



# DIVORCE ROADMAP

Information for *pro se* litigants navigating the divorce process in King County Superior Court



King County

# **– Disclaimer –**

## **The information in this presentation is not legal advice.**

The content of the Divorce Roadmap is intended for general information purposes only, and is not legal advice. Legal advice depends on the specific facts and circumstances of each individual's situation. Those seeking specific legal advice or assistance should contact an attorney.

## **The information in this presentation is only a summary of the law.**

The contents of the Divorce Roadmap may not contain complete statements of the law. The accuracy of the information presented is not guaranteed or warranted because the law changes frequently, and may differ from place to place. Always contact an attorney to get complete, accurate, and up-to-date legal advice.

## **Using the Divorce Roadmap does not establish an attorney-client relationship.**

Using this presentation or contacting a Family Court Services or other King County employee in regards to this presentation does not create an attorney-client relationship. Generally, an attorney-client relationship is created by a written agreement between you and an attorney in which the attorney agrees to provide you with legal representation. Information sent by email may not be treated as confidential. An attorney should be contacted by telephone or in person, if possible.



# **DIVORCE ROADMAP**

## **Purpose**

**To help people going through a divorce better understand and navigate the legal system.**

***Divorce can be a challenging and frustrating process, but if you take each step one at a time and make use of the resources available to you, you will be successful in getting to where you want to go.***

# **DIVORCE ROADMAP**

**The three topics to be addressed:**

## **1. WHAT DOES THAT MEAN?**

**Legal terminology to get you through the process**

## **2. NOW WHAT?**

**The court process**

## **3. HELP ME!**

**Where to go for assistance**

# 1. WHAT DOES THAT MEAN?

## LEGAL TERMINOLOGY TO HELP YOU GET THROUGH THE PROCESS

*"Furious activity is no substitute for understanding."*

*-The Rt. Rev. H.H. Williams*

### DISSOLUTION

- Divorce

### THE PLAYERS

- Party or litigant = Any person involved in a court action.
- Petitioner\* = The person who STARTS the action.
- Respondent = The person who is RESPONDING to the action.
- **Pro Se = A party that does not have an attorney.**

\*There is ALWAYS a Petitioner and a Respondent, even if both sides (parties) agree.

## Order Setting Domestic Case Schedule

- Provided by the clerk at the time of filing, it provides the important dates applicable to your case. The petitioner must serve a copy to the other parties. It may be the only notice of deadlines you receive. Failure to comply may result in sanctions or dismissal of your case.

## Assigned Judge

- The judge assigned to hear your case.

## Trial Date

- The date of the final hearing in your case.

## Confirmation of Issues

- The parties must file a Confirmation of Issues which notifies the court whether or not the parties are ready for trial. It also acts as a referral to Family Court Services. If all parties do not sign and the first box is not checked, the parties must attend the status conference hearing listed on the case schedule.

## Status Conference

- A formal hearing between the parties and the court to determine where the parties are in the process and direct them as to remaining procedures.



# ADR

- **Alternative Dispute Resolution = A way to resolve your case before trial. All parties with disputes involving children must participate in ADR unless the court waives it.**
- Mediation = A neutral third person helps the parties to agree upon an outcome.
- Arbitration = The parties agree to let a neutral third person decide the outcome.
- Settlement Conference = The parties meet with a judge, commissioner, or experienced attorney in an effort to resolve the case before trial.

# Temporary Orders

- A temporary order gives certain rights and/or protections while the dissolution is pending. A temporary order may order many things, including restraining orders (see below), orders for maintenance (spousal support/alimony), attorney's fees, or use of property.

# Restraining Orders

- A restraining order may be entered to prevent injury, loss or damage. Examples include:
  - Restraining a spouse from harassing or coming near the other;
  - Restraining a spouse from giving away or selling property, or taking out loans in both names, or taking a name off insurance policies.

