

ISLAND COUNTY COURT FACILITATOR

Darcy Mehlhaff

501 N Main Street

Coupeville, WA 98239

(360) 678-7981 * d.mehlhaff@co.island.wa.us

TEMPORARY FAMILY LAW ORDER – DIVORCE

If you have started a Divorce proceeding and are in need of a Parenting Plan, Child Support, and/or Spousal Maintenance until the final Orders are approved, Temporary Orders may be requested.

“Ignorance of the law excuses no man: Not that all men know the law, but because ‘tis an excuse every man will plead, and no man can tell how to refute him.”

John Selden

English Antiquarian & Jurist

IMPORTANT: This checklist 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. The Court Facilitator CANNOT give legal advice. ONLY AN ATTORNEY CAN GIVE LEGAL ADVICE.

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 all documents and instructions carefully. If you need assistance with understanding forms or procedures, the Court Facilitator may review forms you have prepared yourself, answer questions, or help you with procedures.

- For additional assistance, review the self-help packets on this subject at www.washingtonlawhelp.org
- The Court Facilitator does not represent you and may also assist the other party.
- Court Facilitator fees are paid directly to the Court Clerk **BEFORE** you see the Court Facilitator: **\$20 for ½ hour walk-in appointments** and **\$40 for scheduled hourly appointments**. You will be asked for your receipt at the appointment.
- **Walk-in appointments are Mondays 1 – 4 and Wednesdays 11 – 4.** Keep in mind these walk-in hours are periodically cancelled and notice of cancellation will appear in the foyer of the Juvenile and Family Court building.
- **Scheduled appointments are Tuesdays and Thursdays 10 – 4.** If needed, alternate days and times may be arranged.
- To schedule an appointment and/or ask questions, email: [**d.mehlhaff@co.island.wa.us**](mailto:d.mehlhaff@co.island.wa.us)

1. **Obtain and prepare the necessary forms.** You may purchase a packet of forms from the Island County Superior Court Clerk or you may download forms for free from the following websites:

www.courts.wa.gov/forms

Standardized Washington State Forms

www.islandcountywa.gov/SuperiorCourt

Island County Local Court Rules and Forms

2. **To file for *Temporary Orders*, the following forms must be completed:**

_____ Motion for Temporary Family Law Order [] and Restraining Order FL Divorce 223

_____ Notice of Hearing FL All Family 185

_____ Declaration of (name): _____ FL All Family 135

If requesting a *Temporary Parenting Plan*, you must include the following:

_____ Information for Temporary Parenting Plan FL All Family 139

_____ Parenting Plan (Proposed) FL All Family 140

If requesting *Temporary Child Support*, you must include the following:

_____ Child Support Worksheets WSCSS Worksheets

_____ Financial Declaration FL All Family 131

_____ Sealed Financial Source Documents FL All Family 011

If requesting *Temporary Spousal Maintenance*, you must include the following:

_____ Financial Declaration FL All Family 131

_____ Sealed Financial Source Documents FL All Family 011

3. **SPR 94.04 FAMILY LAW RULES (a) Affidavits and Declarations.**

- (1) **Blank Declarations and Notices Required for *Pro Se* Parties.** When either of the parties is *Pro Se*, a blank declaration shall be attached to the Motion and served on the other party. If either party is represented by an attorney, you must serve the attorney. The Motion shall contain the following language:

"I SWEAR UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF WASHINGTON THAT THE ABOVE IS TRUE AND CORRECT.

Signed this date _____ at _____ (place).

_____ (Signature)"

THE COURT WILL ONLY CONSIDER SWORN DECLARATIONS MADE UNDER PENALTY OF PERJURY, WHICH YOU MUST SIGN. YOU MUST ALSO FILL IN THE DATE OF SIGNING AND THE PLACE OF SIGNING. YOU MUST PROVIDE THE ORIGINAL OF YOUR DECLARATION TO THE CLERK, A COPY TO THE OTHER SIDE, AND A COURTESY COPY TO THE JUDGE.

PETITIONER: See LCR 6. Motions with declarations must be served on the other party **twelve (12) days prior to the Hearing or fifteen (15) days if mailed.** Declarations in strict reply to Respondent's response declaration must be served on the other party, no later than. **4 P.M. FOUR (4) DAYS PRIOR TO THE HEARING.**

RESPONDENT: See LCR 6. The other party must be served with the response declaration no later than **4 P.M. SIX (6) CALENDAR DAYS PRIOR TO THE HEARING.**

FAILURE TO APPEAR ON THE COURT DATE OR FAILURE TO PROVIDE DECLARATIONS AS SET FORTH ABOVE MAY RESULT IN THE COURT GRANTING THE RELIEF REQUESTED IN THE MOTION!

