

HOW TO OBTAIN A LEGAL SEPARATION: For spouses *who agree*

Use this packet only if:

- You and your spouse **agree** on the terms of your legal separation, and your spouse **will sign** the court papers to show that s/he agrees.

WARNINGS!

- As a Pro Se Litigant you are representing yourself and therefore are responsible for all documents you file with the Court or present to the Judge.** Please read these instructions carefully. They are not intended to be a substitute for legal advice. They provide only legal information. If you need assistance understanding forms or procedures, the Court Facilitator may review forms you have prepared yourself, answer questions, or help you with procedures.
- THE COURT FACILITATOR CANNOT GIVE LEGAL ADVICE. Talk to a lawyer if you can.** Find a lawyer to help you with the most difficult parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case.
- The Court Facilitator does not represent you and may also assist the other party. To schedule an appointment, email d.guernsey@islandcountywa.gov.

Step 1: Fill out these forms:

All of these forms in Step 1 can be downloaded at www.courts.wa.gov/forms

Form Name	Form Number	Notes	Completed
Case Information Cover Sheet		Family Law	☐
Confidential Information	FL All Family 001	Attachment to Confidential Information (for additional parties or children) FL All Family 002	☐
Certificate of Dissolution – Vital Statistics form	DOH 422-027		☐

Step 2: Fill out these forms and make copies:

All of these forms in Step 2 can be downloaded at www.courts.wa.gov/forms

Form Name	Form Number	Notes	Completed
Petition for Legal Separation	FL Divorce 203	"Joinder" on the last page of the petition needs to be signed by the Respondent, or a separate "Joinder" form (FL All Family 119) should be filed to indicate that there is an agreement.	☐

If you have children under the age of 18 born during your marriage, you will also need these forms:

Parenting Plan (Proposed)	FL All Family 140		☐
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Step 3: Start (file) your case

You can start (file) your case by bringing your original forms and copies to the Island County Clerk's Office (101 NE Sixth Street, Coupeville, WA).

How many copies do I need?

- **Original** set to file with the Clerk's office
- Copy **1** is for your records.
- Copy **2** is to give to the other party.

In the alternative, you can start your case using the E-filing system. If you choose to e-file, follow the instructions located here: <https://www.islandcountywa.gov/Clerk/Pages/Electronic-FAX-Filing.aspx>.

Step 4: Pay the fee

While starting your case, the Clerk will ask you to pay a filing fee (\$314). If you cannot afford to pay the fee, ask for an application to let you file for free. The Clerk will provide you with the forms to do so, or contact the Court Facilitator who will email the packet to you. Be advised that if you are requesting a fee waiver, you will be required to appear before the judge to make that request. Hearings of that nature are conducted on Mondays at 9:00 AM, or Tuesday-Friday at 1:00 PM. (**Note:** If you obtain a filing fee waiver, the Court Facilitator fees will also be waived.)

Step 5: Court's Temporary Order

When starting your case, you will receive a document called Court's Automatic Temporary Order LSPR 94(b) which limits what you and your spouse can do while the legal action is pending and until it is finalized. Review the Order carefully and provide a copy to your spouse. The order is binding on you from the time of filing, but not enforceable to your spouse until it has been served on him/her. (**Note:** This is not a restraining order that prohibits you from contacting each other.)

Step 6: Register for the Parent Education Seminar

If you have children under 18, you must attend a parenting seminar before you can finalize your pending legal matter. You may choose between <https://helpingchildren.us/> or www.successfulco-parenting.com. If neither works for you, please contact the Court Facilitator for other options.

Upon completing the class, you will be given a Certificate of Completion which you will need to bring with you to your final hearing.

Step 7: Complete the final documents to finalize your legal separation

Completely fill out and sign these forms. As a self-represented party, you are responsible for filling out all final documents as you want the Court to sign them.

General tips:

- FL 231 Findings and Conclusions and FL 241 Final Legal Separation Order are twin documents. Any information in FL 231 must be repeated or referenced in FL 241. See page 5 for more information.
- If the other party requested notice of future court hearings in the Joinder, then they must be informed of the final hearing date and be provided a copy of your proposed documents (see Step 10 below).
- If the other party waived notice, they do not need to sign the final documents or be notified of the final hearing SO LONG AS the final documents contain the same information as the Petition for Legal Separation.

All of these forms in Step 7 can be downloaded at www.courts.wa.gov/forms

Form Name	Form Number	Notes	Completed
Findings and Conclusions about a Marriage	FL Divorce 231		☐
Final Legal Separation Order	FL Divorce 241		☐

If you have children under the age of 18, you will also need

Parenting Plan (Final)	FL All Family 140		☐
Residential Time Summary Report	FL Divorce 243		☐
Child Support Order	FL All Family 130		☐
Child Support Worksheets	WSCSS Worksheets	The Court Facilitator can assist you with calculating any child support obligation.	☐
Supplemental Confidential Information Form		https://www.islandcountywa.gov/400/Island-County-Local-Forms	☐

Step 8: Contact the Court Facilitator

Island County Local Court Rule LSPR 94 requires that the Court Facilitator review and approve ALL final divorce documents. Contact the Court Facilitator as early in the process as possible to schedule your case for review.

If there are minor children, the Court Facilitator will need the following documentation from you and your spouse:

- **6 months** of pay information and/or **2 years** of income tax information (W-2s) – paystubs preferred
- Verification of amount paid each month for the children's health insurance premium
- Verification of childcare expenses (if you intend for the expense to be included in the monthly child support transfer payment)
- Proposed Child Support Order and Child Support Worksheets
- Proposed Parenting Plan **AND** Final Parenting Plan
- Proposed Residential Time Summary Report

Step 9: Schedule your final hearing

Contact the Clerk's office to schedule your final hearing (360-679-7359). Hearings are conducted on Tuesdays at 8:30 AM.

