** or **urgent** reason why you need an order entered before you can have a temporary orders hearing.

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

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

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 you don't live in King County, call CLEAR at 1-888-201-1014. If you live in King County, contact the King County Bar Association's Neighborhood Legal Clinics by calling (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday, to schedule a free half-hour of legal advice (ask for a family law clinic). Also, go to the website (www.washingtonlawhelp.org) and read our legal information publications about your particular family law case and information about legal aid programs in your area.

Section 2: Steps to Take to File Your Motion

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

- ❑ 1. **Check for special local rules and forms.** Check with your county court clerk or family law facilitator to see if your county has its own Motion for Temporary Orders packet. If so, use that packet instead of ours. If you decide to use our packet, get any additional forms that you'll need. Make sure that you know any special deadlines for filing family law motions in the county where your family law case was filed. Look back at the list of local practice issues in the main filing or responding packet you're using.²

A 2007³ law requires that the court:

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

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

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

- ❑ 2. **Gather Your Evidence and other Forms or Packets that You Need.** If possible, get the evidence you'll need now, for use while completing your forms. Think carefully about whether there's information that'll help show that what you're telling the court is correct or that what the other party's telling the court isn't true. Examples include:
 1. **Declarations of Witnesses** – Declarations (sworn written statements) by you and from other people who have personal knowledge about you or the other parties or the children.
 2. **Records** – bills, records of past criminal convictions, medical or mental health treatment, grades and other school records, and daycare records are some types of official records that you could include.
 3. **Photographs** – if they help prove or disprove one of the issues in the case.

² If you don't already have Filing a Petition for Nonparental Custody or Responding to a Petition for Nonparental Custody, click these links, call CLEAR at 1-888-201-1014 or visit the website at www.washingtonlawhelp.org.

³ [Ch 496, Laws of 2007](#)

4. **Financial Information** – if financial issues are included, get evidence of your income and assets, and perhaps evidence of the other party’s income and assets. Examples include: paystubs, federal income tax returns, official letters from Social Security, L&I, Employment Security or DSHS saying how much you receive in benefits, bank account statements, and business records, or 1099 forms.
- 3. **Follow the General Instructions** and fill in the captions of all of the forms.
 - 4. **Complete All of the Forms You’re Using from this and Other Packets.**
 - 5. **Make the Necessary Copies of Each of the Completed Forms and other documents** that you’re filing with the court
 - 6. **File Your Papers with the Court Clerk’s Office** in the Superior Courthouse where your family law case was filed.
 - 7. **Arrange to Deliver the Papers to the Other Parties** and have your server fill out the correct proof of service form (Certificate of Mailing or Personal Delivery if the motion was served after the Summons and Petition have been served, or Return of Service if the Motion was served with the Summons and Petition).
 - 8. **Deliver a Set of Working Papers⁴ to the Judge, if Necessary.**
 - 9. **File Proof of Service with the court.**
 - 10. **Review the Other Party’s Response.**
 - 11. **Confirm Your Show Cause/Temporary Orders Hearing, If Necessary.**
 - 12. **Complete and File your Reply** (if your county allows one) **OR Prepare to Reply at the Hearing.**
 - 13. **Go to Your Show Cause/Temporary Orders Hearing.**
 - 14. **Get Copies of the Temporary Orders and provide copies to the other parties.** If the temporary order contains a restraining order, you’re the protected party, and the order shows that the restrained party didn’t appear in court for the hearing or sign the order, arrange to have the order served on the restrained party, have your server complete a Return of Service form, file that with the clerk and deliver a copy of the Return of Service to the law enforcement agency named in the order.
 - 15. **File a Motion for Reconsideration or Revision, or an appeal, if Necessary.**

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

⁴ If you don’t understand a word used in this packet, see the Words You May Need to Know section in the Filing or Responding packet you’re using.

Section 3: What's In This Packet?

This packet contains most of the forms for filing a Motion for a Temporary Order.

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

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

Form Title	Form Number
Motion and Declaration for Temporary Nonparental Custody Order	WPF CU 03.0100
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
Note for Motion Docket	No form number. Your county may have its own form.
Certificate of Mailing or Personal Delivery	No form number

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 depends on the facts of your case. Read the following list and check off the boxes next to the other packets/documents you need. Get those documents or packets before filling out your forms. Download our other packets on at www.washingtonlawhelp.org before filing your forms for this packet.

- 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, get this packet. If you want to ask the court to enter an order about temporary child support, or if you're requesting any kind of financial relief, 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, Responding, and Finishing a Petition for Nonparental Custody** – We have packets to start, respond to, and finish cases for nonparental custody. The case must be started before or at the same time as a motion for temporary orders is made. You'll probably need to schedule an adequate cause hearing to be heard before or on the same day as the hearing on your motion for temporary orders. Get the [Filing a Nonparental Custody Case](#) packet for that.
- Law Enforcement Information Sheet, WPF All Cases 01.0400.** If your temporary order includes a restraining order and you're the protected party, get this form for when you file the signed order. This form isn't served on the other parties. It's available at <http://www.court.wa.gov/forms> and from the court clerk.
- Return of Service Form, WPF DRPSCU 01.0250.** If your temporary order includes a safety restraining order, you're the protected party, and the restrained party wasn't in court when the order was signed and s/he didn't sign the order, then you'll need to have the restrained party served with a certified copy of the order after the judge signs it. WARNING: law enforcement won't enforce the restraining or protection order until they receive proof that the order was served on the restrained party. Use the Return of Service form to show the court and law enforcement that the restrained party was served. The form, WPF DRPSCU 01.0250, is available for download at <http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14>. The forms and instructions for personal service and for completing the form are also in our packet *Filing a Motion for Emergency Orders in a Nonparental Custody Case*.
- Declaration Regarding Public Assistance, WPF DRPSCU 01.0600.** This is available at the Administrator of the Courts website <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>. We haven't included it in our packets because it's an optional form and because our instructions tell you to serve the State in any case where TANF, Medicaid, or foster care are involved, and we instruct you to get the state's signature on all default and agreed orders where the state might

have an interest in the child support obligation in your case. However, some people may need the form if it's required in your county or if you need to verify that no public assistance has been paid or that the children aren't in foster care or out of home placement.