(2) Page Limits.

- (A) *Number of Pages of Declarations and Affidavits Limited.*** Absent prior to authorization of the Court, the entirety of all declarations and affidavits from the parties and non-expert witnesses in support of Motions (except financial declarations, financial documents and sealed source documents), shall be limited to a sum total of twenty (20) pages. The entirety of all declarations and affidavits submitted in response to Motions shall not exceed twenty (20) pages. The entirety of all declarations and affidavits submitted in reply to the Response shall not exceed (10) pages.
- (B) *Exhibits.*** Exhibits that consist of declarations or affidavits of parties or witnesses, including electronic communications, depositions or other similar material, shall count toward the above page limit.
- (C) *Financial Declarations.*** Financial Declarations and financial documents do not count toward the page limit.

- (D) **Expert Reports and Evaluations.** Declarations, affidavits, and reports from Court Appointed Special Advocates (CASA), a Guardian Ad Litem (GAL) and expert witnesses do not count toward the page limit.
- (E) **Miscellaneous Exceptions.** Copies of declarations or affidavits previously filed for a Motion already ruled upon and supplied only as a convenience to the Court in lieu of the court file do not count toward the page limit.
- (F) **Format.** All declarations and affidavits must comply with GR 14 (format for pleadings and other papers), be on one side only, double-spaced and legibly hand-printed in blue or black ink or typed in at least twelve (12) point type.
- (G) **Circumvention Prohibited.** This rule may not be circumvented by filing several Motions in the same family law matter on the same day.
- (H) **Violations.** If the Court finds that one or more of the parties violated this rule, the Court may, in its discretion, assess terms, strike or continue the matter, or refuse to consider the materials that violate this rule.

4. **Scheduling a Hearing.** It is up to you to set the Hearing date and provide a **Notice of Hearing** to the other party.

LCR 77 SUPERIOR COURTS AND JUDICIAL OFFICERS. (k) Motion Day – Local Rules. The Island County docket shall be as follows:

(1) **Law and Motion Calendars.** The civil, adult criminal, and juvenile offender law and motion calendar for Island County shall be on Monday of each week in the assigned departments. If Monday falls on a legal holiday, then the Motion Calendar shall be heard on the following Tuesday. If any matter is expected to last longer than 15 minutes total, the parties must obtain a specially set Hearing date from the Court Administrator pursuant to LCR 5(k).

(A) **Civil Motion Calendar:** Closed Civil Hearings, including adoptions, shall be heard at 9 a.m. Open Civil Hearings shall be heard from 9:30 a.m. to noon in the following order: *Ex parte* matters; Supplemental Proceedings; Readiness Hearings; Parentage Motions where paternity has previously been determined; uncontested matters in probates and guardianships; uncontested dissolutions; all Orders to show cause and Motions in civil case; Motions and Orders subsequent to judgment and Motions for Summary Judgment.

(Note: Any family law matter being finalized by default or agreement shall be heard on the *Pro Se* Dissolution Calendars which is held on Wednesdays at 8:30 a.m.)

5. **Make copies of all forms you have completed.** The Superior Court Clerk's office will keep the original documents for your Court file; you will need a set of copies for yourself, a set to serve on the other party, and a third set to be provided to the Judge as a *Courtesy copy*. Always keep a copy of the documents you have filed and prepared for presentation in your personal file.
6. **File the original documents with the Island County Superior Court Clerk in Coupeville** (101 NE Sixth Street). Because **Temporary Orders** are being requested within an open case you will not have a filing fee.
7. **Serve the other party with a copy of the documents you prepared.** Personal service must be completed by a person who is over the age of 18, a United States citizen, and not involved in the case. (**Note:** You may not complete the personal service; it must be by a third party.) The person completing service must complete a:

_____ **Proof of Personal Service**

FL All Family 101

Proof of Personal Service is very important; all documents being served must be noted along with the date, time, and location service is completed. Make a copy and file the original **Proof of Personal Service** at the Superior Court Clerk's office.

The Island County Sheriff's office may serve the documents for a fee if the other party resides in Island County. If the other party does not reside in Island County, contact the Sheriff's office, or a Process Server, in the county in which he/she lives.

The other party must receive a copy of your **Motion for Temporary Family Law Orders**, all supporting documents, and **Note for Calendar** at least **12 days** BEFORE the scheduled Motion Hearing. A copy of every document you are submitting **MUST** be provided to the other party.

