

LEGAL SEPARATION WITH CHILDREN BY AGREEMENT OR DEFAULT (SERVICE MAY OR MAY NOT BE REQUIRED)

SPOKANE COUNTY FAMILY COURT FACILITATOR

Checklist of Steps to complete:

_____ 1. Fill out the following papers completely and sign. Print clearly in black ink or type:

- () *Confidential Information (FL All Family 001)*
- () *Petition for Legal Separation (FL Divorce 203)*
- () *Summons: Notice About a Marriage or Domestic Partnership (FL Divorce 200)*
- () *Parenting Plan (FL All Family 140)*
- () *Washington State Child Support Worksheets (WSCSS – Worksheets)*
(<https://fortress.wa.gov/dshs/dcs/SSGen/Home>)

_____ 2. If your spouse agrees with the legal separation, have him/her sign the *Petition for Legal Separation*, *Parenting Plan* and *Child Support Worksheets*. If spouse does not agree or is unaware of your action, you sign all these documents, plus the *Summons: Notice About a Marriage or Domestic Partnership*. Make two copies (original plus two copies) of all documents and staple each separate document.

_____ 3. File the original of each document with the Spokane County Superior Court Clerk, Room 300, Cashiers Window (to the far right when you enter). Pay the filing fee of \$314.00. Enter the case number and date stamp on the front page of each of your copies.

_____ 4. Make arrangements to attend the Parent Education Seminar. You cannot finish your legal separation until there is verification in the court file of your attendance.

_____ 5. If your spouse did not sign the *Petition for Legal Separation*, *Parenting Plan* and *Child Support Worksheets*, you must have a copy of all documents served or given to your spouse by a third person. **YOU** cannot serve your spouse. The person who serves your spouse must complete and sign the *Proof of Personal Service* form. Make a copy for yourself.

() *Proof of Personal Service (FL All Family 101)*

_____ 6. After your spouse has been served, file the *Proof of Personal Service* form with the Superior Court Clerk, Room 300. Put the date stamp on your copy.

_____ 7. **If agreed**, you may finalize your legal separation after attending the Share the Children class. Complete the following forms in black ink or type:

- () *Findings and Conclusions About a Marriage (FL Divorce 231)*
- () *Final Divorce Order/Legal Separation Order (FL Divorce 241)*
- () *Parenting Plan (FL All Family 140)* (you may use a copy of the Parenting Plan filed with your initial papers as your final version if desired)
- () *Child Support Worksheets* (you may use a copy of the Child Support Worksheets filed with your initial papers as your final version if desired)
- () *Child Support Order (FL All Family 130)*
- () *Residential Time Summary Report (FL Divorce 243)*
- () *JIS cover sheet (Spokane County form)*
<https://www.spokanecounty.org/DocumentCenter/View/3665/JIS-Cover-Sheet-PDF>
- () *Verification (Spokane County form)* (only required to be signed by one party)
<https://www.spokanecounty.org/DocumentCenter/View/26864/Verification>

Sign the original of each document where it says: "Presented by." Your spouse may sign where it says: "Approved for Entry."

_____ 8. **If not agreed**, your spouse may file a *Response to Petition About a Marriage (FL Divorce 211)*. If so, you may wish to consult with an attorney for legal advice or the Family Court Facilitator for procedural information.

_____ 9. If your spouse has not responded after 20 days, if served in the state of Washington, or 60 days if served outside the state of Washington, fill out the *Motion and Declaration for Default and Order on Motion for Default*:

- () *Motion for Default (FL All Family 161)*
- () *Order on Motion for Default (FL All Family 162)*
(Default means papers were served on opposing party but there is no response.)

Also fill out the following final forms in black ink or type:

- () *Findings and Conclusions About a Marriage (FL Divorce 231)*
- () *Final Divorce Order (Dissolution Decree) (FL Divorce 241)*
- () *Parenting Plan (FL All Family 140)* (you may use a copy of the *Parenting Plan* filed with your initial papers as your final version if desired)
- () *Child Support Worksheets* (you may use a copy of the *Child Support Worksheets* filed with your initial papers as your final version if desired)
- () *Child Support Order (FL All Family 130)*
- () *Residential Time Summary Report (FL Divorce 243)*
- () *JIS cover sheet (Spokane County form)*
<https://www.spokanecounty.org/DocumentCenter/View/3665/JIS-Cover-Sheet-PDF>

- () **Verification (Spokane County form)** (only required to be signed by one party)
<https://www.spokanecounty.org/DocumentCenter/View/26864/Verification>

Sign the original of each document where it says: "Presented by."

Note: If your spouse does not respond, the *Findings and Conclusions About a Marriage* and *Final Divorce Order* (Legal Separation Order) cannot change any items from what was requested in the *Petition for Legal Separation*, as well as the *Parenting Plan* and *Child Support Worksheets*. What you asked for in the *Petition for Legal Separation*, *Parenting Plan* and *Child Support Worksheets* is what you will get.

If you finalize your legal separation by agreement, you and your spouse can agree to change any of the items from the initial *Petition for Legal Separation*, *Parenting Plan* and *Child Support Worksheets*. These CHANGES can be made in the final papers ONLY if both you and your spouse sign the final papers.

- _____ 10. Make two copies (original plus two copies) of each document (one for you and one for your spouse).
- _____ 11. Take the completed *JIS coversheet* to room 200 at least two days prior to your appearance in Ex Parte to finalize your legal separation. The background checks will be run by court staff and delivered to the Ex Parte court. **
- _____ 12. Take the documents to the Ex Parte Courtroom 202, open Monday, Wednesday and Friday, 9am to noon and 1:30pm to 4pm, and Tuesday and Thursday from 1:30pm to 4pm. Bring the original and all copies of the final documents with you.
- _____ 13. When the Court Commissioner signs your papers, you are then legally separated. Take the copies to the Clerk's office and stamp the name of the Court Commissioner who signed your papers (on the judge/commissioner signature page) and put the date stamp on the top, front page of each document.
- _____ 14. Give copies to your spouse and keep one for yourself.

- A T T E N T I O N -

**** At the time you present your proposed final parenting plan to a Judge or Court Commissioner for signature, a new law now requires them to run a background check on both parents. If that background check includes matters that could put children at risk of harm, the judicial officer may ask you or the other parent to explain and answer questions about your background record. In most cases you can probably satisfy the judicial officer conducting the review that your children are not at risk and he/she will finalize your parenting plan the way you prepared it. In some cases, you may be asked to bring in additional documents or the court may appoint a Guardian ad Litem to make a more in-depth investigation and report back to the court at a later date. If this happens, the case will remain open and the proposed parenting plan will not be approved until you have brought in the necessary paperwork or the independent investigation has been completed and all necessary safeguards to protect your children are in place.**

NOTE: All of the above-mentioned forms can be found on the Washington State Court website: www.courts.wa.gov/forms.

The Family Court Facilitator, Room 200, Family Law Center, is available to review your documents and answer procedural questions. It is recommended you have all documents reviewed before filing and presenting to the court.