

OUTLINE
CHELAN COUNTY

**IMMEDIATE TEMPORARY ORDERS
DIVORCE, LEGAL SEPARATION OR REGISTERED DOMESTIC
PARTNERSHIP**

Use this outline if you need Emergency Orders (Immediate Temporary Orders) to provide immediate restraining orders or other protections or rights.

If you have not already filed a divorce, legal separation or registered domestic partnership, you must file a new case along with this motion. You may not file a Motion for Temporary Orders unless you have a pending family law case or you are filing a family law case at the same time that you are filing this motion.

Local Court Rule 94.04 requires that all pro se (self-represented) people have their proposed Temporary Orders and all Final Orders reviewed and approved by the Family Law Court Facilitator, Navigator, Limited Licensed 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 forms, answer questions, help you complete the process and set the hearing date.

1. **FORMS:** Obtain the forms listed in this outline. The Chelan County Superior Court Clerk sells **Temporary Orders** packets which include the required state and local forms. The packet costs \$10.00. You may also download the forms for free at the Washington State Court web site: www.courts.wa.gov/forms . Chelan County Local Court Rules and local forms are available for view or 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 forms you have completed yourself, answer questions, and help you with procedures. The Family Law Court Facilitator cannot give legal advice, does not represent you, cannot fill your papers out 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. **COMPLETE THE FORMS:**

Fill out:

- ***Motion for Immediate Restraining Order (Ex Parte) (FL Divorce 221)**
- ***Declaration (FL All Family 135)**
- ***Immediate Restraining Order (Ex Parte) and Hearing Notice (FL Divorce 222)**
- ***Law Enforcement Information Sheet (WPF All Cases 01.0400)**
- ***Temporary Family Law Order (FL Divorce 224)**
- * **Restraining Order (FL All Family 150)**

Complete the forms and make two copies of the all of the completed forms. One set of copies is to be served on the other party and the other set is for you to keep for your records.

4. **FILE YOUR PAPERS:** Bring your papers to the Chelan County Superior Court Clerk for filing. There is no fee to file these papers, however you must have an open family law case or file these documents at the same time you open a new family law case. For example if you need an immediate temporary court order you must have already filed a divorce, legal separation or registered domestic

partnership or you must file a new case along with this motion. If you are filing a new case at the same time as the motion the filing fee is \$364. If the filing fee causes a financial hardship you may apply for a "Fee Waiver" by requesting a "Fee Waiver Packet" from the Clerk. If the case has already been filed, there is no additional fee to file your motion.

5. **IMMEDIATE ORDER AND THE HEARING DATE:** You will be sent to Judge's Chambers to get your Immediate Restraining Order signed. You must then return to the Clerk's Office with your papers to finish processing and filing your forms.
6. **SERVICE:** An Immediate Restraining Order (Ex Parte) is in effect only for a period of 14 days. During that 14 day period, there must be a hearing in order to continue the restraining orders beyond the 14 day period. When the judge signs your Immediate Restraining Order, he or she will also set a hearing date and will write that hearing date on the first page of the Immediate Restraining Order. **During the 14 day period the other party must be personally served with a copy of the Immediate Restraining Order and Hearing Notice, Motion for an Immediate Restraining Order and any Declarations supporting the motion. You must arrange to have your papers served.**

You cannot serve the papers yourself. If you are filing this motion at the same time you file a Summons and Petition you may have these papers served at the same time the Summons and Petition are served. The person personally serving your papers must be 18 years or older and cannot be a party to your case. The papers must be personally handed to the other party. The person serving the papers must completely fill out and sign a **Proof of Personal Service (FL All Family 101)**. Make sure that all the documents that were served are listed on the **Proof of Personal Service** form and that the date, time and address of service are filled in. This is your proof that the other party was properly served. File the **Proof of Personal Service** at the Clerk's Office.

7. **ATTEND THE HEARING AND BRING YOUR PROPOSED ORDERS:** The Judge will make an order based on the paperwork you filed, any responding papers filed by the other party and any other information provided at the hearing. If you have not been able to serve the other party, you may ask the Judge to continue the restraints for another 14 days in order to give you additional time to have your papers served. The judge cannot issue a Temporary Order and a Temporary Restraining Order until the other party is served and had the opportunity to respond to your **Motion for Immediate Restraining Order**. Bring your proposed **Temporary Family Law Order (FL Divorce 224)** and **Temporary Restraining Order (FL All Family 150)** to the hearing for presentation to the Judge.

If you need help understanding the forms or procedures, the Family Law Court Facilitator can review the forms you've completed, answer questions and help you with procedures. There is a \$40 fee for a 45-60 minute appointment. You must make an appointment by calling (509) 667-6380 or (509) 667-6236. Complete the forms to the best of your ability and bring all the documents listed above with you to the appointment. The Court Facilitator will review the documents, answer your questions and help you set the 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. Your specific situation may require additional forms and procedures which may not be listed on this outline. The Family Law Court Facilitator and the Clerk's Office cannot give legal advice. Only an attorney can give legal advice.

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)

Steps 1 - 2 IMMEDIATE TEMPORARY ORDER (Ex Parte) DIVORCE/LEGAL SEPARATION/REGISTERED DOMESTIC PARTNERSHIP

Step 1

Motion for Immediate Restraining Order (Ex-Parte)

Declaration Form

Immediate Restraining Order (Ex-Parte) and Hearing Notice

Note for Motion

Law Enforcement Information Sheet

Proof of Personal Service

Step 2 – Proposed Orders

Proposed Temporary Family Law Order

Proposed Temporary Restraining Order

Extension of Immediate Restraining Order and Hearing Notice