8. LCR 6 TIME. (d) For Motions – Affidavits.

(1) Time. Notwithstanding CR 6(d), a written Motion, other than one which may be heard ex parte, and notice of the Hearing thereof shall be served not later than twelve (12) days before the time specified for the Hearing, unless a different period is fixed by these rules or by Order of the Court. Such an Order may for cause shown be made on ex parte application as set forth in LCR 6(f). When a Motion is supported by affidavit, the affidavit shall be served with the Motion, and, except as otherwise provided in CR 59(c), opposing affidavits may be served no later than 4 p.m. six (6) calendar days prior to the Hearing. Reply affidavits in strict reply to the opposing affidavits may be served no later than 4 p.m. four (4) calendar days prior to Hearing. No additional responses or replies shall be permitted from either party without permission of the Court. All motions, affidavits and other documents served on opposing party shall be fully conformed as to signatures, dates signed, date filed, and all other information as it appears on the filed original.

(2) **Conformed Copies.** Court documents served on opposing parties shall be fully conformed as to signatures, dates signed, date filed, and all other information as it appears on the original once it is filed.

(3) **Signatures.** Declarations or affidavits shall be signed by the declarant or affiant.

9. **You must schedule an appointment with the Court Facilitator** to have your temporary *Parenting Plan, Child Support Worksheet, and Child Support Order* initialed **BEFORE** your Hearing.

LOCAL COURT RULE SPR 94.04(i) Parenting Plans and Child Support Orders Submitted by Pro Se Parties – Review. Any action in which the residential care or child support of a minor child or children is at issue and in which none of the parties are represented by counsel, the Parenting Plan and Child Support documents shall first be reviewed, approved and initialed by the Court Facilitator in the county in which the action is pending, or if there is no Court Facilitator, by the Juvenile Court Administrator. A Proposed Parenting Plan does not need to be initialed and approved before filing, but any Parenting Plan submitted for Court approval must be so initialed and approved before the Court will consider it.

Bring the following to the final review of Parenting Plan and/or Child Support:

- _____ 6 months of pay information or 2 years of income tax information (W-2s)
- _____ Verification of amount paid each month for the children’s health insurance.
- _____ Verification of Child Care expenses, if any.
- _____ Proposed Parenting Plan **AND** Final Parenting Plan
- _____ Parenting Seminar Certificates

10. **Courtesy (Working) Copies.** Approximately one (1) week before your Trial date, it is requested that you provide the Judge with a “courtesy copy” of the documents you will be presenting at Trial.

LCR 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.

(e)(3) Courtesy Copies for Judges. Courtesy copies of pleading and other papers shall be provided to the Court Administrator’s office for the Judge assigned to the case at the same time as such pleadings and other papers are required to be served on the opposing party. Such courtesy copies shall have the words “Judge’s Courtesy Copy” in the upper right hand corner of the first page, the Judge’s name, and the date and time of the Hearing. Courtesy copies are discarded after ten (10) days from the assigned Hearing date. It is the responsibility of the parties or counsel to provide new courtesy copies to the Judge thereafter as provided herein.

11. **Bring to your Hearing for Temporary Orders:**

_____ Temporary Family Law Order

FL Divorce 224

If requesting a *Temporary Parenting Plan*, you must also bring to your Hearing:

_____ **Parenting Plan (Temporary)** **FL All Family 140**

If requesting *Temporary Child Support*, you must also bring to your Hearing:

_____ **Child Support Worksheets** **WSCSS Worksheets**

_____ **Child Support Order (Temporary)** **FL All Family 130**

- 12. The Judge will hear both parties before making a decision.** The only information to be considered is the information the Judge and each party has received within the allowed time BEFORE the Hearing. Be clear and concise when speaking to the Judge and do not introduce any new information to the proceedings.
- 13. When the Judge has made a ruling, you may step out of the courtroom.** After everyone has been heard the Court Clerk will make copies of orders that each party may purchase. **REMEMBER** – this is a *Temporary Order* and a *Final Order* will still need to be provided at another scheduled Hearing.

IMPORTANT: This checklist 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. The Court Facilitator CANNOT give legal advice. ONLY AN ATTORNEY CAN GIVE LEGAL ADVICE.

Island County Superior Court Ex-Parte Calendar

Mondays at 9:30 a.m.

Tuesdays through Fridays at 1 p.m.

You must check in with the Superior Court Clerk's Office at least 45 minutes before the Hearing.

Island County Superior Court Law and Motion Calendar

Mondays at 9:30 a.m.

