

OUTLINE
CHELAN COUNTY

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

Use this outline if you need Temporary Court Orders (pending final orders) for a parenting plan, child support, temporary payment of debt, spousal maintenance, temporary possession of the family home or automobiles and/or temporary restraining orders.

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 pre-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 documents, answer questions, help you complete the process and set a 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 website: 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 but can assist you in filling them out 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 Temporary Family Law Order [] and Restraining Order (FL Divorce 223)**
***Declaration (FL All Family 135)**
***Note for Motion Calendar (a Local Court Form in the packet or available at the Clerk's Office)**
OR
***Notice of Hearing (FL All Family 185)**

Make two copies of 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:** File your papers with the Chelan County Superior Court Clerk. 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 temporary court orders 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. **SETTING THE HEARING DATE:** At the time you file your **Motion for Temporary Family Law Order** and request a hearing, you must also provide *pre-approved **Proposed Temporary Orders** for the Judge to sign at the hearing. Depending upon your requests in the motion the Proposed Temporary Orders may include:

- ***Temporary Family Law Order (FL Divorce 224)**
- ***Parenting Plan (FL All Family 140)**
- ***Child Support Worksheets (WSCSS)**
- ***Child Support Order (FL All Family 130)**
- ***Restraining Order (FL All Family 150)**
- ***Law Enforcement Information Sheet (WPF All Cases 01.0400)**

6. **SERVICE:** Have the other party served. Although this Motion by itself does not require personal service, if you are filing this motion at the same time you file a Summons and Petition you may have the papers listed in #3 above served at the same time. 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. You cannot serve the other party yourself. 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 papers that were served are listed on the **Proof of Personal Service** 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.

If you are filing this motion AFTER the Summons and Petition have been personally served to the other party, you may give notice of your request for temporary orders by mailing or hand delivering to the other party a copy of the papers listed in #3 above. These papers must be mailed or hand delivered at least 8 days prior to the hearing date set out in your **Note for Motion or Notice of Hearing** and the mailing or hand delivery should be done by someone other than you who is 18 years of age or older. The person who mails or hand delivers the papers for you must complete a **Proof of Mailing or Hand Delivery (FL All Family 112)**. Make sure all the papers mailed or hand delivered are listed on the **Proof of Mailing or Hand Delivery** and that the form is completely filled out. This is your proof that the other party received notice of your request for temporary orders and the hearing date. File the completed **Proof of Mailing or Hand Delivery** at the Clerk's Office. The Judge cannot consider your request for temporary orders if there is not proof in the file that the other party received notice.

7. **ATTEND THE HEARING:** 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. Your Proposed Temporary Orders will be used by the Judge to set out the Court's Order. Once the Temporary Orders are signed by the Judge, they become effective immediately and will remain in effect until further order of the Court.

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 to 60 minute appointment. You must make an appointment by calling (509) 667-6380 or (509) 667-6236. Fill out your papers to the best of your ability and bring all the forms listed above with you to the appointment. The Court Facilitator will review your papers, assist and 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.

Helpful Phone Numbers and Websites

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

Volunteer Attorney Services of Chelan and Douglas County (509) 663-2778

CLEAR line for a referral to the Volunteer Attorney Services (888) 201-1014

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

www.courts.wa.gov/forms to download pattern 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 DIVORCE–LEGAL SEPARATION–REGISTERED DOMESTIC PARTNERSHIP TEMPORARY ORDERS

with or without CHILDREN

Step 1 – Requesting Temporary Orders

Motion for Temporary Family Law Order and Restraining Order

Declaration Form

Note for Motion

Proof of Mailing or Hand Delivery (for documents after Summons and Petition)

Step 2 – Temporary Hearing

Temporary Orders:

Temporary Family Law Order

If you have children you may also need:

*Temporary Parenting Plan

*Child Support Worksheets

*Temporary Child Support Order

Temporary Restraining Order

Law Enforcement Information Sheet

***You may use your Proposed Parenting Plan, Proposed Child Support Worksheets and Proposed Child Support Order as Temporary Orders.**