

Instructions: How to get Temporary Orders in a Divorce or Legal Separation Case.

If you have an open Divorce or Legal Separation case (a case that one party initiated and that has not been finalized), then you can request temporary orders which will remain in place until final orders are entered unless the court changes the orders during the case. Usually someone asks for temporary orders because they cannot wait until the case is finalized and they need something ordered sooner.

1. Obtain the forms listed in this outline. The Skagit County Superior Court Clerk sells a packet for ***Temporary Orders in a Divorce Case***, ***which*** includes the required state and local forms. You may also download the forms for free at www.courts.wa.gov/forms . **Skagit County Local Court Rules** and local forms are available for purchase at the Clerk’s Office or can be downloaded at www.skagitcounty.net (see links to Superior Court).
2. If you need assistance with understanding forms or procedures, the Court Facilitator can review forms that you have prepared yourself, answer questions, or help you with procedures. The Facilitator cannot give legal advice and does not represent you. The Facilitator may also assist the other party in your case. There is a \$20 fee per 30 minute appointment. You may need more than one appointment to complete to go over all required paperwork or procedure. Make an appointment by calling (360) 416-1200. ***Court Facilitator Appointments are conducted telephonically during the pandemic.***
3. Fill out and make two copies of the following documents:

- **Motion for Temporary Family Law Order (FL Divorce 223);** and

Mark the boxes in Sections 4 through 14 that correspond to what you are asking for. In Section 15 you must explain (***in detail***) why you are asking the court to enter temporary orders. In this section include facts, events and reasons for your motion. If you need more space, you can attach additional pages. You can also file a separate declaration using form **FL All Family 135 Declaration**.

- **Note for Calendar (Pro Se Motions)** a local form.

Mark the boxes that say “NOTE FOR PRO SE MOTIONS CALENDAR” On the date line pick a Monday date that is at least two Mondays away. ***Local Court Rules require that the other party receive 9 court days’ notice of the hearing (not including weekends and holidays). Please note that calendar capacity limit is 15 cases. Your hearing will not be calendared if the calendar has reached capacity. You can check with clerk or court facilitator on availability of calendars.*** On the line that says “Nature of hearing” write in “Motion for Temporary Orders. Put in your name, address and phone number under the section that says “PERSON SETTING THIS HEARING”. Also put the address of the other party or their Attorney (if they are represented) in the section that says “OTHER PARTY or ATTORNEY”. Follow the instructions in #6 below for serving copies of all your documents on your spouse. ***The hearings are conducted remotely to allow for social***

distancing during the pandemic. Please refer to remote proceeding instructions on the Superior Court home page.

4. You may need to file and serve additional forms depending on what you are asking for.

For example:

- a. If you are asking for a temporary parenting plan, file a **Parenting Plan (FL All Family 140)** filled out as a “Proposal”. You may also need to file supporting declaration(s) using the **Declaration (FL All Family 135)** form and other supporting evidence, especially if you are asking the court to restrict the other party’s time with the child(ren) or there is a contested issue of custody.
 - b. If you are asking for the court to appoint a Guardian ad Litem file, a **Motion to Appoint Guardian ad Litem (FL All Family 145)** instead of, or in addition to the **Motion** listed in #3 above. File supporting declaration(s) using the **Declaration (FL All Family 135)** form and any other supporting evidence to explain why a Guardian Ad Litem is necessary. Because the court will need to determine who will pay for the Guardian ad Litem, file a **Sealed Financial Source Documents (Cover Sheet) (FL All Family 011)** with attached proof of income (two years of tax returns with W-2s and recent paystubs with year to date information); and a **Financial Declaration (FL All Family 131)**.
 - c. If you are asking for temporary child support, file a **Sealed Financial Source Documents (Cover Sheet) (FL All Family 011)** with attached proof of income (two years of tax returns with W-2s and recent paystubs with year to date information); a **Financial Declaration (FL All Family 131)** and **Child Support Worksheets (WSCSS Worksheets)**. The Court Facilitator can help you calculate child support or you can prepare a Child Support Worksheet using the Automated Child Support Calculator found at: <https://fortress.wa.gov/dshs/dcs/SSGen/Home>
 - d. If you are asking for temporary spousal support, file a **Sealed Financial Source Documents (Cover Sheet) (FL All Family 011)** with attached proof of income (two years of tax returns with W-2s and recent paystub with year to date information); and a **Financial Declaration (FL All Family 131)**.
 - e. If you are asking for restraining orders, file supporting declaration(s) from you or other people who have personal knowledge of the situation using the **Declaration (FL All Family 135)** form. You can attach other evidence to your **Declaration** that supports your request. (If you need immediate restraining orders please request the free **Restraining Order Packet** from the Clerk’s Office.)
5. File your original documents (not the copies) at the Clerk’s office. Because you are bringing your **Motion** within a Divorce or Legal Separation, there are no additional filing fees.

