

Working with the Cowlitz Superior Court Clerk's Office

When Should I Use This Publication?

If you're filing or otherwise involved in a Superior Court case in Cowlitz County, this publication will provide you with helpful information that so that you can file papers and appear for court faster and more easily.

◆ If you need specific legal advice about your situation, see the last section at the end of this publication.

Where is the Superior Court Clerk's Office located and when is it open?

The Superior Court Clerk's office is located on the 2nd floor of the Cowlitz County courthouse 312 SW 1st Ave., Kelso, WA 98626 to the right of the elevators.

The Superior Court Clerk's office is open Monday through Thursday from 8:30-12:00 and 1:00 to 4:00 pm. The office is closed for lunch from 12 p.m. to 1 p.m.

The Superior Court Clerk's office is closed on Friday except for emergency cases (see below). Pleadings can still be filed in the drop box by the Clerk's office.

Who is the Family Law Facilitator and how can they help me?

The Facilitator is a Superior Court Clerk's employee whose job is to meet with you, if you don't have a lawyer, to check that your paperwork is complete and you've properly followed court procedures. She's not an attorney. She can't give legal advice. Each

appointment with the court facilitator costs \$20.

Do I really have to see the facilitator? I can't pay the fee.

Facilitator appointments are required before motions to modify custody, support or temporary orders are filed, and before a case is finalized. They're also required before filing non-parental custody cases. Appointments are optional for other issues or filings in family law cases.

If you have been referred by CLEAR to Cowlitz-Wahkiakum Legal Aid [CWLA] and can show the volunteer attorney you see that you have completed all of your paperwork, the attorney may sign a statement that s/he has reviewed your paperwork and it's complete. If you get this attorney statement you won't need a facilitator appointment and won't have to pay the \$20.

I want to file a parentage case. Do I have to pay to start a court case?

Yes, normally you're required to pay a fee to start any type of family law case. The amount you pay depends on the type of case. See http://www.co.cowlitz.wa.us/clerk/files/Clerk_Fee_Schedule_JULY_2009.pdf for a list of the types of cases and how much each will cost. This list is also posted in the window next to the Superior Court Clerk's office.

If you can't afford to pay the court fee, you can consider filing a Motion In Forma Pauperis (IFP form) asking the court to waive the fee. Our publication [Filing a](#)

[Motion in Forma Pauperis in Cowlitz County](#) has forms and instructions for how to do this. Get it by calling CLEAR (see end of this publication for phone number), from CWLA, or download it from www.washingtonlawhelp.org or <http://www.co.cowlitz.wa.us/superiorcourt/forms.html>

Note: You'll always have to pay up front a portion of the filing fee, usually \$20-\$80, that consists of non-waivable surcharges. Payment must be in cash or by money order. The court grants a waiver only temporarily and will usually revisit the issue of whether you can pay a fee just before your case is finalized. If you're still low-income at that time, you should have proof for the court, such as a TANF or SSI benefit letter.

I don't need IFP forms. Where can I find the other papers I need to get for my case?

For all family law cases, you must use state-approved forms. You can get the right forms from CLEAR, CWLA, the Superior Court Clerk's office or www.courts.wa.gov/forms/ CWLA and the Superior Court Clerk's office charge for all forms packets. CWLA provides some individual forms for free. There is no charge for packets provided by CLEAR or downloaded from www.courts.wa.gov or washingtonlawhelp.org.

Are there some tips you can give me about the forms I'm filling out?

If you're filing any kind of motion: you must include a declaration (statement) explaining in as much detail as possible why you want what you're asking for, relevant background facts, etc.

Along with your motion and declaration you should submit proposed orders that tell the court what you want (examples: temporary order, temporary child support order and temporary parenting plan).

If you're using a declaration: Any declarations should ideally be typed and double spaced, or at least printed clearly in black ink.

I've filled out my forms. What do I do now?