Step 10: Look at your Joinder (on the last page of the Petition or separate "Joinder" form)

If your spouse checked the box "I ask the Petitioner to notify me about any hearings in this case," s/he must:

- Be formally notified of the scheduled hearing date (see forms below). So long as there is no court order preventing contact, you can personally hand deliver or email the forms to the other party no later than 12 days before the hearing date, or you can mail the documents at least 15 days before the hearing. Both the notice and proof of service forms must be filed with the Clerk before the hearing. OR
- Sign the completed documents in Step 7 above AND be present at the hearing, either personally or by phone/Zoom.

Form Name	Form Number	Notes	Completed
Notice of Hearing	FL All Family 185		☐
Proof of Mailing or Hand Delivery	FL All Family 112		☐

If the Joinder "waived notice," you are not required to serve the other party.

Step 11: Deliver the Supplemental Confidential Information Form and judge's working copies (if there are children involved)

Approximately 1 week before your final hearing date, deliver the original Supplemental Confidential Information Form (only needed if children are involved) to the Clerk's office.

Step 12: Appear for your final hearing

On the day of your final hearing, bring all of these forms with you to court:

- Parenting Plan (*initialed by Court Facilitator*)
- Residential Time Summary Report (*initialed by Court Facilitator*)
- Parenting Seminar certificates
- Child Support Order & Child Support Worksheets (*initialed by Court Facilitator*)
- Findings and Conclusions about a Marriage (*initialed by Court Facilitator*)
- Final Legal Separation Order (*initialed by Court Facilitator*)

BE SURE THAT THE FORMS ARE SIGNED. Plan to arrive approximately 30 minutes before the hearing so that you have time to check in with the Clerk's office and deliver your original documents to them.

Step 13: After your final hearing

Copies of your final legal separation documents may be obtained from the Clerk's office after your hearing. Copies are available for .50 per page. Certified copies are \$5 for the first page and \$1 for each additional page. (If you are active duty military, you are entitled to a free certified copy of the Final Legal Separation Order.)

HELPFUL SITES:

<https://www.islandcountywa.gov/220/Superior-Court> (360) 679-7361

<https://www.islandcountywa.gov/394/Superior-Court-Clerk> (360) 679-7359

<https://www.washingtonlawhelp.org/>

CLEAR Referral Line for Volunteer Lawyer Program (888) 201-1014 (Monday-Friday, 9:15 AM – 12:15 PM)

Apply Online with CLEAR*Online: <https://nwjustice.org/apply-online>

PROPERTY AND DEBT DIVISION – INSTRUCTIONS

FINDINGS AND CONCLUSIONS ABOUT A MARRIAGE (FL Divorce 231)

List all property.

If you and your spouse bought something during the marriage, it generally is **community property** and goes under paragraph **8. Real Property** and/or **9. Community Personal Property**.

If the property was brought into the marriage and the other party's name is not on the title, then list the property under **separate property** for the party who brought the property into the marriage paragraph **10. Separate Personal Property**

Note: This is not the document where you decide who gets to keep the property; it is just a list of the property.

List all debts, whether incurred by you or your spouse.

If you and your spouse incurred a debt during the marriage, generally it is categorized as a **community debt** and should be listed under the community debt section, paragraph **11. Community Debt**.

If you or your spouse incurred a debt before the marriage and the debt still exists, or if you or your spouse incurred a debt following your separation, then that debt is generally categorized as a **separate debt** and should be listed under the separate debt section for the party who incurred it, paragraph **12. Separate Debt**.

Note: This is not the document where you decide who has to pay the debt; it is just a list of the debts.

FINAL LEGAL SEPARATION ORDER (FL Divorce 241)

This is the form used to say which party gets what property or who has to pay which debts; use the information from the **Findings and Conclusions about a Marriage**, paragraphs **8. Real Property**, **9. Community Personal Property**, **10. Separate Personal Property**, **11. Community Debt**, and **12. Separate Debt**.

ALL of the property and debts listed in the **Findings and Conclusions about a Marriage** must be distributed or awarded to either the petitioner or respondent. If the property or debt was **community/separate property** or **community/separate debt**, as noted in the **Findings and Conclusions about a Marriage**, then list the property or debt as appropriate in the **Final Legal Separation Order** under the following paragraphs: **7. Real Property**, **8. Petitioner's Personal Property**, **9. Respondent's Personal Property**, **10. Petitioner's Debt**, and **11. Respondent's Debt**.

To avoid delays, have your spouse sign the FINDINGS AND CONCLUSIONS ABOUT A MARRIAGE and the FINAL LEGAL SEPARATION ORDER.

IF YOU FAIL:

- (1) TO FULLY IDENTIFY YOUR PROPERTY/DEBTS IN THE FINDINGS AND CONCLUSIONS ABOUT A MARRIAGE, or
- (2) TO DISTRIBUTE ALL THE PROPERTY/DEBTS IN THE FINAL LEGAL SEPARATION ORDER

THE JUDGE MAY REFUSE TO SIGN YOUR FINAL PAPERS UNTIL THE PROPERTY AND DEBT LIST IS CORRECTED.

YOU MAY HAVE TO RESCHEDULE YOUR HEARING DATE TO CORRECT THESE ISSUES.

IMPORTANT: These instructions are for informational purposes only and under no circumstances should it be considered legal advice or relied upon without first confirming its content with an attorney.