◆ **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

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.

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- ❑ [Serving Papers on the State](#) - If any of the child/ren's received DSHS welfare benefits, such as TANF, food stamps or medical benefits, include the State of Washington as a party to your case and have the State served with the papers you file. This packet tells you how to serve the State.
- ❑ **Note for Motion Docket and other 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 following 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, in general you'll need:

⁵ See [RCW 26.10.115 \(3\)](#)

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

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

- Your pay stubs. (Provide stubs for at least a month. It's best to give the last six months of pay stubs or back to January 1st, whichever's 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 (for example, 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 general instructions will apply to all the forms you complete. The instructions cover all types of family law cases, so some of the information may not be used in your particular case. A sample form at the end of this section may help you understand these instructions better.

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

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

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

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

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

The contents. Fill out each form according to the instructions for that form. In most counties you may print or type the information, but it must be readable and you must use **BLACK OR DARK BLUE INK**. A few counties require that all documents be typed. After filling out each form, re-read it to be sure you've correctly filled in all the blanks needed. Be sure any

corrections are neat and readable. Don't write in the margins of any page, or the clerk may reject your form.

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

Signatures.

- **Your signature**

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

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

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

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

Box #1

Things You Shouldn't Write in Most of Your Court Papers:

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

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

Residence Address (Where you Live) and Telephone Number: If you don't write these in court papers, do write in an address where you can get mail from the court, and 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's used, this information's usually available to the other party and the court, but it's not placed in the public file.

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

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

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

Retirement Plan Orders: Certain retirement information belongs in the public file, but “Retirement Plan Orders” don’t. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See GR 22 for the definition 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 isn’t in the above list, try to file a motion with the court to ask permission to have that paper, or part of a paper, sealed under General Rule (GR) 15. We have no packet that tells you how to do this and there are presently no mandatory forms for this type of motion. Talk to an attorney.

Box #3

When You Should Write Private Information In Court Forms:

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

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

SAMPLE FORM

Fill in the name of the Petitioner here.

**Superior Court of Washington
County Of Evergreen**

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

In re the Marriage of:

JANE DOE,

and

JOE DOE,

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 which is 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.**

Date: **9-25-08**

Jane Doe
Jane Doe, pro se

Section 6: Instructions for Filling Out Individual Forms.

A. Motion and Declaration for Temporary Nonparental Custody Order WPF CU 03.0100

Caption. Fill in the caption.

Section I. Motion.

The motion and Declaration for Temporary Orders contains many different requests. Mark an “X” in each box that’s next to a sentence describing things that you want the court to do.

Paragraph 1.1. Custody. If you’re requesting custody, fill in the names of the child/ren whose temporary custody you’re asking for.

Paragraph 1.2 Other Relief. This paragraph contains a list of things that you may ask the court to order. If you want any of the items in this paragraph, make an “X” in the second box at the start of the paragraph, “*Based on the reasons...*” Also, mark an “X” in each indented box next to a sentence describing things that you want the court to do. You may check more than one box. If you check a box, make sure to fill in the blanks that are in that paragraph, too.

- **Visitation.** If you’re asking that a party (or parties) have **reasonable** visitation while the case is pending, check the “visitation” box, and write in the name(s) of the party(ies) to have reasonable visitation and name the child/ren s/he’ll visit with. If you want to propose a specific schedule, check the “other” box and writing your proposal there. Or you may want to 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 reasonable visitation box. Instead, check the “other” box and write in the visitation and restrictions you believe are appropriate.

- **Child Support.** If you’re asking one or both parents to pay child support while the case is pending, check this box. Most courts will require you to complete child support worksheets (and, if you’re a parent, to submit a financial declaration and provide proof of income). Instructions for the child support worksheets are in our packet [Residential Schedules and Child Support in Nonparental Custody Cases](#).
- **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 show an urgent need for these types of restraints to get them.
 - To stop other parties from bothering or harassing you (called “molesting⁶ or disturbing the peace”), check that box in Paragraph 1.2 on the motion form and fill in the name(s) of the party(ies) 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.

- 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 those box(es) in Paragraph 1.2, and write in the names of the parties to be restrained and the distance away that you want the other parties to stay (for 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 that box in Paragraph 1.2, and fill in the blank with the names of the parties to be restrained.
- **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 box requesting the surrender of weapons and write in the name of the party(ies) who should surrender weapons. Explain in your declaration the specific reasons why you believe the person should turn in their weapons.
- If you’re asking for payment of attorney fees or other professional fees and costs, check that box in Paragraph 1.2 and state the amount and the payee. Also, fill out a Financial Declaration and provide proof of your income.
- **Other.** If you want other temporary relief, check the “other” box and write in what you would like the court to order. Examples:
 - If you’re asking for a Temporary Residential Schedule, write in “approving the Temporary Residential Schedule proposed by the undersigned.”
 - 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 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*](#).
 - 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’s also based upon” (and write in the name of the documents you want the court to consider).

Paragraph 1.3 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 is a complex definition. 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 publications [*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. Don't try to do so.

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 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.

