

## Instructions: Responding to a Petition Of Divorce with Children

1. Obtain the forms listed in this outline. The Skagit County Superior Court Clerk sells a **Response** 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](http://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](http://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 or (360) 416-1800.
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. Also review the **Parenting Plan (FL All Family 140)** and **Child Support Worksheets (WSCSS-Worksheets)** if you were also served with those.
4. If you do not agree with the **Petition for Divorce, Parenting Plan** or **Child Support Worksheets** then you must let the court and your spouse know by filing and serving the appropriate response documents (see #5 below) within the allowed time. If you were personally served in Washington then you have 20 days to file and serve your response. 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** 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 don’t respond then the Court will assume that you are in agreement with everything in the Petition for Divorce, Parenting Plan and Child Support Worksheets.*

**WARNING!** See # 6 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. The forms you must use to respond are:
  - **Response to Petition About a Marriage (FL Divorce 211)**

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

- **Parenting Plan (FL All Family 140)** filled out as a “Proposal”;
- **Child Support Worksheets (WSCSS-Worksheets);**

The Court Facilitator can help you calculate child support or you can prepare a Child Support Worksheet using the Child Support Calculator found at <http://fortress.wa.gov/dshs/dcs/SSGen/Home>

- **Financial Declaration (FL All Family 140);** 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 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. 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 (2<sup>nd</sup> 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. **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.SkagitMediation.com](http://www.SkagitMediation.com) (360) 399-6429 (Available in English and Spanish); **“Children in Between” Class** at [online.divorce-education.com](http://online.divorce-education.com) (Select the 4 hour class-Available in English and Spanish); and **“Co-Parenting” Class** at [www.OnlineParentingPrograms.com](http://www.OnlineParentingPrograms.com) (Select the 4 hour class-Available in English and Spanish). You must file proof that you have completed a parenting seminar.
9. If you and your spouse cannot work out an agreement 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](http://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 steps #10 and #11 listed below to finalize your divorce. If you and your spouse do not reach an agreement through mediation then follow steps #12, 13, 14 and 15 to finalize your divorce.
10. If you and your spouse reach an agreement, either on your own or through mediation, then call and schedule an appointment with the Court Facilitator. **Local Court Rules require that the Court Facilitator review your final divorce orders.** Bring all the documents listed below in #11 with you to the appointment. Both parties must sign all the final documents after they are reviewed. The Court Facilitator will help you set your final divorce hearing.

11. Final Orders required for a Divorce with Children include:

- **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**
- **Residential Time Summary Report (FL Divorce 243); and**

12. 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.
13. 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 no later than 12 noon two court days prior to the trial or it will be stricken.* Call (360) 416-1200 to confirm your trial.
14. Prepare the documents listed in #11 above and a **Pre-Trial Affidavit Statement** (local court form). *Local Court Rules require that you meet with the Court Facilitator to review your orders prior to trial.*
15. Go to your trial with all the documents listed in #11 in addition to any evidence that you want the court to consider and any witnesses that you want to testify on your behalf. 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) 336-9461

[www.courts.wa.gov/forms](http://www.courts.wa.gov/forms) to download standard family law forms.

[www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) for general information on a variety of legal topics.

[www.nwjustice.org](http://www.nwjustice.org) for general information and resources.

[www.skagitcounty.net](http://www.skagitcounty.net) county website (follow links to Superior Court).

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

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

**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.**