HELPFUL WEBSITES

www.islandcountywa.gov/SuperiorCourt	(general information, local forms and rules)
www.nwjustice.org	(general information and links to other resources)
www.washingtonlawhelp.org	(information and sample forms for a variety of subjects)
www.courts.wa.gov	(forms and other information)
www.dshs.wa.gov/doc	(information on child support & calculator)

HELPFUL PHONE NUMBERS

Island County Superior Court Clerk's Office	(360) 679-7359
Island County Superior Court Administration	(360) 679-7361
CLEAR Referral Line for Volunteer Lawyer Program	(888) 201-1014

COURTHOUSE FACILITATOR INFORMATION

Make the most of your time with the facilitator:

Your time is valuable, so make the most of your visit with the court facilitator. If you have already purchased a "do it yourself" kit, read the instructions carefully and make a note of the questions you have. Use pencil to complete the first draft of your paperwork, or make a copy that you can use as a rough draft. Complete your documents as much as possible. That way the facilitator will be able to review documents with you to see if they are filled out properly. Try to answer the facilitator's questions clearly and briefly. Take notes during your visit with the facilitator.

For information about the services the facilitator may provide, read "How Courthouse Facilitators Can Help." The court facilitator cannot give you legal advice or predict what the court will do in your case. Only an attorney in private practice or in a volunteer legal services program can advise you about your rights and responsibilities, and which course of action is best for you.

If you need the facilitator to compute child support for you, bring financial information with you. This includes pay stubs for you (and for your child's other parent, if available), health insurance premium amounts, child care payment amounts, and special expenses (school sports fees, dance or music lessons, automobile insurance costs for your teen driver, etc.). If you need help modifying an existing order, be sure to bring a copy of the order with you (the original child support, parenting plan, or custody decree).

Please try to arrange child care for young children. Courthouses do not offer child care services. DO NOT bring a child who is the subject of the case being discussed with you to the appointment. CHILDREN SHOULD NOT HEAR DISCUSSIONS OF THE CASE IN WHICH THEY ARE INVOLVED.

How court facilitators can help:

Court facilitators can provide information about procedures and assist you with legal forms (sometimes referred to as "pleadings") in your family law case if you are not represented by an attorney. If a party in a legal proceeding does not have an attorney, that person is referred to as "self-represented" or acting "*pro se*." THE FACILITATOR IS NOT YOUR LAWYER AND CANNOT GIVE YOU LEGAL ADVICE. If you are acting *pro se* in your case, it is often a good idea to consult with a lawyer about what is best for you in your situation.

The facilitator can help you with your family law case under Title 26 RCW. Types of cases in Title 26 include dissolution of marriage (divorce), dissolution of domestic partnerships, child support parentage (paternity), non-parental custody, and modification of parenting plans, child support, and maintenance.

GR 27 is the court rule that defines the basic services facilitators may provide to self-represented parties. Services provided by the court facilitator may vary from county to county.

Generally, court facilitators may provide some or all of these services:

- referral to legal, social service, and alternate dispute resolution resources;
- assistance in calculating child support based on financial information provided by the *pro se* party;
- process interpreter requests;
- assistance in selection as well as distribution of approved forms and instructions;

- assistance in completing approved forms;
- explanation of legal terms;
- information on basic court procedures including requirements for service, filing, scheduling hearings and complying with local procedures;
- review of completed forms to determine whether forms have been completely filled out but not as to substantive content;
- previewing *pro se* pleadings prior to Hearings to determine whether the procedural requirements have been complied with; and
- attendance at *pro se* Hearings to assist the Court with *pro se* matters.

ISLAND COUNTY SUPERIOR COURT

CONDUCT AND DRESS CODE

LCR 77(b)(1)(A)

THE FOLLOWING CONDUCT AND DRESS CODE SHALL APPLY WHEN COURT IS IN SESSION:

1. No firearms, or other weapons, including knives, shall be allowed in the courtroom.
2. No food or drinks, except water, shall be allowed in the courtroom.
3. All persons shall turnoff all cell phones, pagers, and other electronic devices when in the courtroom.
4. No audio or video recording of any kind shall be allowed in the courtroom, except by official court personnel.
5. All persons in the courtroom shall be attired in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules shall apply:
 - Men shall wear shirts, trousers and shoes.
 - Women shall wear shoes and either dresses, skirts and tops, or pants and tops.
 - Shorts, halter-tops, tank tops, hats, caps, torn clothing, shirts or other clothing with obscene or profane pictures or messages, and “flip-flop” footwear, shall not be worn.
 - Male attorneys shall wear coats, slacks and ties.
 - Women attorneys shall wear professionally appropriate attire.
6. All persons in the courtroom shall in their speech and actions conduct themselves in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules apply:
 - Spectators and persons not then actively engaged in court proceedings shall be quiet; any speech which does occur shall be as unobtrusive as possible.
 - All persons shall refrain from any gestures and from conduct or behavior, which manifest disrespect for the court, counsel, litigants, witnesses, court staff, law enforcement personnel or other persons.
 - Children shall be closely controlled by adults inside and outside the courtrooms.