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 chance to describe, in your own words, the reasons why you want the temporary orders you're requesting. Use the declaration to describe, in your own words, why you need the temporary orders you're requesting. This includes why you want custody or certain visitation with the children, and/or why you want restraints entered against the other party to prevent him/her from bothering you or coming to your home. Write the important points you want the judge to know and that show why you've made the requests in your motion. Most likely you'll have no chance to testify at the show cause/temporary orders hearing

- **If your Motion for Temporary Orders is combined with the Adequate Cause hearing,** the declaration(s) you file should cover all the issues for both hearings.
- **If you're asking the judge to order the other party to give up their weapons,** explain why by filling in the blank provided for that purpose. Show why allowing the other party to keep the weapons would be dangerous for you or the children.
- **If this section doesn't have enough room,** write "See my Declaration submitted with this motion, separately." Then use the **Declaration of Witness** form. Read the instructions for that form to learn how to fill out the Declaration of Witness form, and how using that form could help you explain your side of the story to the judge. (Make sure your total pages don't go over your court's page limits for motions. Be sure any attached pages meet the format rules for pleadings. The format rules are summarized in the "general Instructions" section.)
- **If the other party's on active duty in the military** (including National Guard, Coast Guard, Reserves as well as Army, etc.), or is the dependent (usually, spouse, minor child, or financial dependents) of certain service members⁸, and it's possible the other party won't be able to come to your hearing, check the box next to "if the party isn't present" and write in the blank the reasons why you need to have the court enter a temporary order

⁷ You'll also probably want to obtain declarations from witnesses familiar with all or part of the situation. Use the Declaration form (DRPSCU 01.0100) described in the next section for their statements.

⁸ See the main Filing or Responding packet you're using for information on service members and dependents who are protected.

before the other party can come to a hearing in person. If the other party isn't in the military or the dependent of a service member, write in the blank, "the other party isn't in the military and isn't the protected dependent of a service member."

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

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

Custody/Visitation. When you write about your custody/visitation requests, make sure your evidence meets the necessary legal standard for nonparental custody cases. Our publication [*Frequently Asked Questions and Answers about Nonparental Custody Cases*](#) briefly describes this standard.

If you're asking for any **restraining order** (see Paragraph 1.2 of your motion), your declaration should also describe

- the injuries you're afraid will happen if you don't get a restraining order. Example: the child/ren being hurt by the other parties.
- the reasons why, if the injuries you described do happen, they're irreparable (can't be fixed). Examples: if another party hit you, the injury couldn't be undone. Or if another party takes the child/ren, they might be harmed because of a specific problem that party has (identify the problem and the harm).

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.

Reasons Why Weapons Should Be Surrendered. If you checked the box asking another party to surrender weapons, explain why allowing him/her to keep weapons would be dangerous for you or the child/ren. For example, if another party's threatened to shoot you, write about that.

Military Service: If the other party's 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 on the last page of the declaration and 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.

Other: Explain why you're making other requests listed in your motion.

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 where you signed.

B. Declaration of Witness – WPF DRPSCU 01.0100

At your hearing, you and the other parties won't have much time to speak – usually 10 minutes or less. The judge usually won't let you testify about facts in your case. Therefore, you must explain on the forms you're filing with the court why you need the temporary orders you're requesting. The judge will decide whether or not to grant your orders based mainly on the

written information you've given to the court. Another reason you must include the important information in writing is that the other parties must have a chance to read your papers before the hearing and write a response to the judge.

The best way to provide the court with this information is by using declarations. A Declaration's a written statement, sworn to be the truth under penalty of perjury, by any person who has direct knowledge about the issues in your motion. You may attach documents to Declarations, such as copies of bills, school records, medical or treatment records, police records, etc., as long as the attachments follow the court's format rules. (See the "General Instructions" section for a summary.) Call the papers that you attach to your declaration Exhibits and either number (1, 2, 3) or letter them (A, B, C). If the person writing the declaration refers to private health or financial information in a declaration or wants to include it with the declaration, don't attach the exhibit directly but follow the procedures for sealed cover sheets, described in the General Instructions and below.

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

Remember: it's difficult for a nonparent to meet the legal standard for obtaining custody. Witness declarations can be very helpful in proving the case for petitioner or respondent(s) at the show cause/temporary orders hearing.⁹

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

- 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) and 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's writing about and 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

⁹ 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.

courts require that all declarations be typed.) If the declaration's difficult to read, the court may not read it.

- Don't make the declarations too long.
- Stick to the issues the judge will be deciding and be specific on those issues.
 - Example: in a parenting dispute, general statements, such as "she's 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 isn't 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 is "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.)

1. 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's 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.

Follow the instructions at the bottom of the form m about using sealed cover sheets.

C. Residential Schedule

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 called [*Residential Schedules and Child Support for Nonparental Custody Cases*](#).

D. Financial Declaration

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

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

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

I. Summary of Basic Information.

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

II. Personal Information.

Paragraph 2.1. Under "occupation," write your current job. Examples: 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're working now, fill in only 2.3a. If you're not working now, fill in only 2.3 b.

III. Income Information.

This section asks for information about the parties' incomes. If you don't know how much another party's income is, give your best estimate, or use the support schedule's instructions for imputing income. Don't fill in sections 3.1 and 3.2 if you're a parent and you 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 haven't 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. For more parties, make another copy of page 2 and 3 of the Financial Declaration, and write on it your case number, and the other party's name as well as their financial information. If you need to attach this separate page, write on this financial declaration form that the other party's information is attached. Make sure to write the name of the party you're describing in each column of the form and your attachment. Example: if the other parties are the children's mother and father, 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 to use the correct column for each party named at the top of the column.
- **Income From Benefits.** Don't include income from needs-based public assistance (TANF, SSI, GA-U, VA benefits, food stamps) under section 3.1.¹⁰ 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 (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

¹⁰ [RCW 26.19.071\(4\)](#).

the money's 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 (that is, 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 proving each deduction.¹¹ Pay stubs may show union and pension plan deductions. However, you'll need to provide additional documents (example: 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's been taken for at least two years. Otherwise it may not be allowed. If you're claiming business expenses, gather business records and receipts showing how much your expenses are in case the other party disputes your claims. Follow the instructions at the end of the Financial Declaration Form, and attach private financial information to the Financial Source Documents Cover Sheet.

