

HOW TO OBTAIN A LEGAL SEPARATION: For spouses *who DO NOT agree*

DO NOT use this packet 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	<input type="checkbox"/>
Confidential Information	FL All Family 001	Attachment to Confidential Information (for additional parties or children) FL All Family 002	<input type="checkbox"/>
Certificate of Dissolution – Vital Statistics form	DOH 422-027		<input type="checkbox"/>

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
Summons: Notice About a Marriage or Domestic Partnership	FL Divorce 200	Be sure to fill in your address and the court's address.	<input type="checkbox"/>
Petition for Legal Separation	FL Divorce 203		<input type="checkbox"/>
Notice to Military Dependent	FL All Family 103	If applicable	<input type="checkbox"/>

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		<input type="checkbox"/>
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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/395/EmailElectronic-Filing>.

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 9:30 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 Re: 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: Have the other party served

You must have the other party served with copies of all of the forms you filed with the clerk, except the Case Information Cover Sheet, Confidential Information Form and Certificate of Dissolution-Vital Statistics form. Be sure to also serve the Court's Temporary Order referenced in paragraph 5 above.

How to serve

Someone over 18 – **not you** – must serve (give) the other party with copies of your court papers. After serving, the server fills out a *Proof of Personal Service* form and gives it to you.

Form Name	Form Number	Notes	Completed
Proof of Personal Service	FL All Family 101	Form is signed by the server*	<input type="checkbox"/>
Declaration: Personal Service Could Not be Made in Washington	FL All Family 102	Only use if the other party is personally served in another state	<input type="checkbox"/>

***BE SURE THE PROOF OF PERSONAL SERVICE FORM IS COMPLETELY FILLED OUT AND EVERY FORM SERVED ON THE OTHER PARTY IS IDENTIFIED IN PARAGRAPH 4. IMPROPERLY FILLED OUT FORMS COULD RESULT IN DELAY IN FINALIZING YOUR MATTER.**

Keep a copy for your own records and file the original with the Clerk's Office. If you have questions about serving the other party, contact the Court Facilitator.

Step 7: Wait for a Response

The next step is to wait to see if the other party files a Response. You must wait:

20 days	From the date of service if the other party was served in person in Washington state
60 days	From the date of service if the other party was served in person outside of Washington state, or by publication (because of a court order)
90 days	From the date of mailing if the other party was served by mail because of a court order.

Step 8: 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 9: Default

If the other party does not file a Response to the Petition by the deadline, you may be able to finalize your case by default. Contact the Court Facilitator for assistance.

Step 10: Request a Trial Date

If the other party files a Response to the Petition, and disagrees with any portion of the Petition, then you will need to have a trial, and a judge will decide the issue(s) for you. To request a trial date, file a note for setting with the Clerk's Office. The Court Facilitator can assist you with this step.

Form Name	Form Number	Notes	Completed
Note for Trial Setting		https://www.islandcountywa.gov/400/Island-County-Local-Forms	<input type="checkbox"/>
Informal Family Law Trial Selection		See link above and "Two Kinds of Family Law Trials"	<input type="checkbox"/>
Notice of Conflict Dates		See link above. Fill this out if there are dates when you know you are not available	<input type="checkbox"/>
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)	FL All Family 112	www.courts.wa.gov/forms	<input type="checkbox"/>

How many copies do I need?

- **Original** to file with the Clerk's office
- Copy **1** is for Court Administration.
- Copy **2** is for your records.
- Copy **3** is to give to the other party.

The Court Coordinator will assign a readiness hearing and a trial date, You will receive notification of the assigned dates in the mail. Make sure that both your email and mailing address are up-to-date so that the court can contact you.

Step 11: Mediation

Island County requires that all parties to a family law matter with unresolved issues engage, in good faith, in mediation with a court-approved mediator in an effort to resolve the case. Mediation may be waived in certain

situations. Mediation shall be completed at least 60 days prior to the scheduled trial date. For additional information regarding mediation, contact the Court Facilitator. See also Island County Superior Court Rule LSPR 94.

- If agreement reached, see step 12 below.
- If agreement **NOT** reached, see step 13 below.

Step 12: Agreement

If you come to an agreement before trial, you can proceed to prepare your final documents.

Step 12(a): Complete the 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 6 for more information.
- The other party must sign the final documents.

All of these forms in Step 12 can be downloaded at www.courts.wa.gov/forms

Form Name	Form Number	Notes	Completed
Findings and Conclusions about a Marriage	FL Divorce 231		<input type="checkbox"/>
Final Divorce Order	FL Divorce 241		<input type="checkbox"/>

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

Parenting Plan (Final)	FL All Family 140		<input type="checkbox"/>
Residential Time Summary Report	FL Divorce 243		<input type="checkbox"/>
Child Support Order	FL All Family 130		<input type="checkbox"/>
Child Support Worksheets	WSCSS Worksheets	The Court Facilitator can assist you with calculating any child support obligation.	<input type="checkbox"/>
Supplemental Confidential Information Form		See link in Step 10	<input type="checkbox"/>

Step 12(b): Contact the Court Facilitator

Island County Local Court Rule LSPR 94 requires that the Court Facilitator review and approve ALL final legal separation documents.

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 12(c): Schedule your final hearing

Contact the Island County Clerk of Court to schedule your final hearing (360-679-7359). Hearings are conducted on Tuesdays at 8:30 AM.

Step 12(d): Deliver the Supplemental Confidential Information Form and Judge's Copies

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(e): 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 paperwork to them.

Step 12(f): After your final hearing

Copies of your final 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.)

Step 13: Trial

There are specific requirements and procedures related to trial preparation which vary greatly depending on the issues to be resolved. Contact the Court Facilitator for instructions.

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 in 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 COMPLETE THE LIST OF PROPERTY/DEBTS IN THE FINDINGS AND CONCLUSIONS ABOUT A MARRIAGE, or
- (2) TO DISTRIBUTE ALL OF 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: This information is intended 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.