



Northwest Justice Project

Responding to Temporary or Emergency Orders for Nonparental Custody

Forms and Instructions

December 2008

Table of Contents

Section 1: Introduction	1
A. Remember: it's important to respond on time!	2
B. What's the difference between a Motion for a Temporary Nonparental Custody Order and an Ex Parte Restraining Order/Order to Show Cause?	3
C. What if I have questions that aren't answered in this packet?.....	4
Section 2: List of Forms	5
Section 3: What Other Forms and Documents Will I Need That Aren't in This Packet?	6
Section 4: Words You May Need to Know	9
Section 5: Steps for Preparing and Filing Your Response to the Ex Parte Restraining Order/Order to Show Cause or Motion for Temporary Orders.....	15
Section 6: Getting Ready To Respond	20
A. Figure out how much time you have to respond and whether the motion's filed in the right place.....	20
B. Read the Papers That Have Been Given To You	22
C. Gather Your Evidence.....	23
D. Make sure you have all of the forms you need to respond.....	23
E. Decide whether to file your own motion for temporary orders or an emergency order.	24
Section 7: Follow These General Instructions Before You Begin To Fill Out the Forms.....	25
Section 8: Instructions for Filling Out Individual Forms.....	30
A. Notice of Appearance WPF DRPSCU 01.0320.....	30
B. Declaration of Witness	30
C. Financial Declaration	35
D. Sealed Financial Source Documents Form.....	36
E. Residential Schedule	36
F. Child Support Worksheets	36
G. Child Support Order	36
H. Temporary Custody Order	36

I.	Order Appointing Guardian Ad Litem on Behalf of Minor	40
J.	Law Enforcement Information Sheet.....	42
Section 9: Filing and Serving Your Responsive Papers		43
A.	Preparing to File, and Filing Your Papers with the Court	44
B.	Filing Your Papers in Court.....	45
C.	Serving the other parties.....	46
D.	Instructions for the Certificate of Mailing or Personal Delivery (No Mandatory Form).....	48
E.	Filing the Certificates of Mailing or Personal Delivery	48
Section 10: Preparing For and Going to Your Hearing		49
A.	Judge's Working Papers/Confirmation	49
B.	Responding to the Moving Party's Reply	49
C.	Going to the Hearing.....	50
D.	Getting an Agreed Temporary Custody Order	52
E.	If You Disagree with the Court's Order	53
Section 11: Blank Forms		54

3125EN

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.

© 2008 Northwest Justice Project — 1-888-201-1014, TTY 1-888-201-9737

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial use only.)

Section 1: Introduction

Once a Petition for Nonparental Custody's filed, it may take several months or more before the court makes a final decision, depending on the facts of the case. In the meantime, many people file motions asking the court to make temporary orders covering child support, custody, visitation, safety restraints, or custody investigations while the case is pending.

This packet's intended to help you fill out and file the forms and papers you need to respond to a Motion for Temporary Orders or a Motion for an Ex Parte Restraining Order/Order to Show Cause filed in a nonparental custody case. ¹ Use **this packet only to respond to these motions.**²

Before using this packet, make sure that this is the right packet for you. Carefully examine the documents you received to see what they contain, and compare that to the list below in Section B below. You may have received additional papers that require separate responses. For help deciding whether the court papers you received are a Motion for Temporary Orders or a Motion for an Ex Parte Restraining Order/Order to Show Cause, talk with an attorney. Our publication called [*Nonparental Custody of a Child: Frequently Asked Questions and Answers*](#), also answers some questions about motions for temporary and emergency orders.

In this packet, we'll call the person who filed the motion the "moving party." The moving party can be a petitioner or a respondent. The people who were served with (received) the motion are called the "nonmoving party(ies)." A nonmoving party can also be either a petitioner or a respondent. In this packet, when we use the words "respond" or "response" we're referring to responding to the Motion for Temporary Orders or the Ex Parte Restraining Order/Order to Show Cause. We aren't referring to Responding to the petition itself unless we directly say so.

In this packet we'll call the hearing on these motions the "show cause/temporary orders hearing." We'll use this term whether you were served with an Ex Parte Restraining Order or a Motion for Temporary Orders.

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.

² We have a separate packet for responding to the petition for nonparental custody. If you're a respondent, that packet can help you file a Response to the petition and prepare for the adequate cause hearing.

◆ 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.

A. **Remember: it's important to respond on time!**

When you're served with legal papers, take steps **right away** to figure out how to respond. It may take time to locate legal resources and to read through this packet. Do this as soon as possible after you receive the papers. **If you're served with a motion, you may have only a few days to file your response. If the moving party tells you s/he's going to court immediately to ask for an Ex Parte Restraining Order/Order to Show Cause (s/he might just call it a restraining order or an emergency order), you may only have a few hours to prepare for the first hearing.**

Unless you're a respondent and think that Washington shouldn't have jurisdiction over you (see Section 6A below and other publications listed there), filing some kind of response is better than not filing a response or appearing at all. **If you don't file a response in time and you don't show up to any hearing, the moving party may get an order in which the judge automatically gives that party everything s/he asks for.** If you can't respond in time, file a *Notice of Appearance* and go to the hearing to ask for a *continuance* (explained below).

For the court to enter an Ex Parte Restraining Order/Order to Show Cause and for a party to file a Motion for Temporary Orders, there must be a case for nonparental custody already filed in court (or the case must be filed at the same time the motion/order is filed). If you're a respondent, you should receive a summons and a petition. (This could be served with the motion papers or before.) File a separate Response to the petition. You'll usually have more time to respond to the petition than to respond to the motion.³

You may also have received or may soon receive a Notice of Adequate Cause Hearing. This hearing decides whether the petitioners have a strong enough case to take the case to trial. It's a very important stage in the case. It's described in our packet [Responding to a Petition for](#)

³ If you were served in person in Washington, you have 20 DAYS to file your Response to the summons and petition. [CR 4\(a\)\(2\)](#). If you were served in person in another state, you have 60 DAYS to file your Response. [RCW 4.28.180](#). If you were served by publication, you have 60 DAYS from the date of first publication to Respond. [RCW 4.28.110](#). If you were served by certified mail, you have 90 DAYS to Respond. [CR 4\(d\)\(4\)](#). **Remember: your response times for the show cause/temporary orders hearing are much shorter and they must be met!**

Nonparental Custody. Your response time for the adequate cause hearing can also be quite short. Sometimes this hearing takes place on the same day as the show cause/temporary orders hearing.

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

Look at the papers you've received:

1. A **Motion for a Temporary Nonparental Custody Order** requests a Temporary Custody Order but doesn't ask the court to enter any order before the temporary orders hearing (here called the show cause/temporary orders hearing). If you were served with a Motion for Temporary Orders, the court will decide at the show cause/temporary orders hearing whether to grant the requests stated in the motion. If you disagree with the motion, make sure to respond and also attend the hearing.
2. In contrast, a **Motion for Ex Parte Restraining Order/Order to Show Cause** requests a hearing for a Temporary Custody Order but also asks the court for an emergency Ex Parte Restraining Order immediately. An Ex Parte Restraining Order approved by a judge or commissioner⁴ might be issued without any advance notice to the other parties, or sometimes after the moving party gives very short notice, such as a phone call giving the nonmoving party a few hours notice. The Ex Parte Restraining Order/Order to Show Cause is usually issued only in cases of emergency (example: risk of immediate harm to child/ren).
 - If you've been served with an **Ex Parte Restraining Order already signed by a judge**, you must obey it unless the court changes it, and you must go to the show cause/temporary orders hearing or the other party may get all they have requested in their motion.
 - If you receive notice that the moving party's **going to court to ask the judge to sign an Ex Parte Restraining Order/Order to Show Cause**, you have the right to go to court at the time this order's requested and make any objections. When you receive very short notice, the court may allow you to respond to the request for an Ex Parte Restraining Order/Order to Show Cause orally rather than in writing. (However, you'll still need to do written responses for the show cause/temporary orders hearing.)

◆ If the moving party obtains an Ex Parte Restraining Order, with or without advance notice to you, there should still be a show cause/temporary orders hearing within a few weeks. The Ex Parte Restraining Order lasts only a short while (usually not more than two weeks). At the show cause/temporary orders hearing, the judge will decide whether to extend the emergency order and whether to grant other temporary orders requested in the motion.

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

All cases: The temporary orders issued at the show cause/temporary orders hearing might last until the court makes a final decision in the case or until other temporary orders are entered.

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

It is always a good idea to talk with an attorney familiar with family law before you file anything with the court. Many counties have family law facilitators who can help you fill out forms, or have free legal clinics where you may get specific legal advice about your case. If you are low-income and you do not live in King County, you may call CLEAR at 1-888-201-1014. If you live in King County, you may contact the King County Bar Association's Neighborhood Legal Clinics 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). You may also want to 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: List of Forms

The following is a list of forms in this packet. See the following sections for other forms you may need that aren't in this packet.