Paragraph 3.3 Follow the instructions to fill in monthly net income.

Paragraph 3.4. Miscellaneous Income. Under miscellaneous income, fill in any money received regularly, and describe it in the blanks. This is where 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 won't 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 so.

IV. Available Assets.

Fill in your assets. Liquid assets are cash, things that you own that could easily be sold for cash (examples: 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 (example: number of children in your household). Don't include children who don't live with you most of the time. Fill in your best estimate of each expense. Many expenses aren't paid every month. For those expenses, take the actual amount you pay and calculate the monthly average. Example: if you pay your car insurance every six months, take the amount you pay, divide it by 6, and put that amount in the blank under 5.5.

¹¹ [RCW 26.19.071\(5\)](#).

Your total monthly expenses may end up being larger than your net monthly household income. That's common, particularly for people who are low income. In reality, when you don't 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. Your monthly expenses don't need to be 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're meeting your expenses. Be prepared to show the court how you're doing it.

Paragraphs 5.10. Installment Debts & 5.11 Other Debts. Section 5.10 is for giving more details about expenses already listed as expenses in 5.1 through 5.8. Example: fill in your mortgage and your car loan here, even though you probably already included your mortgage as an expense under 5.1. Other debts, such as credit card debts that you haven't already included as expenses in sections 5.1 – 5.8, go 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, fill in those expenses here, including any costs (for serving the other party, mailing, filing fees, etc.). If you owe debts to an attorney for another case, put that in section 5.11.

Signature:

Sign at "Signature of declarant," and date the form and fill in the city and state where you sign it.

Financial Records List:

Don't attach your financial records to this form. Check the boxes for the records you'll 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).

I. Summary of Basic Information.

Go back and fill in Section I, based upon the total net income, expenses, debt expenses, and total expenses that you filled in on lines 3.3, 5.9 and 5.11 and 5.12. Fill in the estimate of the other party's income from 3.1f.

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

Do I need this form? If you're not filing personal financial documents, skip this form. If you're filing personal financial documents you do need this form.

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.

In cases where the court will decide child support, each parent should have the last two years of tax returns (or W2s and 1099s if you haven't yet filed your income tax form), and at least six months of pay stubs or proof of income from other sources such as Social Security. Local court rules may require more documentation.

- **Caption.** Fill in the caption.
- **Check the boxes next to each type of paper that you're filing.** The instructions to the child support worksheets tell you which documents to file if you submit child support worksheets.
- 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.
- The person submitting the form should sign under "submitted by."
- At the top of the first page of each set of financial papers, about one inch from the top of the paper, write "Sealed."

**F. Sealed Personal Health Care Records (Cover Sheet) – WPF
DRPSCU 09.026**

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..."

At the top of the first page of each set of health care records, about one inch from the top of the paper, write "Sealed."

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.

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

This form's 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. Child Support Worksheets

If temporary child support’s being requested, use this form if you haven’t already prepared it. If the court sets temporary child support, the judge will need to sign a set of worksheets s/he approves. This form sets out the parties’ incomes and the amount of child support the parents should pay under the Washington State Child Support Schedule. The forms and instructions for it are in the packet called [Residential Schedules and Child Support for Nonparental Custody Cases](#).

I. Child Support Order

If temporary child support’s ordered, prepare this order for the show cause/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. We recommend you prepare a proposed order if child support’s 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](#).

J. Temporary Custody Order WPF CU 03.0200

The Temporary Order is a court order that you’ll ask the judge to sign at your show cause/temporary orders hearing. This is your proposal, but the judge may change it after your hearing. Your proposed order should list all of the relief that you asked for in your motion. In addition to the Temporary Order, you may also need a Temporary Residential Schedule and Order of Child Support, and, if you asked for a GAL, an Order Appointing a Guardian ad Litem. You may also need an Order re Adequate Cause if there hasn’t already been one entered in your case.

It’ll help if you look at the Motion for Temporary Order while filling out this form. Items you include in a proposed order must be requested in your motion. Everything you requested in your motion must be covered in your proposed order.

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 "*Does not 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's 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. Attorney 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. You can ask for up to 12% simple interest.
- I. Interest rate on attorney fees. You can ask for up to 12% simple interest.
- J. Attorney for judgment creditor. The name of the attorney (if any) who represents the person who's 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 will need to 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 are not 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 1.3 in the motion.

Military. If another party’s 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 not, skip this paragraph.

Section III. Order

3.1 Temporary Relief. Look back at paragraphs 1.1 and 1.2 of your Motion and Declaration for Temporary Nonparental Custody Order. Look at your requests concerning custody and visitation.

In the proposed order, check the box “*Temporary custody shall be as follows:*” and write in the custody 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 who’s awarded temporary custody and name the child/ren.

Visitation. In the proposed order, check the box “*Temporary visitation shall be as follows:*” and write in the visitation arrangements you requested in your motion. If you’re writing this order at the end of your hearing, then write in the decision made by the judge. 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, check the box next to “*as set forth in the Residential Schedule*” for each parent as applicable, and be sure to ask the judge to sign the Temporary Residential Schedule.

Child Support. If temporary child support’s being ordered, check the third box in Paragraph 3.1. You’ll also need an Order of Child Support. Be sure to ask the judge to sign that order.

3.2 Restraining Order. Look back at the restraints you requested in Paragraph 1.2 of your motion. If you requested no restraints and you’re preparing a proposed order, check the box “does not apply.” If you’re filling out this form as a proposed order and you requested restraints, check the boxes that show the restraints you requested in your motion (look back at paragraph 1.2 of the motion). If you’re filling in this form after the hearing and the judge ordered restraints, check the boxes showing the judge’s decision

If you check a box ordering a restraint (either because you asked for restraints and are preparing a proposed order or because the judge ordered restraints at your hearing), make sure to

- fill in any blanks in the paragraph that are necessary and
- check the box next to *Clerk’s Action* and write in the blank the name of the police department that’s 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. You or the judge will need to 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 Paragraph 1.2 of your Motion. 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 in the space under “*Other*” (check the box next to it) 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 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 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.

