

Instructions: Responding to a Petition for Divorce (No Children)

1. Obtain the forms listed in this outline. The Skagit County Superior Court Clerk sells a **Response** packet for **Divorce without 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. You may need more than one appointment. The Facilitator may also assist your spouse. There is a \$20 fee per 30 minute appointment. Make an appointment by calling (360) 416-1200. **Court Facilitator appointments are conducted telephonically during the pandemic.**
3. Read the **Petition for Divorce (FL Divorce 201)** and **Summons: Notice About a Marriage or Domestic Partnership (FL Divorce 200)** carefully so that you can understand what the other party is asking for.
4. If you do not agree with any part of the **Petition for Divorce**, then you must let the court and your spouse know by filing and serving a **Response to Petition About a Marriage (FL Divorce 211)**. You have 20 days to file and serve your response if you were personally served in Washington. If you were personally served outside of Washington, then you have 60 days, and if you were served by mail pursuant to a court order allowing service by mail, then you have 90 days.

If you fail to respond to the **Petition** within the allowed time, then the other party may obtain a **Default Order** against you and a Judge or Commissioner may, **without notice to you**, grant the Petition for Divorce and sign final orders that are consistent with the documents that were served on you. ***If you do not respond then the Court will assume that you are in agreement with everything in the Petition for Divorce.***

WARNING! See # 7 below if you have also been served with any type of Motion and/or a Notice of a Hearing because you have less time to respond to a Motion hearing.

5. Fill out the:
 - **Response to Petition About a Marriage (FL Divorce 211)**

When you are filing out the **Response**, you must be looking at your spouse’s **Petition**. For each numbered section of the **Petition** you must, on your **Response** form, mark either; “I Agree” which means that you agree with that section; “I Disagree” which means that you do not agree with that section; or “I don’t know” which means you do not know. In your **Response**, you must explain (in the blank area or on attached pages) why you disagree with the section that you disagree with.

If you or your spouse are asking for maintenance, then also fill out:

- **Financial Declaration (FL All Family 131);** and
- **Sealed Financial Source Documents (FL All Family 011)** with attached proof of income (recent paystubs, W2 forms and 2 years of tax returns).

6. File your **Response**, and any other documents you have prepared, with the court clerk and get copies to your spouse. Fill out and file the **Proof of Mailing or Hand Delivery (FL All Family 112)** as proof of what your spouse received and how the copies were delivered to your spouse.
7. If you have been served with some type of **Motion** and/or a **Note for Calendar**, which sets a hearing in the case, then you must also prepare a separate response to that Motion. You can use a **Declaration (FL All Family 135)** form and attach exhibits, which you think support your position. **(Refer to Summary of Domestic Court Rules)** Depending on the type of **Motion**, there may be other documents to file.

You have limited time to file and serve your responsive documents when a hearing has been set. **Local Court Rules require that your spouse give you 9 court days' notice of any hearing.** Court days do not include weekends and holidays. You have up to 4 court days before the hearing to file your documents with the clerk and serve your spouse. You should also take an additional copy of your documents to Court Administration (2nd Floor) for the Judge or Commissioner as "Working Copies".

At the hearing, the Judge or Commissioner will decide whether or not to grant the other party's **Motion** and may enter **Temporary Orders**. Make sure that you attend the hearing and are prepared.

8. If you and your spouse cannot agree on the specifics of your divorce, 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 below to finalize your divorce. If you and your spouse do not reach an agreement through mediation then follow step #10 to finalize your divorce.
9. If you and your spouse reach an agreement, either on your own, or through mediation, then schedule an appointment with the Court Facilitator. **Local Court Rules require that the Court Facilitator review your final divorce documents.** Fill out and bring all the documents listed below with you to the appointment. The Facilitator will help you set your final divorce hearing.
 - **Final Divorce Order (FL Divorce 241);** and
 - **Findings and Conclusions About a Marriage (FL Divorce 231);**
10. 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.
11. 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 Court Administration by noon five court days before the scheduled trial date. This will occur most likely at your Remote Pre-trial conference, which is scheduled a week prior to trial date.** Call (360) 416-1200 to confirm your trial.

12. Prepare the documents listed in #9 above and a **Remote Pre-Trial Conference Summary** (local court form). *Local Court Rules require that you meet with the Court Facilitator to review your orders prior to trial.*
13. Appear at your trial via zoom unless you are granted permission to appear in person. Provide all the documents listed in #9 above and any other evidence that you want to the court to consider and any witnesses that you want to testify on your behalf by noon 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:

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

Helpful Websites

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).

This outline 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.