

RESPONDING TO A PETITION FOR DIVORCE

Local Court Rule 94.04 requires that all pro se (self-represented) people have their proposed Temporary Orders and all Final Orders reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited License Legal Technician or private attorney before the Clerk can set a hearing date. You may call the Chelan County Clerk's Office at (509) 667-6380 or (509) 667-6236 to make an appointment with the Family Law Court Facilitator. The fee for a 45-60 minute appointment is \$40.00. The Court Facilitator will review your papers, answer questions, help you complete the process and set a hearing date.

This list of instructions is not a substitute for legal advice. Before starting any legal action, it is always wise to consult an attorney regarding your rights and responsibilities. Many attorneys offer consultations. The Family Law Court Facilitator and the Clerk's Office cannot give legal advice.

Your specific situation may require additional forms and procedures which may not be listed on this outline.

Attached to this outline is a list of the forms contained in the complete packet available at the Chelan County Clerk's Office for a fee of \$10.00.

1. **FORMS:** Obtain the forms listed in this outline. The Chelan County Superior Court Clerk sells **Response to Petition About Marriage** packets which include the required state and local forms. To make the process easier to understand, these packets are divided into "Steps" (Step 1, Step 2, Step 3, etc.). The packet costs \$10.00. You may also download the forms for free at the Washington State Court website: www.courts.wa.gov/forms. Chelan County Local Court Rules and local forms are available for view and download at www.co.chelan.wa.us/superior-court or you may purchase individual local forms at the Chelan County Clerk's Office.
2. **HELP:** If you need help understanding forms or procedures, the Family Law Court Facilitator can review your papers you have completed yourself, answer questions and help you with procedures. The Family Law Court Facilitator cannot give legal advice, does not represent you, will assist but cannot fill out your forms for you and may also help the other party. There is a \$40 fee per 45-60 minute appointment. To see a Family Law Court Facilitator you must make an appointment by calling (509) 667-6380 or (509) 667-6236.
3. **READ THE PETITION:** Read the **Petition for Divorce** and **Summons** carefully so that you understand what the other party is asking for and why. If you do not agree with any part of the **Petition for Divorce**, you must let the court and your spouse know by filing and serving the appropriate response document within the allowed time. If you were served personally within Washington State, you have 20 days to file and serve your response. If served outside of Washington, you have 60 days to file and serve your response and if you were served by mail pursuant to a court order allowing service by mail, you have 90 days to file and serve your response.

If you fail to respond to the **Petition** within the allowed time, the other party may obtain **Default** against you and a Judge or Commissioner may, **without notice to you**, grant a Final Divorce Order and sign other final orders that are consistent with the documents that were served on you. **Essentially, if you don't respond the Court may assume that you are in agreement with everything in the Petition for Divorce.**

4. **COMPLETE THE FORMS:**

Fill out:

- *Response to Petition about a Marriage (FL Divorce 211)
- *Financial Declaration (FL All Family 131)
- *Financial Source Documents Cover Sheet (FL All Family 011)

***Proof of Mailing or Hand Delivery (for documents after Summons and Petition)
(FL All Family 112)**

And if you have children, complete:

***Proposed Parenting Plan (FL All Family 140)**

***Proposed Child Support Worksheet (WSCSS Worksheets)**

PARENTING CLASS:

Local Court Rules require that both parents must take an approved Parenting Class. "Supporting Children Through Divorce: Helping Children Adjust" is offered in Chelan County. You must file proof that you have attended the parenting class before your case can be finalized. Sign up online at <http://www.co.chelan.wa.us/clerk/> or in person at the Clerk's office. The fee is \$40.00 for a 4 hour class. You may pick up a brochure describing the class and registration at the Chelan County Clerk's Office.

When you are filling out the **Response** you must be looking at the **Petition**. For each numbered section of the Petition you must, on your Response form, mark either; "I agree" which means that you agree with that section; "I disagree" which means that you do not agree with that section; or "I don't know". In your Response you must explain in the space provided on the form why you are disagreeing with the sections you indicated.

- 5. *SEE #7 BELOW IF YOU HAVE ALSO BEEN SERVED WITH ANY TYPE OF MOTION AND/OR NOTICE OF A HEARING BECAUSE YOU HAVE LESS TIME TO RESPOND TO A MOTION HEARING.***

**ARE YOU REQUESTING TEMPORARY ORDERS
BEFORE YOUR DIVORCE IS FINAL?**

GET THE "**TEMPORARY COURT ORDERS OUTLINE**" IF YOU NEED TEMPORARY COURT ORDERS PRIOR TO YOUR DIVORCE BECOMING FINAL, SUCH AS MAINTENANCE, USE OF PROPERTY, TEMPORARY PARENTING PLAN, TEMPORARY ORDER OF CHILD SUPPORT, OR RESTRAINING ORDERS. This outline is available without fee at the Chelan County Clerk's Office. The Family Law Court Facilitator can help you with this process by reviewing your papers, answering your questions and helping you with procedures. You may make an appointment by calling (509) 667-6380 or (509) 667-6236. There is a fee of \$40.00 for a 45 to 60 minute appointment with the Facilitator.

The Family Law Court Facilitator can help you calculate child support or you can prepare a Child Support Worksheet using the Automated Child Support Calculator at: www.dshs.wa.gov/dcs.

6. MAINTENANCE

If your spouse is asking for Maintenance you should also prepare a **Financial Declaration (FL All Family 131)** and **Sealed Financial Source Documents (Cover Sheet) (FL All Family 011)** with attached proof of income (paystubs, W2 form and 2 years of tax returns).