K. Order Appointing Guardian Ad Litem on Behalf of Minor - WPF CU 04.0200

Use this form only if you want the judge to appoint a Guardian Ad Litem (GAL) for the minor children as part of your motion. If you don’t want a GAL, skip this form. Use this form if you have concerns about the safety and well-being of the children and you believe that a GAL’s necessary to make recommendations about what’s in the children’s best interests.

◆ 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. If you’re requesting a private GAL to make recommendations

about a residential schedule that'd be in the best interest of the children, the form included in this packet is correct.

Caption. Fill in the caption.

Section I. Basis

Paragraph 1.1. Basis for the Appointment.

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, use the "other" section to write down directions that specify the issues to be investigated (such as child abuse or the impact of domestic violence on the child/ren). This section's also where the due date for the GAL report can be found. The court might order a specific date. Otherwise, the report's 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's 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.¹² 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.

¹² [RCW 26.12.183](#).

Paragraph 3.6. Consent of Children over 12 to Investigation.

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

Paragraph 3.7. Authorization for Release of Information.

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

Paragraph 3.8. Termination of Appointment.

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

Paragraph 3.9. Other.

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

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

The judge will fill out the date and sign the order after your hearing. You should sign the line under *Presented by*. Wait until after you’ve had your hearing and any changes that are necessary have been made to your order before signing the line under *Signatures of the parties*, because signing on that line will also serve as a release of your personal records to the GAL. The GAL will also need to sign a copy of the order. Ask the Judge whether to send the order to the GAL for him or her to sign, or if there’s some other procedure in your county.

◆ Once a GAL’s been appointed in your case, the GAL becomes a party to the case. You must serve the GAL with any motions or other pleadings that you file and serve on the other parties. You must also give the GAL notice of every hearing, mediation, settlement conference or trial that you request.

L. Note for Motion Docket

Let the court and the other parties know the date, time, location, and reason for your hearing. **Many counties require you to use a special form.** Check with your family law facilitator or court clerk to find out if your county uses a special Note for Motion form. If your county has no special form to set up a hearing, use the form included here.

1. How to Get a Date for Your Hearing.

Check your local court rules (at the law library or online), or call your family law facilitator (if your county has one) or court clerk to find out what days and times you may schedule your hearing. Motions for temporary orders are usually scheduled in the family law department or on the family law calendar. In some counties, show cause/temporary orders hearings are scheduled only on certain days. In some counties, nonparental custody motions are heard at different times than motions in other family law cases. If the State’s a party to your case (such as when the child/ren have received public assistance), you may need to schedule your hearing on a different date. **If you’re a Petitioner, you may need to schedule your show cause/temporary orders hearing on the same day as your Adequate Cause Hearing.**

2. How Much Notice Do You Need to Give the Other Parties?

Under the Washington civil rules, you must give your motion and other legal papers to the other parties and the court at least **five court days** (business days that are not court holidays) **before the hearing date. Don't count the day you mail or deliver the papers, weekends, or holidays.**¹³

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

Add Three Days for Mailing. If the papers are mailed, rather than personally delivered, add at least three (3) days¹⁴ to the number of days' notice required by your county's rules. Example: if you mail a document on a Monday, it'll be presumed to have been served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day that's not a legal holiday or weekend.¹⁵ Try to give more than the minimum number of days for notice of your hearing. If for some reason the other party doesn't get enough notice of your hearing, you must reschedule your hearing – even if the other party doesn't show up and object.

3. Instructions on Completing the Note for Motion Docket

Caption. Fill in the caption.

To the Clerk of the Court and to. In this section, fill in the names of the other parties. The other parties in your case include anyone named as a petitioner or respondent. In addition, if your child's ever received public assistance (TANF), or Medicaid, or if the child's in foster care or out of home placement, add the Prosecuting Attorney's office.¹⁶ If there's already a GAL appointed in your case, s/he must also receive notice of your motion.

Hearing Date/Time: Fill in the date and the time of your hearing.

Location: Fill in the name of the courthouse (example: Thurston County Superior Court).

Courthouse Room: Fill in the room number where your hearing is scheduled.

Address: Fill in the address of the courthouse.

Nature of Motion: List **every matter** that you intend to bring up, including whether the orders are by agreement (example: "Motion for Temporary Custody Order, Temporary Residential Schedule, and Order Appointing Guardian Ad Litem on Behalf of Minor").

Signature: Sign and print your name, and your address.

¹³ [Civil Rule \(CR\) 6\(d\)](#).

¹⁴ Three days are clearly required under [CR 5](#). There's one legal argument that, reading [CR 5](#) and [CR 6](#) together, you must give at least six days.

¹⁵ [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#).

¹⁶ For more information about serving the State of Washington, see our packet [Serving Papers on the State](#).

Section 7: Instructions for Filing and Serving Your Motion

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

A. Filing Your Motion with the Court

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

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

1. Copy Your Papers.

- Make at least two copies of every paper**, including the proposed orders and financial documents. One copy's for the other party, and one's for you. If there's more than one other party to your case, or you need to serve the state or a GAL, or you need Working Papers for the judge, make additional copies. **Exception: don't copy or serve the Law Enforcement Information Sheet.**
- Make three (or more) full sets of your papers (one set of originals and two sets of copies).** Compare each set with the checklist of forms at the end of this packet to make sure you have all of the forms you need.