Form Title	Form Number	Always needed
Pro Se Notice of Appearance	WPF DRPSCU 01.0320	X
Declaration of Witness	WPF DRPSCU 01.0100	X
Temporary Custody Order	WPF CU 03.0200	X
Order Appointing GAL on Behalf of Minor	WPF CU 04.0200	
Law Enforcement Information Sheet (LEIS)	WPF All Cases 01.0400	
Certificate of Mailing or Personal Delivery	No Mandatory Form Developed	X

Section 3: What Other Forms and Documents Will I Need That Aren't in This Packet?

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

- [Residential Schedules and Child Support in Nonparental Custody Cases](#)**. - If a party's asked the court to enter a temporary order about custody and visitation, get this packet. If a party's asked the court to enter an order about temporary child support, get this packet. A Residential Schedule is a detailed order placing custody of the child/ren with the nonparent and describing the parent(s)' visitation. The Child Support Worksheets state the parties' incomes and calculate the parent(s)' child support obligation. The Child Support Order sets their obligation. The Sealed Financial Documents Coversheet form, if you use it, allows you to keep some private financial information out of the court file.
- [Filing a Motion for Temporary Orders](#) or [Filing a Motion for Emergency Orders](#)** - If there are things that you want to ask the court to decide (such as where the child/ren will stay) until final orders are signed, try to file your own Motion for Temporary Orders or Motion for Emergency Orders. Use one of these packets for your motion. If you file your motion before the hearing on the other party's motion, try to get a continuance of the other party's hearing so that the court can consider both motions at the same time.
- [Responding to a Petition for Nonparental Custody](#)**. If you're a respondent in the nonparental custody action, you **must Respond to the petition in addition to responding to the motion**. We have a separate response packet to help you Respond to the petition. Get this packet whether you were served with the summons and petition at an earlier time or at the same time as the motion.
- [Serving Papers on the State](#)**. If any of the child/ren in the nonparental custody case have 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 how to serve the State.
- [Petition for Order for Protection](#)**. Complete these forms if you're asking for an Order for Protection from domestic violence during the case or to take effect at the end of the case. Get the forms from your county clerk's office, domestic violence advocacy program, or online at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16>. (Note: the "Petitioner" on the Protection Order form is always the protected person, even if that person's the respondent in the nonparental custody case.) If you're considering asking for an Order for Protection, get individual legal advice. This packet doesn't explain how to combine the cases.

◆ **Note for Survivors of Domestic Violence:** If another party has a history of physically harming you or the child/ren or has threatened to do so, and if you have had a dating, roommate, marital or family relationship with that party, then think about filing a Petition for an Order for Protection if you need immediate protection. Orders for Protection offer strong safety restraints. 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.

- **Local County Court Forms and Rules.** Some counties have other special forms that you'll need that aren't in this packet, and most will have special local rules that you'll need to follow. Check with the court clerk or family law facilitator in your county for more information. **In addition, find out the relationship in your county between the show cause/temporary orders hearing and the adequate cause hearing. The adequate cause hearing is described in our packets [*Filing a Nonparental Custody Case*](#) and [*Responding to a Petition for Nonparental Custody*](#). If you're the petitioner, you may need to have an Order re Adequate Cause signed by the judge (with a finding that adequate cause exists) before the court will grant custody to anyone other than a parent. If you're a parent, and the court finds that adequate cause doesn't exist, the judge may dismiss (end) the case before trial and deny or dismiss temporary orders.**

◆ **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 the other party's motion is asking for child support from you, or attorney fees, or includes any financial issues, such as the appointment of a Guardian ad Litem, in general you'll need:
- Your federal income tax returns from the last two years. If you have no copies of your income tax returns, request copies from the IRS (there's a fee).
 - Your pay stubs. (Provide them for at least the previous month; it's best to give the last six months or back to January 1st, whichever's longer.)

⁵ See [RCW 26.10.115 \(3\)](#)

- If you receive some type of benefits, get 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 proving what your income is. Examples include:
 - Bank account statements and check registers
 - Business tax returns or records, or 1099 forms
- Any other information necessary to support your financial relief proposal (for example, the other party's 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 or family law facilitator to find out if your county requires more information.

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

Section 4: Words You May Need to Know

Adequate cause hearing – (sometimes called threshold hearing): A hearing to decide whether the non-parent petitioner(s) have presented enough evidence to allow the case to proceed or whether the petition should be denied before trial.

Affidavit: A written statement made under oath and notarized by a Notary Public. Affidavits are no longer required in Washington; instead, the courts use Declarations.

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

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

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

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

Calendar: The court’s schedule of cases to be heard, also called a Docket.

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

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

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

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

Commissioner/Court Commissioner: This person is similar to a judge but only makes decisions relating to a specific subject matter. Many counties have family law commissioners who decide cases only about family law⁶.

Confirm a Hearing or Trial: Notifying the court that you still plan to have the hearing or trial scheduled in your case. The way to confirm your hearing or trial differs from county to county and it is not required in all counties. Often a phone call to the court a few days before the hearing

⁶ Many decisions in family law cases are made by court commissioners instead of judges. However, to make this packet simpler, in most places we just use “judge.”

or trial is required. Local rules explain each county's requirements. If notice is required and not given, the hearing or trial may be cancelled.

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

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

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

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

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

Decree: One type of final court order.

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

Default Order: An order that can be requested if the respondent fails to file a Response before the deadline, or, if s/he has appeared in the case, if s/he fails to file a Response after being served with a Motion for Default.

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

Dissolution: The legal word for divorce.

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

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

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

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

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

Guardian ad Litem (GAL): A GAL is a person the court appoints in some cases to investigate the issues and make recommendations to the court about the children's best interests. If a GAL is appointed, s/he is a party and has to be served with papers filed.

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

ICWA: Indian Child Welfare Act, a federal law that applies when a child is or may be an Indian Child.

In Forma Pauperis (IFP): A Latin term which means you may file your papers in court without paying the filing fee if you have a low income and show you cannot afford the fee.

Involuntary Dismissal: A court order ending the case without petitioner receiving any permanent relief requested in the petition. An involuntary dismissal usually happens over petitioner's objection. A written court order of dismissal needs to be entered if the judge orally orders the case dismissed. If the case is dismissed, temporary orders end.

Judgment: One type of final court order.

Jurisdiction: The court's authority to make decisions regarding certain people and issues. If a court does not have jurisdiction, it does not have the authority to make orders over the person or issue. In a child custody case there are two types of jurisdiction involved – there is "subject matter jurisdiction" which is jurisdiction to decide about the custody of the child, and there is "personal jurisdiction" which is required if the court is to decide about child support and, in some circumstances, paternity. Sometimes a court will have jurisdiction to decide one issue but not the others. (This usually happens when the child has been living in a state where the parent(s) has never lived.)affected.

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

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

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

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

Moving Party:

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

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

Nonmoving party:

- in modification/adjustment cases, the nonmoving party is the party who did not file the petition for modification/adjustment.
- in motions, the nonmoving party is the person who did not file the motion.

The nonmoving party can be either a Petitioner or the Respondent in the original case. In nonparental custody cases there is often than one nonmoving party, such as other petitioners or respondents or the State of Washington, a Guardian ad Litem.

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

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

Order: A court document signed by a judge that requires someone to do or not do something. Restraining orders, orders re adequate cause, Residential Schedules or decrees, are all examples of orders, if the judge has signed them. If you disobey an order of the court, you may be held in contempt of court. It is important to notice if an order you are served with is only a proposed order or if the judge has actually signed it. An order is not in effect until a judge has signed it. (See “proposed order” definition.)

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

Other party: Every party to the case, other than yourself.

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

Parenting Plan: In dissolution and some parentage cases, a proposal or, if signed by a judge, a court order which states when the child will be with each parent, who will make major decisions about the child, and how future disputes about the child will be resolved. In parentage cases, the parties may have either a parenting plan or a (parentage) residential schedule. The residential schedule form does not include the dispute resolution or decision-making parts of a parenting plan form. Parenting plans are not used in nonparental custody cases to award the nonparent custody.

Party: Anyone listed on the court papers as a Petitioner or Respondent. GALs and the State of Washington may also be parties.

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

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

Petition: The document that starts a case and asks the court for a decree, judgment, or final order.

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

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

- The child was born while the man was married to the child’s mother; OR
- The child was born within 300 days after the man’s marriage to the child’s mother was ended by divorce, separation, annulment, declaration of invalidity, or death. In general, if the man and the woman thought they had gotten married, even if the marriage is found to be invalid, the child is presumed to be the man’s child.
- The man and the child’s mother married each other after the child was born, the man has voluntarily said he was the child’s father AND the man agreed to be on the child’s birth certificate, or signed an affidavit of paternity, or promised (in writing or another record) to support the child as his own.⁷

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

Process: Written notice to appear in court.