## Pretrial Conference

If you are unable to settle your case, you will receive an Order Setting Pretrial Conference (not on Case Schedule) in the mail. The judge will want to know what issues are agreed upon (if any). The judge will also make sure all the necessary papers have been filed and that you are ready to proceed to trial. The judge will also want to know if you and the other party have taken the parenting seminar. At the end of your Pretrial Conference the judge will give you a copy of the **Order on Pretrial Conference. Read this order carefully, as it may possibly change deadlines.**

## FAMILY LAW ORIENTATION (FLO)

- Mandatory for all unrepresented parties to RCW 26.09 actions.

## Parenting Seminar

- Mandatory for all parties in matters involving minor children.

## Family Court Services

- Family Court Services works with parents who have difficulty developing a parenting plan for their children following separation, divorce and/or on-going parental conflicts. Commonly called “FCS.”

## EX PARTE

A special department of Superior Court assigned responsibility under Local Rules for certain short matters and emergency or unopposed orders.



# IMPORTANT

---

- **Be sure to inform the court if your address changes!**
- **You must provide an address for legal service.**
- **It does not necessarily need to be an address where you reside...**
- **Visit the Domestic Violence Advocates in room 2B (MRJC) or C213 (KCCH) for information on address confidentiality for victims of domestic violence.**

To update your address with the court,  
file a Notice of Change of Address in the Clerk's Office.

## 2. NOW WHAT?

*What is required to obtain a divorce in Washington State?*

### THE COURT PROCESS

#### **YOUR TO-DO LIST (TAKE IT ONE STEP AT A TIME):**

- ◎ Forms
- ◎ Filing
- ◎ Case Schedule
- ◎ Service
- ◎ FLO and Mandatory Parenting Semina
- ◎ Restraining Orders/Temporary Order
- ◎ Status Conference
- ◎ Family Court Services
- ◎ Settlement Conference
- ◎ Pretrial Conference
- ◎ Finalizing your dissolution: AGREEMENT or TRIAL



# THE COURT PROCESS

STEP ONE: Ask yourself whether your divorce is agreed or contested.

The answer impacts how you will complete your to-do list.



# AGREED or CONTESTED?

AGREED

CONTESTED



## PROPERTY DISTRIBUTION

We know who gets what .

Disputed or still undecided...



## DEBT ALLOCATION

We know who pays what.

Disputed or still undecided...



## PARENTING PLAN

We have worked out a plan.

Disputed or still working...



## CHILD SUPPORT\*

We already have one or we agree.

Disputed or still working...



\*Certain things are required by statute in Child Support agreements and you may be limited in what you can add, leave out, or agree to (e.g., parties cannot generally agree to provide no child support).



# AGREED DISSOLUTION: THE COURT PROCESS

## 1. FILE

➡ Present completed forms at the clerk's office and pay the \$290 filing fee.



## 2.

➡ Obtain Temporary Orders (If needed).

➡ Attend FLO (And Parenting Seminar if you have children).

➡ Attend Status Conference Hearing (Unless you will finalize or file a Joint Confirmation of Issues before your Status Conference).