2. File Your Motion

- Take the originals and the copies to the county court clerk's office** in the superior courthouse where you're filing your motion. (This is the county where you're filing your petition or where the petition's already been filed). Give the clerk the original of all of your forms for filing (Motion, Note for Motion, etc.) **except** ask the clerk what to do with the originals of your proposed orders¹⁷ and follow these instructions. In most cases, you'll keep the original proposed orders and bring them to the hearing for the judge to sign then. If working papers are required in your county, give the judge copies of the proposed orders as part of the working papers.
- Ask the clerk to stamp your copies** to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk will keep the originals.

¹⁷ Temporary Order, and if appropriate in your case, Temporary Parenting Plan, Temporary Order of Child Support, the Order Appointing Guardian ad Litem, and (modification cases only) Order on Adequate Cause.

B. Preparing to Serve Your Motion

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

After service is completed, you must file proof of service with the court. The last item in this section explains how to file your proof of service.

Who to serve. Every party to the case. You'll serve every other petitioner and respondent. Additionally, if the children have ever received public assistance (TANF) or Medicaid, or if the child's in foster care or out of home placement, you must serve copies on the State of Washington. (For more information, see our packet [Serving Papers on the State](#)). If someone besides you or another party has custody of any child who's the subject of this case, or visitation, or claims a right to custody or visitation, talk to an attorney for individual advice about adding that person to your case as a party or otherwise giving them notice of the case.

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

When to serve. Give the amount of notice required in your county. Many counties require more than the five court days provided for in [CR 5](#). Check the local rules again to make sure you have the other party served with enough notice. The amount of time between the date you have the other party served and the date you've set for the hearing is the number of days of notice you're giving the other party. If you serve by mail, add days. (Look back at the deadlines you calculated when you prepared the Note for Motion.)

How to copy and organize your papers for service.

Make any additional necessary copies of the papers. You'll need:

- _____ one set for you
- _____ one set for each other party (1 x _____ number of other parties = _____) (except don't serve the Confidential Information Form and addendum and any LEIS¹⁸ on any other parties)
- _____ one for the judge if your county requires "working papers"¹⁹
- _____ one for the State (if you're serving the State)
- _____ one for the Guardian ad Litem if there's a Guardian ad Litem in your case

¹⁸ Not in this packet because it's used when a restraining order is issued

¹⁹ We recommend you always make a copy for the judge. Even if the local court doesn't require "working papers," take the papers with you to your hearings anyway. Sometimes the judge doesn't have the case file in the courtroom, or papers you've filed in the clerk's office haven't yet been placed in the court file.

_____ Total = This is how many copies you need of each document.

Organize the papers:

- Organize the forms into sets. Each set should have a copy of each form you filled out, except for any Confidential Information form and addendum and Law Enforcement Information Sheet. The Confidential Information form and addendum and Law Enforcement Information Sheet aren't given to any other party. Compare each set with the checklists in this packet to be sure each set has the forms you need.
- Compare each set with the checklists in this packet to be sure each set has the forms you need.
- Keep a full set of copies for yourself. Put any Confidential Information form and addendum and Law Enforcement Information Sheet into this set.
- Put each of the other parties' sets of papers in an envelope, addressed to that party, with your return address. These are the sets you'll use for service.

How to serve. Don't serve the other parties yourself. Follow the instructions in "A" or "B" below, whichever applies to you.

- A. If you're Filing and Serving a Petition with your Motion, follow the Instructions for Personal Service in the Filing packet you're using.** You may have the Motion papers served with the Petition, Summons, and other starting paperwork. Remember: you must have the Petition and Summons delivered personally to the other party, so add the motion paperwork in with the rest of the papers to be delivered personally. See [Filing a Nonparental Custody Case](#) packet for instructions. Make sure the Return of Service shows that the motion documents have also been served.
- B. If your case is already going on, the other parties have been served with the Summons and Petition,** and you only need to serve the motion paperwork, **or if you're the respondent,** use just the following Certificate of Mailing or Personal Delivery form and instructions. After service is complete, file proof of service with the court as explained below²⁰.

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

C. Service or "Giving Notice" to the Other Party

◆ Important: The Petitioner can't use the following procedure to serve another party unless the Summons and Petition have already been served on that party.

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

²⁰ If you prefer, you can always have a party personally served (using the same instructions in our filing packets for serving the summons and petition) and have a Return of Service prepared and filed.

Although many county courts allow a party to serve his/her own papers after the Summons and Petition have been served, other counties don't. To be safe, don't deliver or mail the papers yourself. Ask an adult friend or relative to do it for you.

When your friend has mailed or delivered the papers to a party, have him/her fill out the Certificate of Mailing or Personal Delivery form the same day. Your friend should fill out a separate form for each person s/he mails or delivers the papers to. You then file the original certificates with the court clerk and keep a conformed copy for your records.

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

Add Days for Mailing.

Mailing. If your friend mails the papers, rather than personally delivering them, add at least three (3) days¹ to the number of days' notice required by your county's rules. Example: if you mail a document on a Monday, it'll be presumed to have been served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day that isn't a legal holiday or weekend.¹

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

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

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

- handing it to the attorney or to the party; or
- leaving it at his office with his/her clerk or other person in charge of the office¹; or,
- if there's no one in charge, leaving it in a place in the office where someone can easily find it (for example, on top of the front desk); or,
- if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode (home) with some person of suitable age and discretion then residing there.¹

D. Instructions for the Certificate of Mailing or Personal Delivery (No Mandatory Form)

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

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

2. **In the first paragraph**, write the date the papers were mailed or delivered in the first blank and the name of the party served in the second blank. (If you are serving an attorney for a party, write in the party's name here and information about the attorney in the paragraphs below). After "*with the following documents:*" write the name of **every form** sent/delivered to that person. If you leave out a form, you do not have proof it was served. If the papers were served by mail, check the first box and add the name and address of the person the papers were mailed to. If you mailed an additional copy by certified mail, write that in. If the papers were hand delivered, check the second box and fill in the time and address of delivery in the blanks provided, and the name of the person to whom the papers were delivered.
3. **Signature**. The person who delivered or mailed the papers should sign and date the form, state the place signed (city and state), and print his/her name in the places indicated.