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

Residential Schedule: A proposal or, if signed by a judge, a court order which states when the child will be with each party. In nonparental; custody cases, if the nonparents are awarded custody the court may sign a residential schedule. (The nonparental custody residential schedule form differs from the parentage residential schedule form.)

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

Response: A formal written answer to a Petition filed with the court by the Respondent. The term can also be used to describe the papers a person files in response to a motion, so it can be confusing. We will use the word “Response” with a capital “R” to refer to the Response form. We will say “response” with a small “r” to refer to all types of responses, including for example, responses to motions as well as to petitions.

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

Ruling: A decision by the court.

⁷ This definition of presumed father has been simplified to try to make it easier to understand. It is current as of the date of this publication. If you have questions about whether there is a presumed father in your case, you should read [RCW 26.26.116](#), and you may need to consult an attorney.

Service: Giving court papers to the other party in a legally correct way. When a petitioner starts a case, s/he must arrange for the Summons and Petition and other papers that begin the case to be properly hand-delivered or, in some cases and where allowed where the respondent cannot be found, sent by certified mail or published in a newspaper. After the initial Summons and Petition have been served, many later papers can be served by first class mail, with legally sufficient advance notice.

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

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

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

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

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

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

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

Voluntary Dismissal: Petitioner's decision to drop the case. If petitioner decides to drop the case a court order dismissing the petition should be entered. If a written order of dismissal is entered, temporary orders end.

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

Section 5: Steps for Preparing and Filing Your Response to the Ex Parte Restraining Order/Order to Show Cause or Motion for Temporary Orders.

Many of these steps are described in more detail later in this packet.

◆ If you're a respondent, remember that you also need to Respond to the Petition and to any other hearing notices that you have received.

❑ 1. Figure out how much time you have to respond to the motion.

- The hearing date is _____
 - The deadline for response stated in the papers is _____; OR
 - If the papers don't state the deadline, the court clerk/local rules states the deadline is _____.

◆ **Warning:** This packet doesn't tell respondents how to make claims against other respondents. Example: if you're a respondent parent and the other respondent is also a parent, this packet doesn't tell you how to request that you, rather than the other respondent, receive custody if the court doesn't give petitioner custody.

❑ 2. Read the papers that have been given to you.

A. **If you've been served with a Motion for Temporary Orders**, you should've been served with the following forms:

- Note for Motion Docket (Notice of Hearing)
- Motion and Declaration for Temporary Order
- Declaration(s) –not required, but often included in a motion
- Proposed Temporary Order (in some counties only)

If the moving party's asking for financial relief of any kind (attorney fees, appointment of a Guardian ad Litem), you should also have received:

- Financial Declaration
- Federal income tax returns (usually last two years)
- Pay stubs (at least one month; in King County, the last six months or back to January 1st, whichever is longer)
- Proof of any expenses being claimed
- Other financial information required by your county. (Example: In King County: bank statements for last six months.)

If the moving party's asking for child support, you probably also have received:

- Child Support Worksheets (in most counties)
- Proposed Temporary Order of Child Support (in some counties)

If the moving party's asking for a custody order, you **may** also have received:

- (Proposed) Residential Schedule

If the moving party is asking for a Guardian ad Litem, you may also have received:

- Proposed Order Appointing Guardian ad Litem/Investigator/Attorney on Behalf of Minor Child/ren

B. If you've been served with an Ex Parte Restraining Order/Order to Show Cause), or if the moving party tells you s/he's going to court to ask for this order soon, you should receive the following forms⁸:

- Ex Parte Restraining Order/Order to Show Cause
- Motion/Declaration for Ex Parte Restraining Order/Order to Show Cause
- Declaration(s) –not required, but often included in a motion
- Proposed Temporary Order (in some counties)

If the moving party's asking for financial relief of any kind (attorney fees, appointment of a Guardian ad Litem), you should also have received:

- Financial Declaration
- Federal income tax returns (usually last two years)
- Pay stubs (at least one month; in King County, the last six months or back to January 1st, whichever is longer)
- Proof of any expenses being claimed
- Other financial information required by your county. (Example: In King County: bank statements for last six months.)

If the moving party's asking for child support, you should also have received:

- Child Support Worksheets (in most counties)
- Proposed Temporary Order of Child Support (in some counties)

If the moving party's asking for a custody order, you may also have received:

- (Proposed) Residential Schedule

If the moving party's asking for a Guardian ad Litem, you may also have received:

⁸ If the moving party tells you s/he's requesting this order but doesn't have you served with the papers, s/he may have you served at the time s/he asks the judge to sign the Ex Parte Restraining Order/Order to Show Cause.

- Proposed Order Appointing Guardian ad Litem/Investigator/Attorney on Behalf of Minor Child/ren

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

- ❑ **3. If you received an Ex Parte Restraining Order/Order to Show Cause already signed by the judge, follow the court order.** An Ex Parte Restraining Order signed by the judge is effective immediately, without advance notice to you. Before the hearing date in the order, you must follow the order.⁹ Example: if the order tells you to stay away from the moving party, you must do so, even if the moving party invites you to come over. If you have questions about the order, talk with an attorney.
- ❑ **4. Check for special local rules and forms.** Check with your county court clerk or family law facilitator or read the local court rules to find out
 - A. if your county has its own forms or information about Ex Parte Restraining Orders/ Orders to Show Cause or Temporary Orders in nonparental custody actions. Get any additional forms that you'll need.
 - B. the deadlines for responding to family law motions in the county where your case was filed.
 - C. how the local procedures for background checks and adequate cause hearings may affect the scheduling of show cause/temporary orders hearings.¹⁰
 - D. whether your county requires you to prepare a Residential Schedule, Child Support Worksheets, and/or proposed orders with your response.
 - E. whether there's a limit to the number or length of declarations you file with your response.

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>.

⁹ It's also possible to ask the court to vacate (end) the order before the hearing date. Until the order is vacated, changed, or expired, you must obey it. This packet doesn't contain forms and instructions to vacate the order.

¹⁰ The packets [Filing a Nonparental Custody Case](#), [Responding to a Nonparental Custody Case](#) and the publication [Nonparental Custody of a Child: Frequently Asked Questions and Answers](#) describe the meaning of adequate cause and background checks, and explain the importance of understanding local procedures. See www.washingtonlawhelp.org.

- ❑ 5. **Gather your evidence and other forms that aren't in this packet, if necessary.** Think carefully about whether there's information that will help you show that what you're telling the court is correct. Examples include:
 - A. Declarations of Witnesses- Declarations (sworn written statements) from you and other witnesses who have personal knowledge about you, the child/ren, the other parties.
 - B. Records- Bills, records of past criminal convictions, medical or mental health treatment, school records, and day care records are among the types of records to include.
 - C. Photographs- if they help dis/prove an issue in your response.

If you're responding to a motion asking for child support or any type of financial relief (including attorney fees), file a Financial Declaration and give the court proof of your income. If you're responding to a motion about child custody, gather evidence about the child/ren from school teachers, doctors, friends, neighbors, and others. There may also be other forms that you need that aren't in this packet. *See* "What Other Forms and Documents Will I Need That Aren't in This Packet," above.

- ❑ 6. **Follow the general instructions** and fill in the captions of all of the forms. *See* "General Instructions," below.
- ❑ 7. **Complete the forms you need.** *See* "Instructions for Filling Out Individual Forms," below.
- ❑ 8. **Make enough copies of each of the completed forms and other documents** that you're filing with the court (one for you, and one for each other party). If you need to give the judge working papers, make another set of copies. *See* "Filing and Serving Your Responsive Papers," below. **A few forms aren't served on the other parties (for example, the Law Enforcement Information sheet).**
- ❑ 9. **File your papers with the court clerk's office** in the superior courthouse where the case was filed. Stamp the copies to show the court filing date. *See* "Filing and Serving Your Responsive Papers."
- ❑ 10. **Have the papers delivered to the other parties.** *See* "Filing and Serving Your Responsive Papers."
- ❑ 11. **Deliver a set of working papers to the judge, if necessary.** *See* "Filing and Serving Your Responsive Papers."
- ❑ 12. **Have the server fill out the Certificates of Mailing or Personal Delivery and file them with the court clerk.** *See* "Filing and Serving Your Responsive Papers."
- ❑ 13. **Review the other party's reply, if you receive one.** *See* "Preparing for and Going to Your Hearing," below.

- ❑ 14. **Prepare for your show cause/temporary orders hearing.** *See* “Preparing for and Going to Your Hearing.”
- ❑ 15. **Go to your hearing.** *See* “Preparing for and Going to Your Hearing.”
- ❑ 16. **Get copies of the orders the judge signs.** *See* “Preparing for and Going to Your Hearing.”
- ❑ 17. **If you disagree with the court’s order, quickly decide whether to file motions or an appeal.** Deadlines are very short.