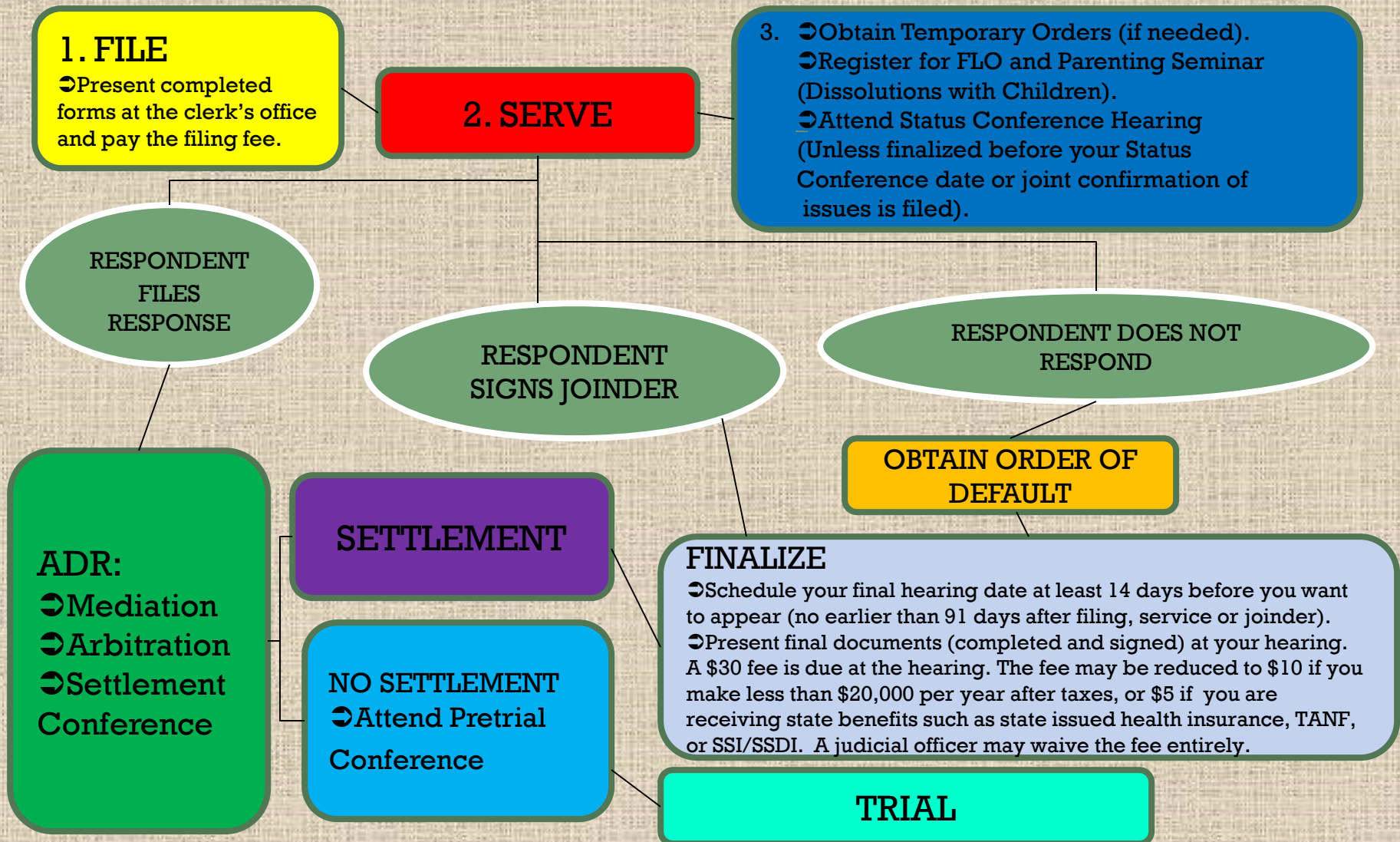
## 3. FINALIZE

➡ Schedule your final hearing date with the clerk. You must choose a date that is at least 14 days from the date you file (no earlier than 91 days after filing, service, or joinder).

➡ Present final documents (completed and signed) at your hearing. There is also a \$30 fee due at the time of the hearing. The fee may be reduced to \$10 if you make less than \$20,000 per year after taxes, or \$5 if you receive state benefits such as state issued health insurance, TANF or SSI/SSDI. A judicial officer may waive the fee entirely.



# CONTESTED DISSOLUTION: THE COURT PROCESS



# FORMS REQUIRED TO FILE

## AGREED

- ◉ Case Information Coversheet
- ◉ Petition for Dissolution
- ◉ Vital Statistics Form
- ◉ Confidential Information Form
- ◉ Note for Motion Docket, Kent or Seattle
- ◉ Proposed Parenting Plan (if minor children involved)

## CONTESTED

- ◉ Case Information Coversheet
- ◉ Summons\*
- ◉ Petition for Dissolution
- ◉ Vital Statistics Form
- ◉ Confidential Information Form
- ◉ Proposed Parenting Plan (if minor children involved)

A *summons*\* is required in contested cases. This form gives the respondent notice that a lawsuit has been filed and provides information regarding the time frame for filing a response.