E. Filing the Certificates of Mailing or Personal Delivery

- **Make one copy of each completed Certificate.** You do not need to give copies of this form to the other parties. If you mailed a copy of the forms by certified mail and have a certified mail receipt back from the post office, attach the original receipt to the Certificate of Mailing you file with the clerk (and make a copy for your records). If you used certified mail but do not have the green receipt back when you file the Certificate, you may file the receipt later, attached to a page labeled with your case caption.
- **Take the originals and the copies to the superior court clerk's office** in the courthouse where your case was filed. Give the clerk the originals of the Certificate of Mailing or Personal Delivery forms.
- **Ask the clerk to stamp your copies** to show the date that you filed the Certificates. Take each stamped copy back from the clerk. The clerk will keep the originals.
- **Keep your copies of the Certificates in a safe place.** You may need them.

Section 8: Preparing For and Going to Your Hearing

A. Judge's Working Papers/Confirmation

In many counties, you must:

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

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

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

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

B. Replying to the Other Parties' Responses

The other parties must respond in writing to your motion 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.²¹

If another party sends no response, go to the hearing anyway. If the party doesn't show up, ask the judge to sign your proposed orders (see Going to the Hearing, below and the checklists at the end of this packet). If the party comes to the hearing, tell the judge that the other party didn't send you a written response on time. The judge may decide not to consider the other party's papers, or may reschedule the hearing to a later date. If the judge reschedules your hearing, ask him/her to sign a temporary order effective until the new hearing date.

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

²¹ [CR 6\(d\)](#).

Filing a Reply. In some counties, you'll have a chance to file a written reply to the other party's response. However, in most counties (which follow the general Civil Rules), you'll have no chance to file a reply.²²

If your local court rules give you a chance to reply, use the Declaration of Witness 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 his/her 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 original 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). Use a Certificate of Mailing or Personal Delivery to show that the other parties reply's been properly served.²³

Make sure to file and serve the papers by the deadline for your reply. 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

- **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 decide to get an attorney yourself. If so, tell the attorney and the court that you need to postpone (continue) the hearing. Don't panic. The attorney may ask you to sign some documents. Don't sign any documents you don't understand. If the judge reschedules your hearing, ask him/her to sign a temporary order effective until the new hearing date.
- **Prepare for the hearing.** Try to go to court before the day of your hearing and watch how hearings are generally done. Also, try to 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.
- **Get to your hearing early.** Try to dress neatly. Bring a pad of paper and black pen to write notes with. Bring your set of the papers, as well as your copies of any papers the other parties gave you in response. 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's called, tell the court that you're present. Remain in court until your case is called for hearing.

²² [CR 6\(d\)](#).

²³ You can find this form and instructions for it in Section 7D above.

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 you may also have 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.

- **If the other parties don't appear**, show the judge your Certificates of Mailing or Personal Delivery (or your Returns of Service if you served your motion together with the petition). Fill out the service section (in Paragraph 3.2) of your proposed order. Ask the judge to sign your Temporary Custody Order and other orders you've prepared. (Refer to the checklists for the documents you need.) Tell the clerk or bailiff you need a copy of the orders and follow their instructions.
- **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 keep your argument short. Outline only your main points. Speak directly to the judge, not to the other parties. In most cases, the judge will have read your papers before the hearing, so don't repeat everything in your papers. Try to make notes to use at the hearing.

DON'T INTERRUPT THE JUDGE/COMMISSIONER.

- **Hearing the judge's decision.** After the judge has heard all sides, s/he'll decide on your requests. Listen carefully and make notes. The judge may make changes to the orders you prepared, or s/he may direct you, the other party, or the other party's attorney to do it. If 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. If your Temporary Order includes any kind of restraining orders, make sure to finish filling out the Service part of paragraph 3.2 of the Temporary Order by checking one of the boxes to show whether the other party appeared at the hearing. **Usually you want to have your court orders signed the day of your hearing. Some counties require they be signed before the parties leave the courthouse.**
- **DON'T LEAVE THE COURTHOUSE WITH (OR CHANGE OR DESTROY) COURT ORDERS THAT HAVE BEEN SIGNED BY THE JUDGE.** If the clerk in the courtroom gives you the original orders the judge has signed, file them with the court clerk's office.
- **Getting copies of the orders.** You'll need copies of the orders as signed by the judge. You need certified copies of any order with a safety restraint (get one certified copy for yourself, and one certified copy for each restrained party that you need to serve). Get conformed copies of other orders. Ask the clerk how to get the conformed and certified copies you need and follow those instructions.

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.

- Ask the clerk how to get the conformed and certified copies you need and follow those instructions.

- For certified copies, the clerk will need to make them and may charge you a fee (example: \$5 for the first page, \$1 for every additional page)
- For conformed copies,
 - The clerk may allow you to take the original orders and make copies in the library or at the clerk's office.
 - Or, if the copies of proposed orders you brought to court are exactly the same as the orders the judge signed, the clerk may tell you to stamp those copies with the date filed stamp and the judge's signature stamp.
- If the judge signed the orders you presented, make sure all parties get copies of the orders showing the judge's signature as follows:
 - If your orders have no safety restraints, or if the restrained party or his/her attorney appeared and/or signed the orders, mail conformed (not certified) copies of the orders the judge signed to the other party/ies. Also mail conformed copies to any additional parties against whom there are no restraints. Use the Certificate of Mailing or Personal Delivery procedure explained in our Filing a Motion for a Temporary Order packets
 - Have the other party personally served if all of the following are true:
 - the order includes safety restraints and you're the protected party;
 - neither the restrained party nor attorney appeared for the hearing; and
 - neither the restrained party nor attorney signed the order.