Section 6: Getting Ready To Respond

A. Figure out how much time you have to respond and whether the motion's filed in the right place.

When you get the papers, look at the Notice for Hearing (may also be called Note for Motion, Note for Calendar Hearing, Note for Motion Docket) or the Ex Parte Restraining Order/Order to Show Cause. Those papers will contain a future hearing date. You must file your response before the deadline for that hearing date. If the notice doesn't state a deadline, immediately call the court clerk's office or your family law facilitator, or check your local court rules, to find out the deadline. For some counties, you must respond (the other parties and the court clerk and judge must receive your papers) no later than 4:30 p.m. the *court* day before the hearing.¹¹ Court days are business days (not weekends or court holidays). **In some counties your response is due earlier.**

1. **Make sure the motion's filed in the right county and state.**

If you've never lived in Washington, Washington might not have jurisdiction to enter orders telling you to do certain things. If another state's entered orders about your child/ren, or your child/ren haven't lived in Washington for six months or more, it's possible that Washington has no jurisdiction over the child/ren. If you think Washington may not have jurisdiction over you or your child/ren, talk to a lawyer. If you're low income, call CLEAR at 1-888-201-1014 or, in King County, contact the King County Bar Association Neighborhood Legal Clinics program at (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday, to ask for a free half-hour of legal advice (ask for an appointment with a family law clinic). Be very careful to not do anything which could give Washington jurisdiction, such as responding, signing agreed orders, or showing up at a hearing **WITHOUT CONTESTING JURISDICTION AT THE BEGINNING.**

◆ If you think the court has no authority over you or to decide custody of the child/ren, see the description of jurisdiction in Section “Deadlines and Some Legal Issues to Consider of the packet [Responding to a Petition for Nonparental Custody](#) and consult an attorney.

Nonparental Custody cases must also be filed in the right county. Usually that's the county in which the child/ren are permanently resident or can be found.¹²

For more information about jurisdiction, see the following publications available at www.washingtonlawhelp.org:

- [Nonparental Custody of a Child: Frequently Asked Questions and Answers](#)
- [Which Court Has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether or Not a Washington Court Has Jurisdiction](#)
- [Responding to a Petition for Nonparental Custody](#) and
- [Ending Your Marriage in Washington- The Basics](#) (even though this publication

¹¹ [Civil Rule \(CR\) 6\(d\)](#).

¹² [RCW 26.10.030\(1\)](#).

concerns divorce, it should help you understand “jurisdiction”).

2. Make sure you received enough notice.

The moving party must give you enough notice of the hearing. You must usually receive the papers as many days before the show cause/temporary orders hearing as is required by your county’s local rules. For most counties, you must receive the papers at least five court days before the hearing, not including the date that the papers are given to you. For some counties, you must get longer notice. Example: in King County, you must receive the papers at least 14 days before the hearing (including weekends). If the moving party mails the papers to you by first class mail, you should receive an additional three days to respond after the date the papers were mailed.

Exception: if the moving party’s asking for an immediate Ex Parte Restraining Order/Order to Show Cause, you might get only a few hours notice or even no notice. However, you should still have several days notice of the next hearing: the show cause/temporary orders hearing.

3. What to do if you need more time.

If you didn’t get adequate notice, the court shouldn’t enter a Temporary Custody Order against you on the hearing date. However, the court won’t always be aware that you received short notice. Explain it in a declaration you file in response to the motion and in person at the hearing. Try to ask for a continuance (delay) of the hearing, but also be as ready as possible for the hearing in case the court denies a continuance.

You may also ask for a continuance if you did get enough notice according to the rules, but you simply don’t have enough time to respond. The court won’t always allow a continuance, so be as ready as you can be to proceed on the original date.

If you need a continuance (delay), try to ask for it before the hearing. As soon as you know that you want a continuance, contact every other party if possible (or their attorney, if they have one). Call them if there’s not much time until the hearing, but contacting the person in writing (by email or fax) is best. State that you need more time to respond to the papers and ask for a new date for the hearing. Depending on your reasons for asking for the delay, you could ask for a week or longer.

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

If the moving party agrees to the continuance, ask for written notice of the rescheduled date. If you receive no written notice that the hearing’s been postponed to a new date (or cancelled), to assume the hearing date hasn’t been changed. Go to court on the originally scheduled date.

If the other party(ies) won’t agree to the continuance, you have a few options:

- 1. Go ahead and respond as best you can and prepare for the hearing.** Respond in

some way if you possibly can. Say up-front in your declaration that you want a continuance. If you didn't get enough notice, say that. If you did, but you need more time, say that and describe your efforts to get an agreement for the continuance. Also file a Notice of Appearance.

2. **Make a motion for continuance.** In many cases, you may not have enough time to give the other parties the amount of notice that's required for a motion for continuance. Try to get an Order Shortening Time (an order allowing you to bring your motion on less than the required time). This packet doesn't address this type of motion. Your family law facilitator or court clerk may have more information about how to ask for a continuance in your county court.
3. **Ask for a continuance at the hearing.** Go to the hearing and, when your case is called, stand up and state your name and that you would like a continuance. The judge may ask you to give your reasons, and may listen to the other parties' reasons why each doesn't want to agree to a continuance. If you tried to get the other party(ies) to agree before the hearing, let the judge know that as well. The judge may not postpone the hearing, so be as prepared for the hearing as possible.

4. What if the hearing already happened?

If you find out that the hearing already happened, but you got no advance notice, consult an attorney as soon as possible. If you can't afford an attorney and live outside of King County, contact CLEAR 1-888-201-1014. If you live in King County, contact the King County Bar Association Neighborhood Legal Clinics program 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). Ask the court to vacate (cancel) the orders. **Do so quickly.** The longer you wait, the harder it may be for you to vacate the orders. For court orders that are over one year old, it can be extremely difficult to vacate the order.

B. Read the Papers That Have Been Given To You

Carefully read each paper you received. Highlight the main points (and those you disagree with) with yellow highlighter pen, or write notes on a separate piece of paper. Look for:

- The date, time and place of the hearing
- What the moving party is asking for
- Claims the moving party's made about you or the case and what evidence (declarations and documents) they use to prove their claims
- Whether the moving party provided all the proof of his/her income that's required by the court rules (if financial relief's requested)

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

C. Gather Your Evidence

Think carefully about whether there's information that will help show that what you're telling the court is correct or that what the moving party is telling the court isn't true. Your evidence could include:

- Declarations of witnesses – Declarations (sworn written statements) of yourself and other people who have personal knowledge about you or the other parties or the child/ren. See the section on Witness Declarations below.
- Records – bills, records of past criminal convictions, medical or mental health treatment, grades and other school records, and daycare records are among the types of records to include in your response.
- Photographs – if they help prove or disprove one of the issues in the case.
- 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: your federal income tax return forms from the last two years, pay stubs, official letters from Social Security, L&I, Employment Security or DSHS saying how much you receive in benefits, bank account statements, and business records, or 1099 forms.

D. Make sure you have all of the forms you need to respond

Because this packet is designed to be used along with our other packets, some of the forms that you may need to respond to the motion may not be in this packet. (See Sections "List of Forms" and "What Other Forms and Documents Will I Need" above.) Use the following checklist to identify the forms that you'll need to respond to the motion. The forms you use to respond will be the same whether you've received a Motion for Temporary Orders or an Ex Parte Restraining Order/Order to Show Cause.

Everyone will need the following forms:

Form Title	Form Number
Pro Se Notice of Appearance	WPF DRPSCU 01.0320
Declaration of Witness	WPF DRPSCU 01.0100
Temporary Custody Order	WPF CU 03.0200
Declaration of Mailing or Personal Delivery	No mandatory form developed

If the court enters a Temporary Custody Order with safety restraints and you're the protected party, then you'll also need a Law Enforcement Information Sheet, contained in this packet.

If the other party's motion asks for a temporary residential schedule or custody, you MAY also need the form titled Residential Schedule - WPF CU 01.0450 found in the packet [Residential Schedules and Child Support for Nonparental Custody Cases](#).

If the other party's motion asks for a GAL, you'll also need the form titled Order Appointing GAL on Behalf of Minor - WPF CU 04.0200 found in this packet, unless your county has its own form.