7. MOTION OR NOTE FOR CALENDAR:

If you have been served with some type of **Motion** and/or a **Note for Calendar** which sets a hearing in the case you must also prepare a separate response to that Motion. You can use a **Declaration (FL All Family 135)** form and attach exhibits which you think support your position. Depending on the type of Motion, there may be other documents to file.

You have limited time to file and serve your responsive documents when a hearing has been set.

Court Rules require that your spouse give you 5 court days' notice of any hearing. Court days do not include weekends and holidays. Responses must be filed and served by noon 2 court days' prior to hearing.

At the hearing the Judge or Commissioner will decide whether or not to grant the other party's Motion and may enter Temporary Orders. Make sure that you attend the hearing and are prepared.

8. Make copies:

Make two copies of the completed papers listed in #4, #5, #6 and #7 above. One set of copies is to be provided to the other party and the other copy is for you to keep for your records. File the original with the Chelan County Superior Court Clerk. Mail a copy of your filed documents to your spouse at the address shown on the Summons, or have your spouse personally served.

If the papers are personally served, the person serving the papers must complete **Proof of Personal Service (FL All Family 101)**, return it to you and you must file it with the Clerk's office. This is your proof that the other person was properly served.

OR

If you have someone mail a copy to your spouse, they must complete a **Proof of Mailing or Hand Delivery (FL All Family 112)** declaring they did so. File this proof at the Clerk's office.

9. IF YOU AGREE:

If you and your spouse have reached an agreement, call and schedule an appointment with the Family Law Court Facilitator to review and pre-approve your final documents and set your final divorce hearing. Fill out and bring all the forms listed in #10 below with you to the appointment. If you and the other party agree on the final papers, both parties must sign all of the final papers. The Family Law Court Facilitator can help you with that.

Local Court Rule 94.04 requires that all pro se (self-represented) people have their proposed Temporary Orders and all Final Orders reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited License Legal Technician or private attorney before the Clerk can set a hearing date.

10. TRIAL SETTING: If you do not reach an agreement you may note your matter for trial setting. Pursuant to Local Court Rule 94.04 prior to noting your matter for trial setting you must first complete your proposed final orders and have them reviewed and pre-approved by the Court Facilitator, Navigator, Limited License Legal Technician or private attorney.

***Findings and Conclusions about Marriage (FL Divorce 231);**

***Final Divorce Order (Dissolution Decree)(FL Divorce 241); and**

If you have children you will also need:

***Final Parenting Plan (FL All Family 140);**

***Child Support Worksheets (WSCSS Worksheets);**

***Child Support Order (FL All Family 130);**

***Residential Time Summary Report (FL Divorce 243); and**

***JIS search form (available at the Clerk's Office).**

Note for Trial Setting (a Local Court Form available at the Clerk's Office). On Page 1 write in the date the Response was filed. On page 2 you must write in a Friday date. "Nature of Case" is "Divorce with" or "without children". You must estimate the courtroom time required for your trial. If there are dates that you know you will not be available for a trial, you must also fill in the "Dates Unavailable for Trial". Complete and sign the form, make 2 copies and file the original with the Chelan County Clerk's Office. **NOTE: Prior to noting your matter for trial setting you must first have your proposed final orders reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited License Legal Technician or private attorney.**

The Friday you choose for the Trial Setting Date must be at least 2 weeks away from the day the **Note for Trial Setting** is mailed or hand delivered to the other party. A copy of the Note for Trial Setting must be provided to the other party. The person who mails or hand delivers the **Note for Trial Setting** must

complete and sign a **Proof of Mailing or Hand Delivery (FL All Family 112)** declaring they mailed or hand delivered a copy of the **Note for Trial Setting** to the other party. Neither party is required to appear on the date of the Trial Setting. On the date of the Trial Setting, the court file is transferred to the Court Administrator who then sets a trial date for you.

Once the Court Administrator sets a trial date, both parties will receive a letter stating the date and time of the trial. The trial setting letter may also request you bring additional information to your trial.

- 11. TRIAL PREPARATION:** Please note that this outline does not fully cover trial preparation. In preparing for your trial, you may want to seek legal advice from an attorney. The Court Facilitator can review trial process but cannot help you with trial preparation.

Helpful Phone Numbers and Websites

Chelan County Superior Court Clerk's Office (509) 667-6380

Volunteer Lawyer Program of Chelan County (509) 663-2778

CLEAR line for a referral to the Volunteer Legal Professional (888) 201-1014

State Prosecuting Attorney – Family Support Division (360) 336-9461

www.courts.wa.gov/forms to download standard family law forms

www.washingtonlawhelp.org for general information on a variety of legal topics

www.nwjustice.org for general information and resources

www.co.chelan.wa.us/superior-court Superior Court website

www.co.chelan.wa.us/clerk Chelan County Clerk website.

www.dshs.wa.gov/dcs Washington Division of Child Support (forms and information)

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Step 1 of 1 Response to Divorce w/children

Step 1

Service Accepted
Agreement to Join Petition (Joinder)
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)
COPES Registration Brochure

OR IN THE ALTERNATIVE

Response to Petition about Marriage
Proposed Parenting Plan
Proposed Child Support Worksheets
Financial Declaration
Financial Source Documents Cover Sheet
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)
COPES Registration Brochure

OR

Step 1 of 1 Response to Divorce w/o children

Step 1 of 1

Service Accepted
Agreement to Join Petition (Joinder)
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)

OR IN THE ALTERNATIVE

Response to Petition about a Marriage
Financial Declaration
Financial Source Document Cover Sheet
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)