# WHERE TO GET THE FORMS

- ◉ **Free on the internet:**

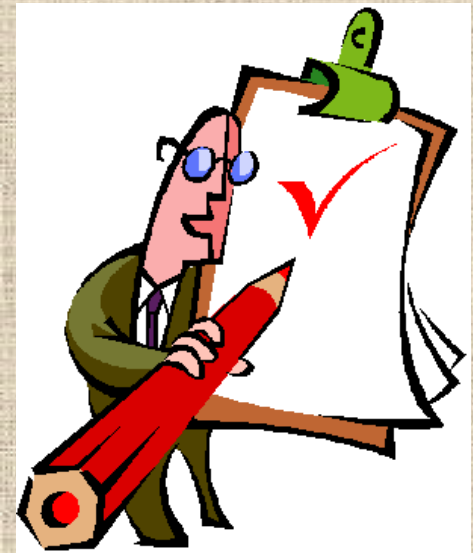
- [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)
- [www.kingcounty.gov/courts/FamilyCourt/facilitator.aspx](http://www.kingcounty.gov/courts/FamilyCourt/facilitator.aspx)

- ◉ **For a fee at the King County Clerk's Office:**

- ***King County Courthouse***  
516 Third Avenue, Rm. E609  
Seattle, WA 98104
- ***Maleng Regional Justice Center***  
401 4<sup>th</sup> Ave. No. Rm. 2C  
Kent, WA 98032

- ◉ **For a fee at the Family Law Facilitator's Office:**

- ***King County Courthouse***  
Room W-382  
(206) 477-2553
- ***Maleng Regional Justice Center***  
Room 3-D  
(206) 477-2781





# FILING YOUR CASE

## ◎ Filing at the Clerk's Office:

Take the original and two sets of copies of the forms to the Clerk's Office. Tell the clerk you want to file a new case (if your child has ever received public assistance, you will need three sets of copies).

✓ You must pay the Clerk a \$290 filing fee or obtain an **Order Re: Waiver of Civil Filing Fees and Surcharges** ([Kent](#) or [Seattle](#)), which waives the filing fee if you qualify.

✓ Ask the Clerk to stamp the case number on your copies, or make sure that you copy your case number on your copies. Take the stamped copies from the Clerk. The Clerk will keep the originals.

✓ The Clerk will give you two Case Schedules including information regarding the parenting seminar and the family law handbook.



King County Courthouse - Seattle



Maleng Regional Justice Center - Kent

# CASE SCHEDULE



At the time of filing, the clerk will issue a case schedule.



The petitioner must have the Respondent served with a copy (and prosecutor if necessary).



Mark each of these dates on a calendar. It may be the only notice of deadlines you will receive. Failure to comply may result in certain sanctions or dismissal of your case.