If the other party's motion asks for child support from you, you'll also need the following forms which are in the packet [Residential Schedules and Child Support for Nonparental Custody Cases](#):

Form Title	Form Number
Financial Declaration	WPF DRPSCU 01.1550
Sealed Financial Source Documents form	WPF DRPSCU 09.0220
Child Support Worksheets and Washington State Child Support Schedule	Child Support Worksheet
Order of Child Support	WPF CU 01.0500

If the other party's motion asks for financial relief (such as attorney fees or appointment of a GAL) but not child support, get the following forms:

Form Title	Form Number
Financial Declaration	WPF DRPSCU 01.1550
Sealed Financial Source Documents Form	WPF DRPSCU 09.0220

E. Decide whether to file your own motion for temporary orders or an emergency order.

If there are requests that you want the court to grant before your trial, file your own motion(s). Try to file one before your hearing on the motion you've received. If you do that, you may be able to get the other part(ies) (or the court) to hold a hearing on both motions on the same day. If you don't know whether you need to file a motion, talk with an attorney.

Section 7: Follow These General Instructions Before You Begin To Fill Out the Forms

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

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

- Write in the name of the county where your case was filed in the blank space where the form reads "Superior Court of Washington County of _____."
- Copy the information from the upper left-hand side of the petition form onto your blank forms. (The Petition will say *In re Custody 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**

In re the Marriage of:

JANE DOE,

and

JOE DOE,

Petitioner,

Opposing party.

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

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
Treelane, WA 98000

Section 8: Instructions for Filling Out Individual Forms

A. Notice of Appearance WPF DRPSCU 01.0320

A notice of appearance lets the court and other parties know that you're participating in the legal action. It also provides you some protection if you don't file your Response to the petition by the deadline in the summons. If you file and serve a Notice of Appearance, the petitioner shouldn't be able to get an order of default against you without first giving you notice of the motion for default. If you receive a motion for default, to avoid being defaulted you must file and serve both a declaration in response to the motion and your Response to the petition.

A Notice of Appearance won't protect you from having orders entered at motions hearings (example: temporary custody or adequate cause).

Caption. Copy the caption from the summons.

Service Address. Write in your mailing address. If you're afraid to give your address to the other parties, use an address at which you'll **reliably and immediately** learn about mail that arrives for you.

If the mailing address you use on the Notice of Appearance changes, complete a new Notice of Appearance form, write "Amended" over the title, and fill in the new address. File it with the court and send it to the other parties. Complete and file a Certificate of Mailing or Personal Delivery (see the general instructions for the Certificate in "Filing and Serving Your Responsive Papers").

Signature. Date the form and sign where it says "Signature of Party Appearing" and then print or type your name on the line below it.

B. Declaration of Witness

A declaration is a statement, sworn to be the truth under penalty of perjury, by any person who has direct knowledge about the issues in your motion. Write one declaration for yourself. If there are people who know about one or more issues in the case, have them write declarations explaining what they know.

The declarations are very important. Your declaration's your chance to describe your point of view in your own words. Make sure that the declaration responds to all the important items in the other party's motion, to any items you request if you file your own motion, and to other issues the judge will decide on the day of the show cause/temporary orders hearing.

At the hearing, you and the other parties won't have much time to speak – usually 10 minutes or less. In most counties, the judge won't let you testify about facts in your case. The judge will decide the motion(s) based mainly on the written information the parties have given to the court. The best way to provide the court with this information is by using declarations.¹³

¹³ 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 hearing

Another reason to include the important information in writing is that the other parties must have a chance to read your papers before the hearing.

A nonparent must meet a high legal standard to obtain custody. See the publication [*Nonparental Custody of a Child: Frequently Asked Questions and Answers*](#). Witness declarations can be very helpful in proving the case at hearings before trial for petitioner or respondent(s).¹⁴

1. Your own declaration:

Use this form to respond to a Motion for Temporary Orders or an Ex Parte Restraining Order/Order to Show Cause. The main purposes of your declaration are

- to tell the court whether you agree or disagree with each of the requests in the moving party's motion and
- to explain your reasons and evidence.

Example: if the moving party's asked the court to order that your child/ren will live with him/her on a temporary basis, you may agree with that, or you may ask for something different (for the child/ren to live with you, for certain visitation, etc.). Explain what you request and why.

Your declaration should present the facts that you think are important, and answer, deny or explain any of the claims or statements that the moving party may have made about you in the motion. Attach supporting evidence to your declarations, such as medical or treatment records, police records, bills, pay stubs, or school records. Number them (1,2,3) or mark them with letters (A, B, C).

Depending on the specific circumstances of your case, your declaration may address some or all of the following areas:

- a) **Child/ren's residential arrangements - custody and visitation.** If the moving party's asked for a residential schedule, custody or visitation, and you want something different from what s/he requested, your declaration must show the court what you request and why it should rule in your favor. (If you were served with a proposed Residential Schedule, file your own proposed Residential Schedule and explain in your declaration why your requests are more appropriate).

In showing why your custody/visitation requests are appropriate, describe your relationship with the child/ren and then tell the court what you do regularly to take care of them and their daily needs. "Daily needs" include things like making their meals, dressing them, changing diapers, taking them to school/appointments, and other things that the child/ren need every day. Describe each party's relationship with the child/ren. If a party hasn't helped in the daily care of the child/ren, explain that to the court. Describe the recent and present child-care schedule (daycare, or the time that the child/ren was in the care of a regular babysitter). If there's other information that you think is important for the court to know regarding the child/ren, describe it. Example: if a child has special needs, explain

¹⁴ Declarations can't usually be used at trial, and, in a few counties, witnesses also will need to appear in person at temporary orders hearings.

those needs and explain how the custodian must meet them. Or, if the petitioner agreed to take care of the child/ren temporarily, such as while a parent was in the military, but then refused to return the child/ren when the parent came home, explain that. Raise any concerns about the moving party's suitability to care for the child/ren here.

If you're a nonparent responding to a request that the child/ren be returned to a parent, you'll need to show that you meet the difficult legal standards for keeping child/ren out of the legal custody of his/her/their parent. You'll also need to show that you're a suitable custodian. If you're also requesting that a parent's visitation be restricted if you have custody, explain why you think restrictions should be placed on one or both parent(s)'s contact with the child/ren. Reasons include physical or emotional abuse of the child/ren or drug or alcohol abuse. Courts don't like to deny a parent visitation with their child/ren. If you want restrictions to be placed upon a parent's time, present facts to show that time with that parent will be harmful to the child/ren.

If you're a parent who wants custody and who objects to a nonparent having custody, then you need to show that you're a suitable custodian and that it wouldn't be detrimental (harmful) for the child/ren to live with you. Show that you're seeking and using help to address any problems that might affect your ability to parent the child/ren well. If, on the other hand, you want the nonparent petitioner to have custody of the child/ren, and you want to have reasonable visitation with the child/ren (alternating weekends and holidays, for example), tell this to the court and explain why any restrictions on visitation would be inappropriate.

Our publication [*Nonparental Custody of a Child: Frequently Asked Questions and Answers*](#) describes the legal standard in nonparental custody cases in more detail. And our packets [*Filing a Nonparental Custody Case*](#) and [*Responding to a Petition for Nonparental Custody*](#) contain more rules and instructions about writing declarations.

- b) **Deny or explain the other party's statements about you.** The declaration's your chance to tell your side of the story. If another party's said things in their papers that you disagree with, tell the court that you think what they're saying is wrong. Then give the court the correct version of what happened. If the moving party asked for other relief that you disagree with (a certain restraining order, for example) explain what you disagree with and why.
- c) **Asking for specific temporary orders.** Generally, when you respond to a motion, don't ask the court to make orders about matters that weren't included in the moving party's motion. **If you want the court to order something that WASN'T addressed in the moving party's motion, or you want orders against another party, file your own motion** (we have packets on filing for Temporary Orders and for Emergency Orders). However, you may ask the court to enter orders that you want about matters that were already included in the moving party's motion. If you're confused about whether you need to file your own motion, consult an attorney if possible.

2. Declarations of other witnesses

It's important to file declarations from people who can tell the court facts that support your position. The declarations should be from people who have direct, personal knowledge about you and your care for the child/ren, the risk (or lack of risk) to the child/ren that would exist with certain custody or visitation arrangements, problems (such as drug or alcohol abuse) that could affect caring for the child/ren, treatment received for a problem, special needs or concerns, or other issues in the motion.

Some possible witnesses are:

- **Teachers** can make statements about the child/ren's school behavior and grades, and about the parties' involvement with the child/ren's school work or school activities.
- **Child care workers** can make statements about the child/ren's behavior at daycare, and how each party's involved with respect to daycare.
- **Doctors and nurses** can make statements about the child/ren's health or about abuse suffered by the child/ren, and can comment as to which parties are more involved with the child/ren's health care.
- **Neighbors** can make statements about what they've seen regarding the daily life of the child/ren and the parties.
- **Coaches, scout leaders, religious leaders, parents of the child/ren's friends** or family members may also be able to make helpful statements.
- **Batterers' treatment providers or domestic violence advocates** can make statements regarding domestic violence issues.
- **Child Protective Services (DCFS/CPS) workers** can make statements about child abuse and neglect or lack of evidence of either.
- **Police** can make statements about any involvement of the parties with law enforcement.