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

⚠ **WARNING:** The safety restraints may not be effective until the other party's personally served with the order.

D. Getting an Agreed Temporary Order

If you've reached an informal agreement with the other parties, try to get an agreed Temporary Nonparental 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. If you agree on appointing a GAL, prepare that order as well.

Write the word "AGREED" in the caption of the orders you're using. Then, fill in the blanks showing what orders you want. If your Temporary Order includes any kind of restraining orders, finish filling out the Service part of paragraph 3.2 of the Temporary Order.

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

Get a copy of the order(s) for your records and give copies to the other parties. Use the Certificate of Mailing procedure to prove you've provided a copy.

E. If You Disagree with the Court's Order

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

- Motion for Reconsideration. If a court commissioner or judge decided your motion, and you believe that there's other evidence or another legal basis that could change the commissioner or judge's mind, you may file a Motion for Reconsideration. See [CR 59\(a\)](#). You have 10 days from the date the court signed the order to file a Motion for Reconsideration²⁴. Local courts may also require you to also serve the other parties within the same deadline. If you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Reconsideration aren't usually easy to win. Consult with an attorney, if possible, before filing one.
- Motion for Revision. If a court commissioner decided your motion, and you don't want to try to give the commissioner more evidence, you may file a Motion for Revision. A motion for revision is heard by a judge. You have 10 days from the date the court commissioner signed the order to file a Motion for Revision. Local courts may also require you to also serve the other parties within the same deadline. If you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Revision aren't usually easy to win. Consult with an attorney, if possible, before filing one.
- If you choose not to file either of the above motions or if you lose these motions, then your only remedy is to file an appeal with the Court of Appeals (or, in some cases, a request for discretionary review). Generally, you have 30 days from the date the court signed the order to do this. However, there are other requirements for filing in the Court of Appeals, not all decisions can be appealed, and few cases are successful. Definitely talk with an attorney before filing an appeal/request for discretionary review.

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

²⁴ [CR 59\(b\)](#)

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 and Declaration for
Temporary Nonparental
Custody Order
(MTAF)**

I. Motion

1.1 Custody

Based on the reasons set forth in the declaration below,
(name of requesting party) _____ moves the court for a
temporary order which grants the requesting party custody of the following children:

1.2 Other Relief

Does not apply.

Based on the reasons set forth in the declaration below, the requesting party moves the
court for a temporary order which:

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.
- restrains or enjoins (name) _____ from disturbing the peace of the requesting party or of any child.
- restrains or enjoins (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 child(ren):
_____.
- restrains or enjoins (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: _____.
- restrains or enjoins (name) _____ from molesting, assaulting, harassing, or stalking (name) _____.
- restrains or enjoins (name) _____ from removing any of the children from the state of Washington.
- (If This Box Is Checked, Clear and Convincing Reasons for This Request Must Be Presented in the Declaration Below.)** requires (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.
- requires (name) _____ to pay temporary attorney fees, other professional fees and costs in the amount of \$ _____ to:
- appoints a guardian ad litem on behalf of the children.
- other.

1.3 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 Sec 1903, and are domiciled or residing within the boundaries of an Indian reservation; or a Tribal Court has continuing jurisdiction over the child(ren).

Dated: _____

Signature of Requesting Party or Lawyer/WSBA No.

Print or Type Name

Dated: _____

Signature of Requesting Party or Lawyer/WSBA No.

Print or Type Name

II. Declaration

It is necessary that the court issue a temporary order granting the relief requested above for the reasons set forth below:

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

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

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

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

Signature of Requesting Party

Print or Type Name

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

Signature of Requesting Party

Print or Type Name

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

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

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

**Superior Court of Washington
County of _____**

In re the 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.

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

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

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

**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

[] _____ [petitioner or 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

_____ [Name] 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 to the court concerning parenting arrangements for the child, and shall represent the child's best interests. The guardian ad litem may make recommendations based upon an independent investigation regarding the best interests of the child. The guardian ad litem shall report a child'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'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.

[] Other:

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:

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.

_____ [Name] 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: _____

Presented by:

Signature of Party or Lawyer/WSBA No.

Print or Type Name

Signatures of the Parties:

Mother's Signature

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

Judge/Commissioner

Approved for entry:
Notice of presentation waived:

Signature of Party or Lawyer WSBA No.

Print or Type Name

Accepted upon approval by the court

Guardian Ad Litem

Father's Signature

Child's Signature

**Superior Court of Washington
County of _____**

In re the Custody of:

Child(ren),

Petitioner(s),

and

Respondent(s).

No. _____

Note for Motion Docket

(No Mandatory Form Developed)

TO THE CLERK OF COURT AND TO: _____

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

HEARING DATE: _____

HEARING TIME: _____

LOCATION: _____

COURTHOUSE ROOM: _____

ADDRESS: _____

NATURE OF MOTION: _____

Dated: _____

Signature of Lawyer or Party

Print or Type Name

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

Address

**Superior Court of Washington
County of _____**

In re the Custody of:

Child(ren),

Petitioner(s),

and

Respondent(s).

No. _____

**Certificate of Mailing or Personal
Delivery**

(No Mandatory Form Developed)

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

On _____, I served _____, with the following documents: _____

_____ in the following
manner

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

- Hand Delivery

At the following address:

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

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

DATED this _____ day of _____, 20____ at
_____(city), _____(state).

Signature

Print or Type Name

Filing a Motion for Temporary Orders in a Nonparental Custody Case 12/08
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 book? _____
2. What's your primary language? _____
3. Are you a *low-income person? yes no
[*\$1100 for household of 1; \$1400 for 2; \$1700 for 3; \$2000 for 4; \$2200 for 5]
4. What's the last grade you completed in school? _____
5. Did you read the instructions? yes no
6. Did you also need the help of an agency, court facilitator, or advocate to complete your court 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: _____