## II. CASE SCHEDULE

CASE EVENT	DEADLINE or EVENT DATE	Filing Needed
Case Filed and Schedule Issued.	Mon 05/16/2011	*
<b>DEADLINE</b> for attending Family Law Orientation (FLO)	Mon 06/20/2011	
<b>DEADLINE</b> for Completion of Parenting Plan Seminar [KCLFLR 13(c)(2)]	Tue 09/13/2011	*
Confirmation of Issues; Referral to Mediation [See KCLFLR 4(c)(1)(B)]. <i>NOTE: If no "Issues" document and response or joinder to the petition are filed, or if "Issues" document so indicates, parties are required to appear at the Status Conference.</i>	Tue 09/06/2011	*
<b>DEADLINE</b> for Hearing Motions to Change Case Assignment Area [See KCLCR 82(e)].	Mon 09/19/2011	
<b>Status Conference</b> [See KCLFLR 4(e)]. 1:30 p.m. in Room 1F at Regional Justice Center If "Confirmation of Issues" and response or joinder to the petition are not filed, all parties must appear at this hearing.	Mon 10/03/2011	
<b>DEADLINE</b> for Disclosure of Possible Primary Witnesses [See KCLCR 26(b)].	Tue 01/17/2012	
<b>DEADLINE</b> for a Change in Trial Date [See KCLCR 40(e)(2)].	Mon 01/30/2012	
<b>DEADLINE</b> for Disclosure of Possible Additional Witnesses [See KCLCR 26(b)(2)].	Mon 02/13/2012	
<b>DEADLINE</b> for Discovery Cutoff [See KCLCR 37(g)].	Mon 03/12/2012	
<b>DEADLINE</b> for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)].	Mon 03/19/2012	
<b>DEADLINE</b> for Exchange of Witness & Exhibit Lists & Documentary Exhibits [See KCLCR 4(j)].	Mon 03/26/2012	
<b>DEADLINE</b> for filing of Joint Confirmation of Trial Readiness – <b>FOR CASES WITHOUT CHILDREN ONLY</b> - [See KCLR 16(a)(2)].	Mon 03/26/2012	*
Joint Statement of Evidence [See KCLCR 4(k)].	Mon 04/09/2012	*
Trial Week [See KCLCR 40].	Mon 04/16/2012	

## III ORDER

Pursuant to King County Local Civil Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Civil Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for failure to comply. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Domestic Case Schedule*, attachment and a copy of the *Family Law Handbook* located at [www.kingcounty.gov/courts/clerk/familylawhandbook](http://www.kingcounty.gov/courts/clerk/familylawhandbook) on all other parties.

DATED: 05/16/2011

*Richard J. McDermott*

PRESIDING JUDGE

**FLO DEADLINE and PARENTING SEMINAR DEADLINE**

**Status Conference Hearing**

*\$50.00 fine for not appearing as required.*

**TRIAL DATE**

*Trial may occur at a later date depending on availability.*

**Case schedule dates may change. If the case is agreed to and final orders are signed in the Ex Parte Courtroom, the remainder of your case schedule is cancelled.**

# SERVICE

## Petitioners need to have the other party served with:

- ✓ Petition for Dissolution
- ✓ Summons
- ✓ Case Schedule and FLO and Parenting Seminar Info (provided by clerk)
- ✓ Proposed Parenting Plan (if minor children involved)

Generally, the respondent is the only party to be served. However, if your minor child has ever received public assistance, you will need to serve a copy on the State of Washington at the Prosecuting Attorney's office.

### **SEATTLE:**

516 Third Avenue, Room E400  
Seattle, Washington 98104-2388

### **KENT:**

724 West Smith Street, Suite 101  
Kent, Washington 98032-5726



# SERVICE (continued)

Someone other than yourself, who is 18 or older must serve the other party. The server must complete and sign the Return of Service form, and then return it to you.

Make one copy for your records and file the original with the Clerk's Office.

In the event you are unable to have the respondent personally served, you may file a motion asking the court's permission to serve by mail or publication.

**PLEASE NOTE:** *In order to serve by mail or publication, you must first ask permission from the court and obtain a signed order allowing you to do so.*



# FAMILY LAW ORIENTATION

(FLO): An orientation for PRO SE parties.

---

- If you do not have an attorney, you are required to attend the FLO within 30 days of filing (or service).
- The cost for attendance is \$20.00. This fee is reduced depending on income.
- The FLO is designed to give unrepresented parties an overview of the court process and information on resources available for assistance.
- For more information, please call the FLO Coordinator at (206) 296-9323 or visit:  
[kingcounty.gov/courts/FamilyCourt/services/FLO.aspx](http://kingcounty.gov/courts/FamilyCourt/services/FLO.aspx)

# Mandatory PARENTING SEMINAR

- ◎ Mandatory attendance at the parenting seminar is required of all parties in matters involving minor children within 60 days of filing\*. The seminar ***does not*** tell you how to raise your child; it ***does*** help parents to:
  - Understand the impact parental conflict has on the family, especially the children.
  - Learn how to develop or change a parenting plan so that it will focus on the needs of the children.
  - Learn about court procedures and processes.



