

ISLAND COUNTY COURT FACILITATOR
501 N Main Street
Coupeville, WA 98239
(360) 678-7981

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, you may request Temporary Orders.

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

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.

- **THE COURT FACILITATOR CANNOT GIVE LEGAL ADVICE.**
- The Court Facilitator does not represent you and may also assist the other party.
- There is a \$40 (cash only) fee per one hour appointment, payable to the Island County Superior Court Clerk BEFORE your appointment.
- Walk-in hours are Wednesdays between the hours of 11 a.m. and 4 p.m., 15 minutes per person.
- To schedule an appointment call **(360) 678-7981** or email **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 at the following websites:

www.courts.wa.gov/forms	(Standardized Washington State Forms)
www.islandcounty.net/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 Family 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

SPR 94.04 FAMILY LAW RULES

(c) Blank Affidavits and Notices Required for *Pro Se* Parties. When either of the parties are *pro se*, a blank affidavit or declaration shall be attached to the motion for a temporary order and show cause order and served on the other party. In addition, the motion for a temporary order and show cause order shall contain the following language:

At the hearing, the court will consider written sworn affidavits or declarations made under penalty of perjury, which must be signed and must include the date and place of signing. You are not allowed to argue any facts that are not included in affidavits or declarations. Prior to the hearing you must (1) file your affidavits and any supporting attachments with the clerk of the court, (2) provide a copy of those documents to the court administrator as a courtesy copy for the judge, (3) serve the other party or the other party's attorney with copies of your documents within the time period required by Island County Superior Court Local Court Rule 6(d). If you need more information, you are advised to consult an attorney or a court facilitator.

FAILURE TO APPEAR AS SET FORTH ABOVE MAY RESULT IN A TEMPORARY ORDER BEING ENTERED BY THE COURT THAT GRANTS THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE TO YOU.

3. **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 on the law and motion calendars 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 matter in probates and guardianships; uncontested dissolution; 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 Calendar which is held on Wednesdays at 8:30 a.m.)

4. **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.
5. **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.
6. **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 a **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.

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 the 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.

7. **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.

SPR 94.04 FAMILY LAW RULES

(i) Parenting Plans and Child Support Orders Submitted by Pro Se Parties – Review. In 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.

8. **Courtesy (Working) Copies.** Approximately one (1) week before your Hearing 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.

(3) **Courtesy Copies for Judges.** Courtesy copies of pleadings 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.

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

_____ **Temporary Family Law Order** **FL Divorce 224**

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

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

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

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

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

10. **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.
11. **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 1 p.m.

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

Island County Superior Court Law and Motion Calendar

Monday at 9:30 a.m.

Island County Pro-Se Dissolution Calendar

Wednesdays at 8:30 a.m.

You must check in with the Superior Court Clerk's Office no later than 8:15 a.m.

HELPFUL WEBSITES:

www.islandcounty.net/superiorcourt	(general information, local forms and rules)
www.nwjustice.org	(general information and links to other resources)
www.washingtonlawhelp.org	(general information and sample forms)
www.courts.wa.gov	(forms and other information)
www.dshs.wa.gov/doc	(information on child support & calculator)

HELPFUL PHONE NUMBERS:

Island County Court Facilitator	(360) 678-7981
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

Format and Style Rules for Mandatory Forms

Developed Pursuant to RCW 26.18.220

(May 2016)

For complete information, consult the Family Law Format and Style Rules (May 2016) at: www.courts.wa.gov/forms.