

Outline Chelan County LEGAL SEPARATION

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 \$30.00. 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 \$20.00.

1. **FORMS:** Obtain the forms listed in this outline. The Chelan County Superior Court Clerk sells **Legal Separation** 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 \$20.00. 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 \$30 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:** (Circumstances of your case may require additional forms)
Fill out:
 - *Vital Statistics Form; (contained in the packet and available at the Clerk's Office)
 - *Confidential Information Form (FL All Family 001);
 - *Case Information Cover Sheet
 - *Petition for Legal Separation (FL Divorce 203);
 - *Summons (FL Divorce 200);
 - *Financial Declaration (FL All Family 131)Make two copies of these papers **except** the **Confidential Information Form** and the **Vital Statistics Form**. One set of copies is to be served on the other party and the other copy is for you to keep for your records.
4. **FILE YOUR PAPERS:** File your papers with the Chelan County Superior Court Clerk. The filing fee is \$364 payable by cash, check, money order, cashier's check, Mastercard or Visa. (There is an additional

fee if a credit or debit card is used.) There is a process by which you can waive the filing fee if you qualify. The Clerk's Office has a "Fee Waiver Packet".

5. **SERVICE**: Have the other party served with copies of all your filed papers except the **Confidential Information Form and Vital Statistics Form**. You must have someone, who is 18 years or older and who is not a party to your case serve the other party by personally handing the other party copies of the papers. **You cannot serve the papers 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 the date, time and address of service are filled in. This is your proof the other party was properly served. File the **Proof of Personal Service** at the Clerk's Office. The other party has 20 days (if served within the state of Washington) or 60 days (if served outside of the state) in which to file a **Response to Petition about Marriage (FL Divorce 211)**.

ARE TEMPORARY ORDERS NEEDED PRIOR TO FINALIZING?

TEMPORARY COURT ORDERS OR IMMEDIATE TEMPORARY RESTRAINING ORDER PACKETS ARE AVAILABLE AT THE CHELAN COUNTY CLERK'S OFFICE. The fee is \$10.00.

GET THE "**TEMPORARY COURT ORDERS OUTLINE**" IF YOU NEED TEMPORARY COURT ORDERS SUCH AS A TEMPORARY ORDER AWARDING USE OF PROPERTY OR VEHICLES, RESTRAINING ORDERS OR MAINTENANCE. 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, helping you with procedures and setting a hearing date. You may make an appointment by calling (509) 667-6380 or (509) 667-6236. There is a fee of \$30.00 for a 45-60 minute appointment with the Facilitator.

6. **DEFAULT**: If the other party does not file a **Response** to your Petition within the allowed time, and has not made an appearance in your case (appeared at a hearing) you may file a Motion for Default.

***Motion for Default (FL All Family 161),**

***Order on Motion for Default (FL All Family 162)**

***Note for Motion Calendar (Local Court Form in the packet and available at the Clerk's Office).**

Fill out and file these three forms at the Clerk's Office. These motions are heard on Fridays at 9:30 am. The Court Facilitator can help you in filing this motion. You may call (509) 667-6380 or (509) 667-6236 to make an appointment with the Family Law Court Facilitator. **NOTE: Prior to setting your matter before the Court you must first have your proposed order reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited License Legal Technician or private attorney.**

7. **FINAL PAPERS**: If the other party did not respond, or if you and the other party have reached an agreement, call and schedule an appointment with the Family Law Court Facilitator to review your final papers and set your final hearing. Fill out and bring all the forms listed below to the appointment. If you are finishing your case by default, make sure all your final papers are filled out exactly the same as the papers the other party was served. 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 this process.

***Motion for Default (FL All Family 161) unless previously filed.**

***Order on Motion for Default (FL All Family 162) unless previously filed.**

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

***Final Legal Separation Order (FL Divorce 241);**

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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.

8. **TRIAL SETTING**: If you do not reach an agreement, and the other party filed a **Response to Petition about Marriage** 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 Legal Separation Order (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 (contained in packet and available at the Clerk's Office).

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Note for Trial Setting (Local Court Form in the packet and available at the Clerk's Office). On Page 1 write in the date the other party filed their Response form. On page 2 you must write in a Friday date. "**Nature of Case**" is "Legal Separation with" or "without Children" and 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 provided to the other party. A copy of the Note for Trial Setting must be mailed or hand delivered to the other party. The person who mails or hand delivers the **Note for Trial Setting** must sign a **Proof of Mailing or Hand Delivery (FL All Family 112)** declaring under penalty of perjury that they provided a copy of the **Note for Trial Setting** either by mail or hand delivery 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 date.

9. **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.

10. **CONVERTING LEGAL SEPARATION ORDER TO A FINAL DIVORCE ORDER**

Six months after your Legal Separation Order was signed by the judge and filed with the clerk, you may file a motion asking the judge to convert the Legal Separation Order to a Final Divorce Order. If you choose to do this, fill out:

- *Vital Statistics Form (in the packet and available at the Clerk's office)**
- *Motion to Convert Legal Separation Order to Final Divorce Order (FL Divorce 251)**
- *Note for Non-Contested Dissolution Calendar (Local Form available at the Clerk's office)**
- *Order Converting Legal Separation Order to Final Divorce Order (FL Divorce 253)**

Fill out these forms and make 2 copies with the exception of the Vital Statistics Form. Before you can receive a court date, you must first have your proposed order reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited License Legal Technician or private attorney. File the originals with the Clerk's office, one copy is for you to keep for your records and the other copy must be provided to the other party, which gives the other party notice. You provide the other party notice by having someone mail or hand deliver the papers to the other party. The person who does this must fully complete a **Proof of Mailing or Hand Delivery (FL All Family 112)** indicating they did so. File the Proof of Mailing or Hand Delivery with the Clerk's office. This form tells the judge the other party received notice. The Court Facilitator can help you with the papers and setting the hearing date. To make an appointment, call the Chelan County Clerk's Office at (509) 667-6380 or (509) 667-6236.

