

How to **Ask for a Legal Separation** For spouses/registered domestic partners who *do not agree*

Use this packet only if you and your spouse or registered domestic partner do **not** agree on the terms of your Legal Separation.

Important! If one of you is pregnant now, or a child was born after you separated, the other spouse/registered domestic partner is considered the *legal* parent. If you do not think the other spouse/registered domestic partner is the parent, in most cases you can ask the court to determine who the legal parents are (parentage) by filing a case to disestablish paternity **before** the child turns **4** years old. Parentage needs to be determined for any child born during the marriage **before** your case is finalized. If you are in this situation, talk to a lawyer.

Note: If you have minor children, this instruction will start your case, but it will not give you immediate custody of the child(ren). If you want to ask for a Temporary Parenting Plan, ask the facilitator for those instructions.

Talk to a lawyer, if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They are not intended to be a substitute for legal advice. They provide only legal *information*. It's a good idea to talk to a lawyer before you file any forms. If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office for a list of low-cost and free legal resources.

King County Superior Court
516 3rd Ave, Room W-382
Seattle, WA 98104

Maleng Regional Justice Center
401 4th Ave North, Room 3D
Kent, WA 98032

Step 1: Fill out these forms

All of these forms in Step 1 can be downloaded at: www.kingcounty.gov/courts/clerk/forms.aspx

Form Name	Form Number	Notes	Completed
Case Assignment Area Form and Case Information Cover Sheet	Family Law		<input type="checkbox"/>
Confidential Information	FL All Family 001	Attachment to Confidential Information form (for additional parties or children)	<input type="checkbox"/>
Certificate of Dissolution-Vital Statistics form	Domestic Partners-Vital Stats form		<input type="checkbox"/>

Step 2: Fill out these forms and attachments, then make copies

All of these forms in Step 2 can be downloaded at: www.courts.wa.gov/forms/

Summons: Notice About a Marriage or Domestic Partnership	FL Divorce 200		<input type="checkbox"/>
Petition for Legal Separation (Marriage)	FL Divorce 203	Use FL Divorce 204 Petition to End Registered Domestic Partnerships (Dissolution) for Registered Domestic Partnership	<input type="checkbox"/>
Notice to Military Dependent	FL All Family 103		<input type="checkbox"/>

If you have children under the age of 18 born during your marriage, you will also need these forms

Parenting Plan	FL All Family 140		<input type="checkbox"/>
Declaration about Public Assistance	FL All Family 132		<input type="checkbox"/>

How many copies do I need?



- **Original** set to file with the Clerk's office.
- Copy **1** is for your records.
- Copy **2** is to serve the other party.
- Make a **3rd** copy if you have a child(ren) who has received public assistance at some point. You must deliver copies of your filed forms to the King County Prosecuting Attorney's Office, Family Support Section.

Fill out these forms *after* the other party is served.

Proof of Personal Service	FL All Family 101	Form is signed by the server. See step 4	<input type="checkbox"/>
Declaration: Personal Service Could Not be Made in Washington	FL All Family 102	Only use if the other party is personally served out-of-state	<input type="checkbox"/>

Step 3: Take your original forms to the Clerk’s Office and pay a fee

The Clerk will ask you to pay a filing fee. If you cannot afford to pay the fee, ask for an application to let you file for free. This application is called a *Motion and Declaration for Waiver of Civil Fees and Surcharges* ([Kent](#) or [Seattle](#)).

When you file your forms, the clerk will give you two copies of your *Case Schedule*. You will need 1 copy to serve on the other party. Keep 1 copy for your records.

Step 4: Have the other party served

You must have the other party served with *copies* of:

- The Case Schedule that the Clerk gave you when you filed, **and**
- All of the forms you filed with the clerk, except the *Case Assignment Area Form and the Confidential Information Form*.

How to serve

Someone over 18 – **not you** - must serve (give) the other party copies of your court papers. After serving, the server fills out a *Proof of Personal Service* form and gives it to you. Keep a copy for your own records and file the original with the Clerk’s Office.

If you have questions about serving, ask the facilitators for the packet of information about service.

