

# How to Ask for a Legal Separation

## For spouses/registered domestic partners *who agree*

Use this packet only if:

- You and your spouse or registered domestic partner **agree** on the terms of your legal separation, and
- Your spouse or registered domestic partner **will sign** the court papers to show that s/he agrees.

**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.

### 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 3<sup>rd</sup> Ave, Room W-382  
Seattle, WA 98104

Maleng Regional Justice Center  
401 4<sup>th</sup> 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](http://www.kingcounty.gov/courts/clerk/forms.aspx)

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

## Step 2: Fill out these forms and make copies

All of these forms in Step 2 can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)

<a href="#">Petition for Legal Separation (Marriage)</a>	FL Divorce 203	Use FL Divorce 204 <a href="#">Petition to End Registered Domestic Partnership (Dissolution) for Registered Domestic Partnership</a>  "Joinder" on the last page of the petition needs to be signed by the Respondent or a separate "Joinder" form should be filed to indicate that there is an agreement.	<input type="checkbox"/>
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If you have children under the age of 18 born during your marriage, you will also need these forms

<a href="#">Parenting Plan</a>	FL All Family 140		<input type="checkbox"/>
<a href="#">Declaration about Public Assistance</a>	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 give to 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.

### 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](#)).

*Important!* When you file your forms, the clerk will give you two copies of your *Case Schedule*. You will keep 1 copy for your records and give one copy to the other party

### Step 4: 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 divorces. 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 5: Choose a date to go to Court to finish your legal separation

Ex Parte Notice of Court Date (Commissioners)	<a href="#">Kent</a> or <a href="#">Seattle</a>	Download the form at <a href="http://www.kingcounty.gov/courts/scforms.aspx">http://www.kingcounty.gov/courts/scforms.aspx</a>	<input type="checkbox"/>
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To finish your legal separation, you must fill out and file the *Ex Parte Notice of Court Date (Commissioners)*. That form lets you choose a date for your court hearing. The date you choose **must** be at least **14 days** after the day you file the *Ex Parte Notice of Court Date (Commissioners)*:

*Important!* If you are not ready to finish your legal separation, you can file your papers in Steps 1 and 2, and file the *Ex Parte Notice of Court Date (Commissioners)* form when you are ready. Continue to follow your case schedule.

### Step 6: Look at your Joinder (last page of your *Petition* or separate “*Joinder*” form)

If your spouse or registered domestic partner checked the box “I demand notice of all further proceedings in this matter,” s/he must:

- Sign the completed documents in Step 7, or

- You must give him/her the *Ex Parte Notice of Court Date (Commissioners)*, along with completed documents in Step 7, 14 days before the hearing date for personal service, or 17 days before the hearing date if mailed.

You must take a completed *Proof of Mailing or Hand Delivery* form to your hearing to prove that your spouse/partner was properly served.

<a href="#">Proof of Mailing or Hand Delivery</a>	FL All Family 112	Download form at <a href="http://www.courts.wa.gov/forms/">www.courts.wa.gov/forms/</a>	<input type="checkbox"/>
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If the Joinder “waives notice,” you are not required to serve the other party.

## Step 7: Go to your court hearing to finalize your legal separation

Fill out these forms and bring them to your hearing. You may have to pay a fee for review of your documents at the final hearing.

All of these forms in Step 7 can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)

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

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

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

You may also need these forms:

<a href="#">Restraining Order</a>	FL All Family 150		<input type="checkbox"/>
<a href="#">Law Enforcement Information Sheet</a>	WPF All Cases 01.0400		<input type="checkbox"/>