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)

Note: If you do not have children, the next page DOES NOT apply to you!

IF YOU HAVE CHILDREN, YOU WILL ALSO NEED:

ADDITIONAL FORMS:

- **Automatic Temporary Order for Parties with Children (Local Court Form in the packet or can be obtained from the Chelan County Clerk's Office)**
Chelan County Superior Court requires that an Automatic Temporary Order be put in place at the onset of a divorce or legal separation case in which there are children. At the time of filing, in addition to the forms listed in #3, above you must also fill out this **Automatic Temporary Order**. This order will be submitted to a Judge for signature when you file your Summons and Petition for Legal Separation and must be served on the other party with the Summons and Petition. This automatic order restrains both parties from changing the residence of the children until further court order unless agreed upon in writing by both parties, restrains both parties from making negative remarks about the other parent in the presence of the children and orders both parents to take a mandatory parenting class. It does not restrain visitation by the non-residential parent provided the visitation is by verbal agreement.
- **Proposed Parenting Plan (FL All Family 140) AND**
- **Proposed Child Support Worksheets (WSCSS Worksheets)**
- **Proposed Child Support Order (FL All Family 130)**

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GET THE "**TEMPORARY COURT ORDERS OUTLINE**" IF YOU NEED TEMPORARY COURT ORDERS SUCH AS A 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 \$30.00 for a 45-60 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.

PARENTING CLASS:

Local Court Rules require that both parties must take an approved Parenting Class. "Support 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.

FINAL PAPERS:

In addition to the forms listed under #7 above, you must also provide the following completed forms:

- ***Final Parenting Plan (FL All Family 140);**
- ***Child Support Worksheets (WSCSS Worksheets);**
- ***Order of Child Support (FL All Family 130);**
- ***Residential Time Summary Report (FL Divorce 243); and**
- ***JIS search form (in the packet and available at the Clerk's Office)**

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Steps 1–5 **LEGAL SEPARATION W/CHILDREN**

STEP 1 – Starting the case

Department of Health Stat Sheet
Case Information Cover Sheet
Confidential Information Form
Summons: Notice about a Marriage or Domestic Partnership
Petition for Legal Separation (Marriage)
Declaration about Public Assistance
Proposed Parenting Plan
Information for Parenting Plan
Proposed Child Support Worksheet
Proposed Child Support Order
Financial Declaration
Sealed Financial Source Documents (Cover Sheet)
Automatic Temporary Order for Parties with Minor Children
COPES Registration Brochure (Parenting Class)

STEP 2 – Serving the papers

Service Accepted
Agreement to Join Petition (Joinder)
Response to Petition about a Marriage
Proof of Personal Service

STEP 3 – If a Response is NOT filed

Motion for Default
Note for Motion
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)
Order on Motion for Default

OR – If a Response IS filed

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

STEP 4 – Finalizing the case

Note for Non-Contested Dissolution Calendar
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)
JIS Background Search Form
Findings and Conclusions about a Marriage
Final Legal Separation Order (Decree)
Final Parenting Plan
Final Child Support Order
Child Support Worksheets
Residential Time Summary Report
COPES Certificate of Attendance (Parenting Class)

STEP 5 – Converting Legal Separation to Dissolution

Department of Health Stat Sheet
Motion to Convert Legal Separation Order to Final Divorce Order (Dissolution Decree)
Note for Non Contested Dissolution Calendar
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)
Order Converting Legal Separation Order to Final Divorce Order (Dissolution Decree)

OR

Steps 1 – 5 **LEGAL SEPARATION W/O CHILDREN**

STEP 1 – Starting the case

Department of Health Stat Sheet
Case Information Cover Sheet
Confidential Information Form
Summons: Notice about a Marriage or Domestic Partnership
Petition for Legal Separation (Marriage)
Financial Declaration
Sealed Financial Source Documents (Cover Sheet)

STEP 2 – Serving the papers

Service Accepted
Agreement to Join (Joinder)
Response to Petition about a Marriage
Proof of Personal Service

STEP 3 – If a Response is NOT filed

Motion for Default
Order on Motion for Default
Note for Motion
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)

OR – If a Response IS filed

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

STEP 4 – Finalizing the case

Note for Non–Contested Dissolution Calendar
Findings and Conclusions about a Marriage
Final Legal Separation Order (Decree)
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)

STEP 5 – Converting Legal Separation to a Divorce

Department of Health Stat Sheet
Motion to Convert Legal Separation Order to Final Divorce Order (Dissolution Decree)
Note for Non–Contested Dissolution Calendar
Order Converting Legal Separation Order to Final Divorce Order (Dissolution Decree)
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)