

INSTRUCTIONS: DIVORCE WITH CHILDREN WHEN THE PARTIES CANNOT AGREE

1. Obtain the forms listed in this outline. The Skagit County Superior Court Clerk sells a packet for ***Divorce with Children***, 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 forms or procedures, the Court Facilitator can review forms 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 your spouse. There is a \$20 fee per 30 minute appointment. Make an appointment by calling (360) 416-1200. You may need more than one appointment to complete your case. **Court Facilitator Appointments are conducted telephonically during the pandemic to allow for social distancing.**
3. Start by filling out:
 - **Petition for Divorce (FL Divorce 201);**
 - **Summons: Notice About A Marriage or Domestic Partnership (FL Divorce 200);**
 - **Confidential Information (FL All Family 001); and**
 - **Certificate of Dissolution.**

Although not required to start a case, **it is also recommended** that you fill out;

- **Parenting Plan (FL All Family 140)** filled out as a “Proposal”;
- **Child Support Worksheets (WSCSS Worksheets);**
- **Financial Declaration (FL All Family 131); and**
- **Sealed Financial Source Documents (FL All Family 011).**

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>

Make two copies of the all of the documents ***except for*** the **Confidential Information** and the **Certificate of Dissolution**. One set of copies is to be served on your spouse and the other set is for you to keep for your records.

4. File the documents listed in #3 with the Skagit County Superior Court Clerk. The filing fee is \$314 payable only in cash, money order, Cashier’s Check, MasterCard, Visa, Discover or American Express. There is an additional fee if a credit or debit card is used. You can have the filing fee waived if you qualify. The Clerk’s Office has a free “**Fee Waiver Packet**” that explains this process.
5. At the time of filing, an **Automatic Temporary Restraining Order (TMRO)** is entered by the Court. This Court Order limits what both parties can do financially and with children while the case is pending. Review the **TMRO** carefully. ***This is not a restraining order that prohibits the parties from contacting each other.*** You must have your spouse served with a copy of the **TMRO**.

6. Have your spouse served with copies of all your filed documents except for the **Confidential Information** and the **Certificate of Dissolution**. 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. Your spouse has 20 days (if served within the state of Washington) or 60 days (if served outside of the state) in which to file a **Response to Petition About a Marriage (FL Divorce 211)**.
7. **Local Court Rules require all persons involved in a custody/visitation action to complete an approved parenting seminar before final orders are entered.** Your early completion of any one of these programs may decrease the stress for you and your child or children and speed up the resolution of your legal proceeding. The following parenting seminars are accepted in Skagit County: **"Successful Co-Parenting"** in person class www.SuccessfulCo-Parenting.com (360) 399-6429 (Available in English and Spanish); **"Two Families Now"** at www.TwoFamiliesNow.com (541)343-4747 (Select 4 hour class-Available in English and Spanish); **"Children in Between" Class at online.divorce-education.com** (Select the 4 hour class-Available in English and Spanish); and **"Co-Parenting" Class at www.OnlineParentingPrograms.com** (Select the 4 hour class-Available in English and Spanish). You must file proof that you have completed a parenting seminar.
8. If your spouse does not file a **Response** to your **Petition** within the allowed time, and has not made an appearance in your case, then you may appear on the Ex Parte Calendar with a **Motion for Default (FL All Family 161)**, and an **Order on Motion for Default (FL All Family 162)**. Fill out and hand the documents to the Clerk anytime between 8:30am and 12:00pm and return that same day at 1:15pm to see the Judge for the default. Note that even if you obtain an **Order on Motion for Default** you still cannot finish your case sooner than 91 days from the date that your spouse was served.
9. **Local Court Rules require that the Court Facilitator review your final divorce orders.** If you obtained an Order of Default, or if you and your spouse have reached an agreement, then make an appointment with the Facilitator. Fill out and bring all the documents listed below with you to the appointment. If you are finishing your case by default, then make sure all your final orders are filled out *exactly the same* as the documents that your spouse was served with. If you and your spouse agree on the final documents, then both parties must sign the final documents. The court facilitator will help you schedule the final hearing if an agreement has been reached.
 - **Final Divorce Order (FL Divorce 241);**
 - **Findings and Conclusions About a Marriage (FL Divorce 231);**
 - **Parenting Plan (FL All Family 140);**
 - **Child Support Worksheets (WSCSS Worksheets);**
 - **Child Support Order (FL All Family 130); and**
 - **JIS (local court form).**
10. If your spouse responded to your case and you cannot work out an agreement, then you must schedule mediation. **Mediation is required by Local Court Rule.** A list of approved mediators can be found at

www.skagitcounty.net (follow the links to Superior Court). If you and your spouse reach an agreement, either through mediation or on your own, then follow step #9 listed above to finalize your divorce.

11. If you do not reach an agreement after mediation, then fill out and file a **Note for Trial Assignment** (local court form). You must write in a Monday date on the line that states “Trial Assignment Date (any Monday no personal appearance required)”. The Monday you pick for the Trial Assignment Date must be at least 2 weeks away from the day the **Note for Trial Assignment** is mailed to the other party. The party who fills out the **Note for Trial Assignment** must sign the certification of mailing at the bottom of the **Note for Trial Assignment** certifying that they sent a copy of the **Note for Trial Assignment** to the other party. On the date of the Trial Assignment, the court file is transferred to the Court Administrator who then picks a trial date for you. If there are dates that you know you will not be available for a trial, then you must also file a “**Notice of Conflict Dates**” (local court form.) The Court Administrator will consider your conflicts when setting the trial date.
12. Once the Court Administrator picks a trial date, both parties will receive a letter stating the date and time of the trial. *Local Court Rules require that either you or your spouse confirm your trial with the Court Administrator by noon five court days before the scheduled trial date. Most likely this will occur at the Pre-Trial Conference scheduled a week before your trial date.* Call (360) 416-1200 to confirm your trial.
13. Prepare the documents listed in #9 above and a **Remote Proceedings Pre-Trial Conference Summary and Prepare an Exhibit Notebook** (local court form). *Local Court Rules require that you meet with the Facilitator to review your orders prior to trial.*
14. Appear at trial through zoom unless you are granted permission to appear in person. Provide the documents listed in #9 above in addition to any evidence that you want the court to consider and any witnesses that you want to testify on your behalf to Court Administrator by 12:00 p.m. on the court day before trial. Please review the **Local Court Rules for Skagit County Superior Court** for more information. *This outline does not cover trial preparation. You may want to seek legal advice from an attorney*

Helpful Phone Numbers and Websites

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.

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 that 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.