6. Serve copies to your spouse using one of the following procedures:
 - a. If your spouse has not filed a **Summons, Response** or **Notice of Appearance**, then someone, who is over 18 years old, must personally hand your spouse copies of the documents. *You cannot give the documents to your spouse.* The person serving the documents must fill out and sign a **Proof of Personal Service (FL All Family 101)**. Make sure that all the documents that were served are listed on the **Proof of Personal Service** and that the date, time and place of service are filled in because that is your proof that your spouse was properly served. File the **Proof of Personal Service** at the Clerk's Office.
 - b. If your spouse has filed a **Summons, Response** or **Notice of Appearance**, and has provided an address, then you can serve the documents by delivery or mail to that address. Use the **Proof of Mailing or Hand Delivery (for documents after Summons and Petition) (FL All Family 112)** and make sure that all the documents that were served are listed on the **Proof of Mailing or Hand Delivery** and that the form is completely out because that is your proof that your spouse was properly served. File the **Proof of Mailing or Hand Delivery** at the Clerk's Office.

Your spouse must receive the documents at least 9 court days before the hearing. If your spouse is contesting your **Motion**, then your spouse is required to provide you with a response no later than 4 court days before the hearing. You have up to two days before the hearing to file and serve any additional documents that you want the court to consider in reply to your spouse's response. You should also take an additional copy of your documents to Court Administration (2nd Floor) for the Judge or Commissioner as "Working Copies".

7. Appear at the hearing via zoom be prepared to speak to the Judge about what you want and why. Provide to the court the appropriate orders for Court including a **Temporary Family Law Order (FL Divorce 224)**, and any other orders specific to what you are asking for. You may provide a hard copy of order to court administration two days prior to the hearing or submit via email at proposedorders@co.skagit.wa.us. Refer to Local court rules for further instructions.

For example:

- a. If you are asking for a temporary **Parenting Plan**, bring a **Parenting Plan (FL All Family 140)**.
- b. If you are asking for a Guardian Ad Litem, bring an **Order Appointing Guardian Ad Litem for a Child (FL All Family 146)**.
- c. If you are asking for temporary **Child Support**, bring a **Child Support Order (FL All Family 130)** and **Child Support Worksheets (WSCSS Worksheets)**.
- d. If you are asking for temporary **Maintenance**, you only need the **Temporary Family Law Order (FL Divorce 224)**.

- e. If you are asking for **Restraining Orders** then bring a **Restraining Order (FL All Family 150)**.

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. Your specific situation may require additional forms and procedures, which may not be listed on this outline. The Family Law Facilitator and the Clerk's Office cannot give legal advice. Only an attorney can give legal advice.

Skagit County Superior Court Clerk's Office (360) 416-1800
Skagit County Superior Court Administration (360) 416-1200
Skagit County Law Library (360) 416-1290
Volunteer Lawyer Program of Skagit County (360) 416-7585
CLEAR line for a referral to the VLP (888) 201-1014
State Prosecuting Attorney – Family Support Division (360) 416-1161

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.skagitcounty.net county website (follow links to Superior Court).

www.dshs.wa.gov/dcs Washington Division of Child Support (forms and information).

<https://fortress.wa.gov/dshs/dcs/SSGen/Home> DCS Support Calculator to create a child support worksheet.