\* You may register for and attend the seminar even before you file. This is often a good idea because it will further educate you about the process *before* you start your action. The \$40.00 fee for the seminar may be reduced depending on income. If you do not attend within 60 days, there is an additional \$35.00 penalty so the fee increases to \$75.00.



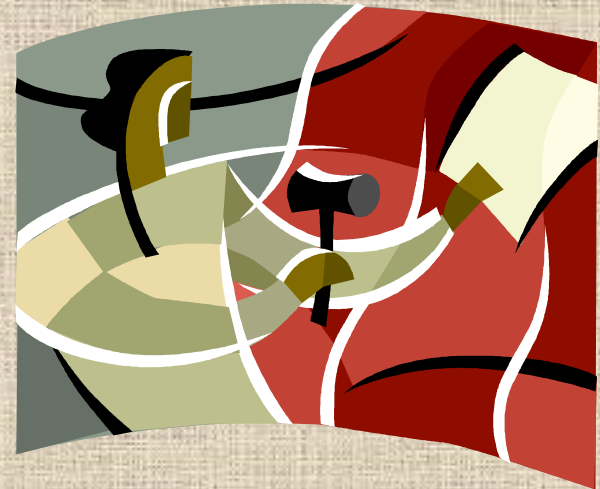
# FAMILY COURT SERVICES

- ◎ Family Court Services works with parents who have difficulty developing a parenting plan for their children following separation, divorce and on-going parental conflicts.
- ◎ Services related to divorce include:
  - Mediation
  - Parenting Seminar
  - Parenting Plan Evaluations
  - Domestic Violence Assessments



# RESTRAINING ORDERS/ TEMPORARY ORDERS

- ◎ **A temporary order** grants certain rights and/or protections while your dissolution action is pending. A temporary order may order many things, including:
  - Restraining orders (see below).
  - Orders for maintenance (spousal support/alimony), attorney's fees, or use of property.
  
- ◎ **A restraining order** may be entered to prevent injury, loss or damage. Examples include:
  - Restraining one spouse from harassing or coming near the other one;
  - Restraining one spouse from giving away or selling property, taking out loans in both names, or taking a name off an insurance policy.



For information and instructions on how to request temporary orders or a restraining order, please visit the Facilitator's Office and/or obtain legal advice.

# Alternative Dispute Resolution

Except in cases involving domestic violence, or unless excused by an order signed by the judge or commissioner, the parties in every contested case must participate in a Settlement Conference, Mediation or other Alternative Dispute Resolution (ADR) process. This must occur no later than 30 days before your trial date. For information on how to schedule a Settlement Conference, please visit the Facilitator's Office for a free legal resource list.



# Pretrial Conference

- ◎ If you are unable to settle the case, you will receive an Order Setting Pretrial Conference with a court date in the mail (this date will not be on your *Case Schedule*).
  - At the Pretrial Conference the judge will want to:
    - Know what issues are agreed upon (if any)
    - Make sure all the necessary papers have been filed and that you are ready to proceed to trial
    - Know if both parties have taken the parenting seminar and had ADR.
  - At the end of your Pretrial Conference:
    - The judge will give the parties a copy of the Order on Pretrial Conference. Read this order carefully, as it will likely change deadlines in the case schedule and inform you of other important deadlines.

\* If you do not have minor children, you may not have a Pretrial Conference hearing. Instead, you will receive a ***JOINT CONFIRMATION OF TRIAL READINESS*** and instructions in the mail. You must follow the instructions and communicate with the court.



# FINALIZE BY AGREEMENT or CONTESTED

- ◎ **AGREED:** You can finalize your dissolution in the Ex Parte courtroom and avoid a trial.
  - ✓ Schedule a hearing in Ex Parte with a Note for Motion Docket form. Choose a date at least 14 days out from when you file the form.
  - ✓ When you go to the hearing, bring signed, completed originals of the needed forms (listed on next slide) as well as a \$30 fee. The fee may be reduced to \$10 if you make less than \$20,000 per year after taxes, or \$5 if you receive state benefits such as state issued health insurance, TANF or SSI/SSDI. A judicial officer may waive the fee entirely.