You're now ready to file your forms. You can either give your forms to the clerk directly or you can put them in the box around the corner from the clerk's office marked "original pleadings." If you'd like the clerk to send you a copy to confirm your document was filed, paperclip the copy to the original along with a self-addressed, stamped envelope.

Remember: All documents that are filed should also be served on the opposing party with two exceptions: The fee waiver form and the confidential information form do not need to be served on the opposing party. Service of court documents, especially those that start a case (summons and petition/complaint), must follow certain rules and procedures, so be sure to carefully read the service instructions provided with the court form packets or consult an attorney about how to make sure service is proper.

I want to schedule a hearing date. How do I do that?

The Superior Court Clerk's office has the form you'll need to set a hearing date.

You'll have to properly time your motion, and service of the motion. Here are deadlines to be aware of for family law motions:

- Family law motions must be served 9 business days before the hearing.
- Response declarations are due by 10:00 a.m. 4 business days before the hearing.
- Reply declarations are due by 10:00 a.m. 2 business days before the hearing.
- You should make an extra “bench” (judge’s) copy of any documents you are filing less than one week before your hearing. Write the time of your hearing on the upper right corner of the first page of the document and put the copy in Superior Court Clerk’s drop box slot marked “bench copies.”

I have an emergency and I need an emergency court order. What can I do?

An emergency order is called “ex parte,” which means the judge signs the order without notice to the other side. However, the judges prefer it if that morning, before you head for the courthouse, you first simply call the other side to say what you plan to do.

In order to get an ex parte order, you must do the following:

- fill out the forms,
- make sure your case is already filed so you have a case number (you can file it the same morning), and
- go to the ex parte docket in Courtroom 7 Monday through Thursday with your motion and order for ex parte orders and, if

you’re asking for restraining orders, two copies of a law enforcement information sheet. You can get more information about getting ex parte orders by going to the family category of www.washingtonlawhelp.org and looking for the publication appropriate to your case.

The ex parte docket is held at the following days and times:

- Monday, Tuesday, Wednesday, Friday: 1:00 pm
- Thursday: 1:30 pm

You should arrive at the ex parte docket early to make sure your case gets heard.

If you need an ex parte order on a Friday, ring the buzzer at the Superior Court Clerk’s window for help. But Note: the only new cases that can be filed on Friday are true emergencies, such as petitions for temporary domestic violence protection orders and motions for ex parte restraining orders where you believe there’s such risk of harm to you or your children and the initial petition in the case has already been filed.

- ◆ You’re not required to see the facilitator before asking for an emergency/ex parte order.

English isn’t my first language. Can I get a court interpreter?

Ask about how to get an interpreter at the Superior Court Clerk’s Office window or get forms and instructions (including an application to have an interpreter paid for by the court if you are indigent) from the Superior Court’s website:

<http://www.co.cowlitz.wa.us/superiorcourt/forms.html>

Sign Language (ASL) interpreters are also available.

I need legal assistance. Can the clerk give me that kind of help?

The Superior Court Clerk is not an attorney and isn't allowed to provide legal advice or assistance. Contact CLEAR at 1-888-201-1014. The CLEAR advocate you speak with on the phone may be able to provide all the help you need. Or the CLEAR advocate may be able to refer you to Cowlitz-Wahkiakum Legal Aid or Northwest Justice Project for more help. You can also contact CWLA directly about getting forms at 360-425-3430.

Where can I find more information online?

Court forms can be found at

www.courts.wa.gov/forms/

For forms packets with instructions and informational publications on many legal issues see www.washingtonlawhelp.org

For Superior Court Clerk's Office information see

<http://www.co.cowlitz.wa.us/clerk/>

For Cowlitz County Superior Court information and local forms see

<http://www.co.cowlitz.wa.us/superiorcourt/index.html>. This website has a link to the local court rules.

For statewide court rules see

www.courts.wa.gov/court_rules/. Follow the links to "Rules for Superior Court" and then "Superior Court Civil Rules."

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