

## 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:

- You can obtain a list of low-cost and free legal resources. <https://kingcounty.gov/~media/courts/superior-court/docs/family/facilitator/family-law-resources.ashx?la=en>
- Get help from the Family Law Facilitators office. You can get information about their services at <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>.

## 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 (for additional parties or children)</a>	<input type="checkbox"/>
<a href="#">Certificate of Dissolution-Vital Statistics form</a>	<a href="#">Domestic Partners-Vital Stats form</a>		<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/](http://www.courts.wa.gov/forms/)

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

<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 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.

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

### Step 3: Start (file) Your Case

You can start (file), your case by either bringing your original forms to the Clerk's Office (room 2C in Kent and E-609 in Seattle),

#### OR

You can file your case online on the Clerk's website at:

<https://www.kingcounty.gov/courts/clerk/documents/efiling.aspx>. If you have questions about e-filing call 206-477-3000, or email [eServices@kingcounty.gov](mailto:eServices@kingcounty.gov).

### Step 4: Pay the fee

**While starting the case, the Clerk will ask you to pay a filing fee.** If you cannot afford to pay the fee, apply to waive the fee. This application is available here:

- For [Kent](http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-kent.ashx?la=en): <http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-kent.ashx?la=en>
- For [Seattle](http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-sea.ashx?la=en): <http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-sea.ashx?la=en>

There are instructions about how to get a fee waiver approved during COVID-19 here:

<https://www.kingcounty.gov/~media/courts/Clerk/docs/misc/Updated-Instructions-for-Ex-Parte-via-the-Clerk-Fee-Waiver.ashx?la=en>

### Step 5: 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 6: You and your spouse/registered domestic partner *must* go to a family law class

Self-represented parties must complete the Family Law Orientation by the deadline listed on your Case Schedule. You can register online at:

<https://kcscfamlaworientation.eventbrite.com>. If you have questions or need to waive the fee, email [FamLawOrientation@kingcounty.gov](mailto:FamLawOrientation@kingcounty.gov).

If you have children under 18, you must also complete the parenting seminar “What About the Children,” by the deadline listed on your Case Schedule. You can register online at:

<https://kcscparentseminar.eventbrite.com>. If you have questions or need to waive the fee, email [Parentseminar@kingcounty.gov](mailto:Parentseminar@kingcounty.gov).

## Step 7: 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*.

**If the other party *does not* serve and file a Response** by the deadline you can finish your Legal Separation by default. See Step 8

## Step 8: Finishing your Case

There are three ways to finish your case:

### Default

If the other party does not file a Response to the Petition by the deadline, you may be able to finalize your case by default. There are instructions called “How to Ask for an Order of Default” under the “Other Motions” section here: <https://www.kingcounty.gov/courts/superior-court/family/family-law-instructions.aspx>

### Agreement

If you come to an agreement before trial, you can finish your case early. For more information, please visit: <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>.

### Trial

If you and the other party cannot come to an agreement about your divorce you will have a trial before a Judge. Make sure that both your email and mailing address are up-to-date so that the court can contact you. Instructions on preparing for trial are available at the Facilitators office.

- **If your case does not involve children:** you must fill out and file the *Joint Confirmation of Trial Readiness* form and other trial documents by the deadlines in your case schedule.
- **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.

**Informal Family Law Trial (IFLT):**

**Requirements to select an IFLT.** All parties must state whether they wish to proceed with an IFLT or a traditional trial. All parties must agree in order to proceed with an IFLT. Each party shall make its selection in writing using the [Family Law Trial Selection Form](#). The Family Law Trial Selection form must be filed prior to the trial commencing. For cases in which there is a pretrial conference hearing, the selection shall be made at that hearing. If there is no pretrial conference hearing, the selection shall be made in the [Joint Confirmation of Trial Readiness](#) form. If a party does not file a selection using either form prior to the trial commencing, the case will proceed as a traditional trial. For more information on IFLT see LFLR 23

**You will need these forms for finalizing by agreement or for trial if you don't reach an agreement:**

<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 if you are finalizing by trial:**

<a href="#">Financial Declaration of (name): _____</a>	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 case involves financial matters you may have to provide copies of financial documents, including:</p> <ul style="list-style-type: none"> <li>• Your W-2s and complete personal tax returns for the past 2 years</li> <li>• Your most recent pay stubs (at least 6 months)</li> <li>• Complete partnership/corporate tax returns for the past 2 years if you have a 5% interest or more</li> <li>• Statements from all of your banks and financial institutions for the past 6 months</li> </ul> <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	PO 003		<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.