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

In their declarations, have your witnesses explain the following:

- A. Witness's full name and address. Professionals should give information about their degree (M.D., Ph.D., M.S.W.) and profession.
- B. The nature of her/his relationship with you, the other parties, and the child/ren.
- C. How long s/he's known you, the other parties and the child/ren.

Tips for Writing Declarations

- Put the most important points at the beginning. Less important points should come later.
- Base the statement on the writer's own personal knowledge (what s/he saw or experienced firsthand) 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 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.)

3. 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. Financial Declaration

Fill out this form if the moving party asks for child support, attorney fees, or any type of financial relief. If you've completed it already as part of filing for nonparental custody or responding to the nonparental custody petition, and your information hasn't changed, don't complete it again. (Check your local rules to see if you need to re-submit this form if your information remains the same.) The financial declaration tells the court how much income you make, and how much you pay in monthly expenses and bills. The form and instructions for it are in the packet called [*Residential Schedules and Child Support for Nonparental Custody Cases*](#), available at www.washingtonlawhelp.org.

D. Sealed Financial Source Documents Form

Fill out this form if you file any financial papers with the court and don't want them to be available to the public. Keep a blank copy of this form in case you need to file more financial documents later. Attach one form to a stack of documents. The form and instructions for it are in the packet called [*Residential Schedules and Child Support for Nonparental Custody Cases*](#), available at www.washingtonlawhelp.org.

E. Residential Schedule

Some courts require this form. Regardless, use it 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 instructions in the packet [*Residential Schedules and Child Support in Nonparental Custody Cases*](#), available at www.washingtonlawhelp.org.

F. Child Support Worksheets

If the moving party's asked for temporary child support, get this form if you haven't already prepared it or if your information has changed. If the court sets temporary child support, the judge will need to sign a set of worksheets s/he approves. This form sets out the parties' incomes and the amount of child support the parents should pay under the Washington State Child Support Schedule. The form and instructions for it are in the packet called [*Residential Schedules and Child Support for Nonparental Custody Cases*](#), available at www.washingtonlawhelp.org.

G. Child Support Order

Use this form if the moving party asks for temporary child support at the show cause/temporary orders hearing. If the judge sets temporary child support at the show cause/temporary orders hearing, the party whose support request is approved will need to prepare a Child Support Order. In some counties, if you oppose the moving party's requests for temporary child support, you must prepare and serve a proposed order with your response.

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

H. Temporary Custody Order

You'll need this order for the show cause/temporary orders hearing, and in some counties you'll need it before that. Some counties require you to serve a proposed Temporary Custody Order with your response. Even in counties where it isn't required, prepare and serve a proposed order anyway, showing the decision you want the judge to make at the show cause/temporary orders hearing. Don't check any relief on the Temporary Custody Order form that you haven't requested in your declaration or in a motion for emergency or temporary orders you have filed. **If you've also filed your own Motion for Temporary Orders using our packet [*Filing a Motion for Temporary*](#)**

Orders, use the instructions in that packet for this form because those instructions refer back to the motion form. If you prepare this form after the show cause/temporary orders hearing, show the decision the judge made at the hearing, even if that's different from what you requested.

At the hearing, after the judge makes an oral decision, that decision must be put into a written order for the judge to sign. One of the parties is responsible for doing this. Ask the judge to sign your proposed order if it's the same as the judge's decision. After the hearing, the judge may make changes to proposed orders, or may tell a party to prepare a new order showing the judge's oral decision. If the judge's decision is slightly different from your proposed order, change your proposed order to show the judge's decision or, if there are many differences, you or another party should write a new order using a blank form.

In addition to the Temporary Custody Order, you may also need a Temporary Residential Schedule and Order of Child Support, and, if the judge orders a GAL, an Order Appointing Guardian ad Litem. Take blank copies of these forms with you to the show cause/temporary orders hearing because you may need to fill out new forms. Also, where locally required, make sure you serve these additional proposed orders upon other parties in advance.

In summary, prepare this form if:

- You don't agree with the other party's motion and want to take your own proposed Temporary Custody Order to the show cause/temporary orders hearing OR
- You don't agree with the other party's motion and the case is filed in a county that requires you to prepare and serve a proposed Temporary Custody Order OR
- The other party's requests are largely denied at the end of the show cause/temporary orders hearing.

Caption. Fill in the caption. If a safety restraining order's being issued (an order to keep other parties from harassing another party or the child/ren), check the 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 the court's making 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 there'll be no restraining orders, check the box "*Does not apply.*"

1.2 Money Judgment Summary. If another party will be ordered to pay you a lump sum of money (such as for attorney fees), check the second box and fill in the blanks.

- 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 not included above.

H. Interest rate on the judgment. The maximum interest rate presently permitted is 12% simple interest.

I. Interest rate on attorney fees. The maximum interest rate presently permitted is 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 has been done. If the ICWA requirements haven't yet been met, check the box ("*All notice and evidentiary requirementshave 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 for a petitioner 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: If you checked the first box under "Indian Child Status" then you must check one of the boxes in this paragraph. Read both carefully. Mark the second box if the child/ren reside or are domiciled within the boundaries of an Indian Reservation or if a Tribal Court has continuing jurisdiction over them. Otherwise, check the first box.

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

◆ Remember: if you're in the military, or are the dependent of an active duty service-member, you may have special protections. Speak with an attorney or your JAG office.

Section III. Order

3.1 Temporary Relief. Look back at the requests in your declaration (and motion if you filed one) concerning custody and visitation.

If you're writing a proposed order, check the box "*Temporary Custody and visitation shall be as follows:*" and write in the custody and visitation arrangements you've requested. If you're preparing 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 write in the child/ren's name(s), exactly what the visitation schedule is (if any) for each party, and any restrictions or conditions on that visitation. If you're using a Temporary Residential Schedule to describe custody and visitation arrangements, write in "The Residential Schedule signed by the court is approved and incorporated as part of this order, and the parties shall comply with it" and be sure you ask the judge to sign the Temporary Residential Schedule.

Child Support. If temporary child support's being ordered, check the second 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. If you're a nonmoving party, you may not be able to obtain a restraining order against another party unless you file your own motion.¹⁵ If you did file your own motion requesting restraining orders, look back at the restraints you requested in your motion. If you made no requests, check the box "does not apply." If your motion did request restraints, check boxes for the same requests in Paragraph 3.2 of the order that you requested in your motion.

If you're filling in or changing this form at the end of your hearing, fill in this paragraph to show the decision the judge made.

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

- fill in any blanks in the paragraph that are necessary and
- check the box (*Clerk's Action Required*) and write in the blank the name of the police department that'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 the show cause/temporary orders hearing. A party 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.

¹⁵ Remember: you're not allowed to request items in your declaration beyond those requests in the moving party's motion. If you want to make your own requests on new subjects, you'll need your own motion.

3.3 Other Restraining Order: If you're a nonmoving party, you may not be able to obtain a restraining order against another party unless you file your own motion.¹⁶ If you filed your own motion, look back at the restraints you requested in 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 here as orders. For example, "Respondent Father shall"

If you're filling out or changing this form at the end of the show cause/temporary orders hearing, show the judge's decision.

Note: if you check a box in the far left part of the Temporary Custody Order form, make sure to check any boxes or fill in any blanks that are in that paragraph. Example: 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 other relief, then check those boxes and fill in the information to address the same issues here. If you asked for attorney fees or other professional costs, fill in the amounts you requested here, and check the box on the left of that item.

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). If the judge wants to order a bond, s/he'll order this at the hearing.

3.5 Other. Write in any additional things that you asked the court to order. See Paragraphs 1.4 and 1.6 in your motion (if you filed one) and the requests in your declaration, and make sure to order covers the items listed there. Once again rewrite your requests in the form of orders. For 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. You sign under the appropriate term for petitioner or respondent 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.

I. Order Appointing Guardian Ad Litem on Behalf of Minor

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

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

Caption. Fill in the caption.

Section I. Basis.

Paragraph 1.1. Basis for the Appointment. Read this paragraph

¹⁶ Remember: you're not allowed to request items in your declaration beyond those requests in the moving party's motion. If you want to make your own requests on new subjects, you'll need your own motion.

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'll usually not 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 (examples: 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.¹⁷ Make sure to fill in the blanks about how the parties should divide the GAL's fees and costs. Usually, the judge will order each parent to pay his or her proportionate share according to the child support worksheets (line 6) or will have them split it 50/50. If one party can't afford to pay the GAL, write that the other party should pay 100%. Be aware: the judge may change this at the hearing.

Paragraph 3.6. Consent of Children over 12 to Investigation.

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

¹⁷ [RCW 26.12.183](#).

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.