Step 5: You and your spouse/registered domestic partner *must* go to a family law class

You **must** both go to a class, called *Family Law Orientation*. This class will explain how the courts handle family law cases. And it will tell you where you can find information and help. The deadline to complete this class is listed on your *Case Schedule*.

Go to the Family Law Facilitator’s Office for information or to register (W-382 in Seattle and 3D in Kent).

If you have children under 18, you *must* both go to a parenting class

Both parents **must** go to a parenting class called *What About the Children*. You must complete the class by the deadline listed on your *Case Schedule*.

Go to the Family Law Facilitator's Office for information or to register (W-382 in Seattle and 3D in Kent).

Step 6: Follow your Case Schedule

The next step is to wait to see if the other party files a Response.

You must wait:

20 days	If the other party was served in person in Washington state.
60 days	If the other party was served in person outside of Washington state, or by publication (because of a court order).
90 days	If the other party was served by mail because of a court order.

If the other party *does* serve and file a Response, follow your Case Schedule. Your trial will be in about 11 months. If you want to ask for **temporary** orders now, ask the Family Law Facilitators for instruction for *Motion for Temporary Orders*. Continue to follow your case schedule and go to Step 7.

If the other party *does not* serve and file a Response by the deadline you can finish your Legal Separation in the Ex Parte Department. Ask the Family Law Facilitator how to finish by default or agreement. Stop here. Do not continue to Step 7.

Step 7: Finishing your Case at Trial

If you and the other party cannot come to an agreement about your Legal Separation you will have a trial before a Judge.

- **If your case *does not* involve children:** you must fill out and file the *Joint Confirmation of Readiness* form (the due date is listed on your case schedule) and file it with the court. Ask the Family Law Facilitators for information on preparing for trial. Also, you will need some of the forms listed below which can be downloaded at: www.courts.wa.gov/forms/.
- **If your case *does* involve children:** about 4 to 6 weeks before your trial you will get an order in the mail telling you to come to court for a *Pre-Trial Conference*. At that hearing, the Judge will give you an Order. The Order will tell you what forms you need to finish your case and when they are due. Ask the Family Law Facilitators for information on preparing for trial. Also, get the forms listed below which can be downloaded at: www.courts.wa.gov/forms/.

You will need these forms:

Findings and Conclusions About a Marriage	FL Divorce 231	Use FL Divorce 232 Findings and Conclusions About a Registered Domestic Partnership for Registered Domestic Partnership	<input type="checkbox"/>
Final Divorce Order (Dissolution Decree) / Legal Separation Order (Decree) / Invalid Marriage Order (Annulment Decree) / Valid Marriage Order (Decree)	FL Divorce 241	Use FL Divorce 242 Final Order Ending Registered Domestic Partnership (Dissolution Decree) for Registered Domestic Partnership	<input type="checkbox"/>

If you have children under the age of 18 you will also need

Parenting Plan (Final)	FL All Family 140		<input type="checkbox"/>
Child Support Order	FL All Family 130		<input type="checkbox"/>
Child Support Worksheets	WSCSS-Worksheets		<input type="checkbox"/>
Child Support Schedule & Instructions	Use this information to calculate Child Support Worksheets. Online Child Support Calculation software is available at https://fortress.wa.gov/dshs/dcs/SSGen/Home		

You may also need these forms:

Financial Declaration of (name): _____	FL All Family 131		<input type="checkbox"/>
Sealed Financial Source Documents (Coversheet)	FL All Family 011	This form goes on the <i>front</i> of the financial documents you file.	<input type="checkbox"/>
<p>If your cases involves financial matters you may have to provide copies of financial documents, including:</p> <ul style="list-style-type: none"> • Your W-2s and complete personal tax returns for the past 2 years • Your most recent pay stubs (at least 6 months) • Complete partnership/corporate tax returns for the past 2 years if you have a 5% interest or more • Statements from all of your banks and financial institutions for the past 6 months <p><i>Note:</i> The other party can ask you for a copy of your check register. If this happens, you will have 14 days to provide it.</p>			
Restraining Order	FL All Family 150		<input type="checkbox"/>
Law Enforcement Information Sheet	WPF All Cases 01.0400		<input type="checkbox"/>



Remember! The Judge may request additional forms. The Family Law Facilitators have information on how to prepare for trial. So please ask for it.