- ◎ **CONTESTED = TRIAL:** If you are unable to agree to the terms of the dissolution, even after mediation, evaluation, settlement conference and/or pretrial conference, the court will decide the issues for you at your trial.
  - ✓ If you must go to trial, bring the needed forms (listed on next slide).
  - ✓ You will also need to prepare trial notebooks with documents and exhibits, disclose witnesses, and prepare for the hearing.





# FORMS REQUIRED TO FINALIZE

## AGREED

- ◉ Findings of Fact / Conclusions of Law
- ◉ Decree of Dissolution
- ◉ If minor children:
  - Final Parenting Plan
  - Order of Child Support
  - Child Support Worksheet
  - Residential Time Summary

## CONTESTED

- ◉ Findings of Fact / Conclusions of Law
- ◉ Decree of Dissolution
- ◉ If minor children:
  - Final Parenting Plan
  - Order of Child Support
  - Child Support Worksheets
  - Residential Time Summary
- ◉ Financial Declaration\*

\* Trial preparation can be complicated and requires additional documents and details not provided in this presentation. Please visit the Facilitator's Office for information on how to obtain a free legal consultation.

# JIS Search



- ◉ Before finalizing any case involving a parenting plan, the Court will search the Judicial Information System (JIS) to determine whether there is information or proceedings relevant to the placement of the child.
  - Review of statewide court case history for both parties. Relevant information may include:
    - Prior DUI charges
    - Possession of illegal substances
    - Assaults
    - Prior protection orders

# 3. Help Me!

## RESOURCES FOR *PRO SE* ASSISTANCE

### **FAMILY LAW ORIENTATION (FLO):**

- Designed to provide parties without attorney representation with information on the court process, including court rules and resource information.
- Attendance is mandatory for all unrepresented parties to an action filed under Chapter 26.09 RCW (See *KCLFLR 20*). So, if you are a party to a divorce, legal separation, parenting plan modification, or child support modification and you do not have an attorney, you are required to attend.
- Attendance is encouraged for everyone that does not have an attorney.
- Please contact the FLO Coordinator at (206) 296-9323 or visit [www.kingcounty.gov/courts/FamilyCourt/services/FLO.aspx](http://www.kingcounty.gov/courts/FamilyCourt/services/FLO.aspx).

# ADDITIONAL RESOURCES FOR *PRO SE* ASSISTANCE

## FAMILY LAW FACILITATORS

King County Courthouse  
516 Third Avenue  
Room W-382  
Seattle, WA 98104  
(206) 477-2553

Maleng Regional Justice Center  
401 4<sup>th</sup> Avenue North  
Room 3-D  
Kent, WA 98032  
(206) 477-2781

**If you do not have an attorney, the Program can assist you by:**

- Providing instructions which list the forms needed to start/complete your case and describe the procedural process
- Direct you to where to get the forms
- Review your paperwork for completeness
- Explain court rules and procedures
- Provide legal resource information
- Call ahead for hours and availability





# Facilitator Fees

The Facilitator's Office charges a fee for services per King County Ordinances 16305 and 16306:

**THE FEE TO MEET WITH A FACILITATOR IS \$30.00 PER VISIT. IT WILL BE REDUCED TO:**

- **\$10.00** if you earn less than \$20,000.00 annually after taxes (income verification required at the time of service in the form of a tax return, pay stub, unemployment pay stub etc.)
- **\$5.00** if you are currently receiving state benefits (verification required at the time of service includes a ProviderOne Services card or proof of state issued health insurance in customer's name, award letter for SSI/SSDI or TANF)
- **\$0** if authorized by a Judge or Commissioner (*A yellow referral form with a judicial signature waiving the fee is required*)

SEATTLE



# DIVORCE ROADMAP

- ✓ Understand the process
- ✓ Follow your to-do list
- ✓ Ask for assistance if needed