J. Law Enforcement Information Sheet

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

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

Restrained Person's Information. In each blank, write information about the parties being restrained (i.e., name, driver's license number, nickname, sex, etc). Fill out this form as completely as possible. You don't need to know all of the answers. If more than one party is being restrained, try to complete a separate form for each person.

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

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

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

At the end of the form, next to "Prepared by," write in your name and the date. If you write on the back of the form, check the box "*See Reverse Side.*"

Section 9: Filing and Serving Your Responsive Papers

After you've filled out the forms, you must file them with the court, serve the other parties, and prove that service has been made. This section describes how to do that.

Re-check Your Deadlines. You must file your response with the court and serve the other party far enough before your hearing date. In most counties, you must file and complete service of your response no later than one court day before the hearing,¹⁸ but some counties require an earlier response. Check with the court clerk or family law facilitator to make sure you're filing by the deadline. If you miss the deadline, file and serve your papers anyway. If the other party objects at the hearing, ask for a continuance of the hearing so that the court will consider your papers, but be ready to go ahead with the hearing on the original date if the court denies a continuance.

Make sure you know who must be served or is a party to the case. The caption should list the other individual parties by name. Each party needs to be served. In addition, for cases involving children, if the children have ever received public assistance (TANF), or Medicaid, or if they're in foster care or out of home placement, you must serve the State of Washington (for more info, see the packet [Serving Papers on the State](#)). If a Guardian ad Litem's been appointed, serve him/her as well. Talk with an attorney if you're not sure who to serve or if someone not named in the caption has or claims a right to custody or visitation with the children.

Make sure you have all the forms and documents you need. You must have the other parties served with every paper you want the court to consider, including any witness declarations, your own Declaration, and all of your proposed orders, **except** don't serve any Confidential Information Sheet and Addendum forms and any Law Enforcement Information Sheet. You may have child support worksheets, a proposed parenting plan, a financial declaration, and other forms. Look at the checklists of forms in this packet to make sure you have copies all the forms you need to serve on the other party. Remember that you may need forms from other packets, such as the [Residential Schedules and Child Support for Nonparental Custody Cases](#) packet.

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

When to serve. Your papers must be served on all the parties before the deadline in your county. For some counties this is one day before the hearing. **For many counties, the deadline is earlier.** If you're mailing your responding papers, you must add at least three additional days, as explained below. If the papers you receive don't state your deadline, ask the family law facilitator or the court clerk, or check your local court rules.

¹⁸ [CR 6\(d\)](#).

A. Preparing to File, and Filing Your Papers with the Court

- Figure out how many copies of each form you will need and make the copies.**

The original of each form will be filed with the court clerk in the county where the case has been filed. Make copies as follows: **(except, if you have prepared the Confidential Information Form and addendum and/or Law Enforcement Information Sheet¹⁹ make just make one copy, for yourself, of these 3 forms).**

- _____ one copy of each form for yourself
- _____ one copy of each form for the other party
- _____ if there are additional individual parties one copy of each form for each of these parties (1 x ___ number of additional parties)
- _____ one for the State (if you are serving the State)
- _____ one for the GAL if a GAL has been appointed in your case
- _____ one copy as working papers if your local court requires you to give the judge “working papers” before a hearing and if you have upcoming hearings.

_____ : **total. This is how many copies to make of each document (except just make one copy, for yourself, of the Confidential Information Form and addendum and any Law Enforcement Information Sheet because these forms are not served on any other party).**

- Organize Your Papers.** Make a set of the papers for the court and for each party. Put all the original forms into the set for the court. Put the copy of the Confidential Information Form and addendum and the Law Enforcement Information Sheet (if you are using these forms) into your own set, since these forms are not served on the other parties. Compare each set to the checklists in this packet to be sure you have what you need.
- Put each** of the other parties’ sets of papers in an envelope addressed to that party at the legal address they have provided, and add your return address for legal mail. (For your return address, you may use the address on your Response or Notice of Appearance.)

¹⁹ The Confidential Information Sheet and addendum is in our basic Responding packets. It is filed with your first court papers and needs to be updated when the information in it, such as your address, changes. The Law Enforcement Information sheet is not in all our packets. It is used for restraining orders and Orders for Protection and is available at the court clerk’s office.

B. Filing Your Papers in Court

1. **Take the originals and the copies to the superior court clerk's office in the courthouse where the case has been filed.** Give the clerk the original copies of your documents for filing. (The clerk should not put the Confidential Information form or any Law Enforcement Information Sheet in the public file.) If you have any proposed orders for upcoming hearings, ask the clerk what to do with the original proposed orders and follow the clerk's instructions.
2. **Ask the clerk to stamp the copies to show the date that you filed the originals.** Take the conformed (stamped) copies back from the clerk. The clerk will keep the originals.
3. **If you need to deliver working papers** for any upcoming hearings²⁰, you may want to do that before you leave the courthouse. If you have proposed orders, include them with the working papers.
4. **Make sure that you keep your own set of copies** organized and in a safe place. You may want to start a file folder for all your court papers. You need to keep them at least until your case is finished, but it is better to keep them for several years after the case is completed.

²⁰ See the Words You May Need to Know section for a definition of "working papers." Our packets containing information about hearings also have a section on Judge's Working Papers/Confirmation.

C. Serving the other parties

◆ In addition to filing your papers with the court, you must have them properly served on (delivered to) the other parties, except do not serve the Confidential Information form and addendum and any Law Enforcement Information Sheet.

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

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

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

After the Summons and Petition have been properly served, most papers prepared by either the petitioner or the respondent can be served on the other party by mail or personal delivery, as explained below.²¹ Carefully follow the rules about service.

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

Mail or Deliver Your Papers to the Other Parties or Their Attorneys.

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

Make sure service is completed before your deadline.

Although many county courts allow you to do your own service, other counties do not. To be safe, **you should not deliver or mail the papers yourself** – ask an adult friend or relative to do it for you.

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

Mailing. If your friend mails the papers, make sure s/he adds three (3) days to the number of days' notice required for your response. When counting, you do not count the day of service (or mailing), weekends, or court holidays. **So, for example, if a document is mailed on a Monday, it is considered served on Thursday.** This is important when setting up or responding to

²¹ [CR 5\(b\)\(1\)-\(2\)](#). However, if you prefer, you may have a party personally served (using the same procedures as described in our Filing packets for serving the Summons and Petition), and have a Return of Service prepared and filed. This packet will tell you if a form needs to be personally served.

hearings because there are deadlines by which papers must be served. If the third day is on a weekend or holiday, the document is not considered to have been served until the next court day.

If a document is sent by regular first class mail, you may also want to have an additional copy sent by certified mail, return receipt requested, so you have additional 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 papers to another party or his/her attorney means:

- handing it to the attorney or to the party; or
- leaving it at his office with his/her clerk or other person in charge of the office²²; or,
- if there is 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 has no office, leaving it at his/her residence or usual place of abode (home) with some person of suitable age and discretion then residing there.²³

²² Although [CR 5\(b\)\(1\)-\(2\)](#) appears to allow a person to be served at his/her office, and you can usually deliver papers to an attorney or GAL at his/her office, we recommend that you DO NOT serve other parties at their offices unless they have used that as their service address in a Notice of Appearance, Petition, or Response form.

²³ [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who is an adult (or at least an older teenager) who does not have a mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

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 10: 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. Responding to the Moving Party's Reply

In some counties (such as King County), the moving party will have a chance to file a written reply to your response. However, in most counties (which follow the general Civil Rules), the moving party gets no chance to file a reply.²⁴

If your local court rules give the moving party a chance to reply, read the reply carefully and be ready to respond to it at the hearing. The moving party can't bring up new issues in the reply. S/he may only reply to things that you talked about in your response. If the moving party brings up new issues, or serves you with a lot of declarations and other evidence for the first time with the reply, tell the judge at the hearing that you object to the judge considering that evidence, or you want a continuance and a chance to file a response to the reply.

²⁴ [CR 6\(d\)](#).

C. Going to the Hearing

At the show cause/temporary orders hearing, the judge will decide on the requests in the motion(s), such as temporary custody, visitation, restraining orders, child support and the appointment of a GAL or other custody evaluator. The judge will also decide whether to keep any restraining order in effect or whether or not to issue new restraining orders.

- **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 that you want to get an attorney yourself. If so, tell the attorney and the other parties that you want to postpone (continue) the hearing for that reason. Unless all parties have agreed in advance to a continuance and you have an agreed order signed by the parties and the judge showing the hearing has actually been postponed, you still should go to the court at the original time and place scheduled. At the hearing, ask the court to continue the hearing, but be prepared to go forward with the hearing if the judge says no. If the attorney for another party asks you to sign some documents, don't sign anything you don't understand. **If your hearing's postponed by agreed order or at the hearing, it may be necessary to obtain a new court order extending the date of any ex parte restraining order until the new hearing date.**
- **If you and the other parties agree.** If you've reached an agreement with the other parties about what the temporary orders should say, the moving party may want to strike (cancel) the hearing and enter agreed temporary orders. The parties will need to complete and sign and have the judge approve a Temporary Custody Order form showing your agreement, and you may also need a Residential Schedule, Order of Child Support and Worksheets, or Order Appointing GAL, depending upon your case.

If you believe you have an agreement with the other parties but you haven't yet received a copy of a Temporary Custody Order signed by the judge, you should assume the hearing is still scheduled unless you've been able to confirm with the court that the hearing's been stricken (cancelled). In most cases, the person who filed the motion must call the court to strike the hearing (or must fail to confirm it). If the hearing wasn't stricken, go to the hearing, even if you think you and the other party have an agreement. Get a copy of the signed orders for your records.

- **Prepare for the hearing.** Try to go to court before the day of your hearing and watch other hearings. Also, make some notes to yourself about the main points you want to tell the judge when you have a chance to talk during your hearing.
- **Take all your papers to the hearing.** Your papers should include the documents you have filed so far in the nonparental custody action, your proposed orders (Temporary Custody Order, etc.), responses you've received, proofs of service (Certificates of Mailing or Personal Delivery) and blank copies of the order forms in case you need to make major changes to your proposed orders.
- **Get to your hearing early.** Dress neatly. Bring a pad of paper and black pen to write notes with. Don't bring child/ren if you can help it – the judge will usually not let them sit in the courtroom. If you're late, the hearing may be cancelled or the other party may win.

- **When you get to the courtroom.** When you get there, tell the person in charge in the courtroom (often called the clerk or the bailiff) your name and the name and number of your case. Take a seat. When the judge walks into the room, stand. When your case name is called, tell the court that you're present. Remain in court until your case is called for hearing.

When you're told to come forward, do so and give the court the originals of your proposed orders (if they weren't already delivered as described above): you may have a Temporary Custody Order, an Order Appointing GAL, a Temporary Residential Schedule, and Temporary Order of Child Support and Child Support Worksheets. If other motions are scheduled in your case for the same day, you may have other proposed orders.

- **Presenting your case.** If the other parties show up at the hearing, each of you will have a chance to tell your side of the case. The moving party will have a chance to speak first. When it's your turn, stand while speaking. Tell the judge briefly what you want and why. Try to make notes ahead of time to use at the hearing. During the hearing, speak directly to the judge, not to the other parties. Try to keep your argument short. Just outline your main points. In most cases, the judge will have read your papers before the hearing, so don't repeat everything in your papers. In a few counties the court will expect the parties to testify (speak under oath about the facts and evidence) about their requests.

DON'T INTERRUPT THE JUDGE/COMMISSIONER.

- **Hearing the judge's decision.** After the judge has heard each side, s/he'll decide on the motion. Listen carefully. Make notes. The judge may make changes to the orders you prepared, or s/he may direct you, another party, or another 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 to go back before the judge to make sure that the order says what the judge said. If you're asking for a restraining order, make sure to check the box in Paragraph 3.2 of the Temporary Custody Order indicating whether the other parties appeared at the hearing or not. **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. After you've made copies, take the originals to the court clerk's office and file them with the clerk.
- **Getting copies of the orders.** You'll need copies of the orders as signed by the judge. Ask the clerk how to do this. 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.
 - 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 the 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 don't include safety restraints, or if the restrained party or his/her attorney appeared and/or signed the orders, then you may mail conformed (not certified) copies of the orders the judge signed to the other party/ies. You may also mail conformed copies to any additional parties against whom there are no restraints. You may use the Certificate of Mailing or Personal Delivery procedure explained in our Filing a Motion for a Temporary Order packets
 - You must 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 is personally served with the order.

D. Getting an Agreed Temporary Custody Order

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

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

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

If you and the other party agree on the temporary orders before the hearing, you may want to cancel your hearing. In most cases, the person who filed the motion must call the court to strike the hearing (or must fail to confirm it). Call the court one day before the hearing date to make sure your

hearing was stricken – if it was not, you must go to the hearing, even if you think you and the other party have an agreement.

Be sure to get a copy of the order(s) for your records and provide the other party with a copy of the order showing the date filed and the judge’s signature. 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 show cause/temporary orders decisions, you may have a chance to appeal. There are three possibilities, listed below. Try to talk with an attorney before deciding what to do.

- **Motion for Reconsideration.** If a court commissioner or judge decided the motion, and you believe that there’s new evidence or another legal reason that could change the commissioner or judge’s mind, you may file a Motion for Reconsideration. See [CR 59\(a\)](#). You have 10 days from the date the court signed the order to file a Motion for Reconsideration.²⁵ Local court rules may require you to also serve the other parties within the same deadline – if you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Reconsideration aren’t usually easy to win. Consult with an attorney, if possible, before filing one.
- **Motion for Revision.** If a court commissioner decided the motion, and you don’t want to try to give that commissioner more evidence, you may file a Motion for Revision. A motion for revision’s heard by a judge, who can hold a “new hearing” on the evidence that the commissioner considered. You have 10 days from the date the court commissioner signed the order to file a Motion for Revision.²⁶ Local court rules may require you to also serve the other parties within the same deadline – if you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Revision are not usually easy to win. Consult with an attorney, if possible, before filing one.
- If you choose not to file either of the above motions or if you lose these motions, then your only remedy is to file an appeal with the Court of Appeals (or, in some cases, a request for discretionary review) and properly notify the other parties. Generally, you have 30 days from the date the court signed the order to do this.²⁷ 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.

²⁵ [CR 59\(b\)](#).

²⁶ [RCW 2.24.050](#).

²⁷ [Rules of Appellate Procedure \(RAP\) 5.2\(a\)](#).

Section 11: Blank Forms

The rest of this packet contains blank forms for you to complete. You may want to make a copy of each form so that you have an extra in case your first draft needs lots of changes. You may need forms from other packets, and you may not need all the forms in this packet.

**Superior Court of Washington
County of _____**

In re the Custody of:

Child(ren),

Petitioner(s),

and

Respondent(s).

No. _____

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

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

Service Address:

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

Phone Number: Listed on Confidential Information Form.

Dated: _____

Signature of Party Appearing

Print or Type Name

**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.	

<i>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.</i>

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.

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

**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)

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
(See Paragraph 3.6)

LAW ENFORCEMENT INFORMATION

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

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

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

Domestic Violence Dissolution/Separation/Invalidity/Nonparental Custody/Paternity Unlawful Harassment Sexual Assault

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

Name: First Middle Last			Nickname		Relationship to Protected Person			
Date of Birth	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	Height	Weight	Eye Color	Hair Color	Skin Tone	Build
Last Known Address Street: City:					State: Zip:	Phone(s) w/Area Code		Need Interpreter? Yes or No Language:
Employer		Employer's Address			WORK Hours: Phone: ()			
Vehicle License Number	Vehicle Make and Model	Vehicle Color	Vehicle Year	Drivers License or ID number		State		

Hazard Information Restrained Person's History Includes:
 Mental Health Problems (Commitment, Treatment, Suicide Attempt, Other) Assault Assault with Weapons Alcohol/Drug Abuse
Weapons: Handguns Rifles Knives Explosives Other:
Location of Weapons: Vehicle On Person Residence Describe in detail:

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

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

Name: First Middle Last			Nickname		Relationship to Protected Person			
Date of Birth	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race	Height	Weight	Eye Color	Hair Color	Skin Tone	Build
If your information is not confidential , you must enter your address and phone number(s). Current Address Street: City:					State: Zip:	Phone(s) w/Area Code		Need interpreter? Yes or No Language:
If your information is confidential , you must provide the name, address and phone number of someone willing to be your "contact."								
Contact Name			Contact Address			Contact Phone		

If you filed the petition for someone else, list your name and contact phone number:

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

Filled out by: _____ On (Date): _____ See Reverse For Additional Information →

**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 and declare under penalty of perjury that on _____ [fill in date of
delivery or mailing] I have provided _____, _____ with copies of the following
documents, _____

_____, in the

following manner:

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

Name & Address of Person Being Served

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

Dated: _____

Signature

Print or Type Name

Place signed

**Responding to a Motion for Temporary or Emergency Orders for Nonparental Custody 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 packet? _____
 2. What's your primary language? _____
 3. Are you a *low-income person? yes no
[*\$1100 per month for household of 1; \$1400 for 2; \$1700 for 3; \$20000 for 4; \$2200 for 5]
 4. What's the last grade you completed in school? _____
 5. Did you read the instructions? yes no
 6. Did you also need the help of an agency, court facilitator, or advocate to complete your case?
 yes no
6a. If yes, what agency or individual helped you? _____
 7. Did you use the legal forms? yes no
 8. Did you find anything difficult to understand? yes no
8a. If yes, please tell us what. _____

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

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

-