

**Island County Court Facilitator**  
501 N. Main Street  
Coupeville, WA 98239  
(360) 678-7981

## **CONTESTED DISSOLUTION WITH CHILDREN**

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

[www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)

(for standardized State forms)

[www.islandcounty.net/superiorcourt](http://www.islandcounty.net/superiorcourt)

(for Island County forms and rules)

To file for dissolution, the following forms must be completed:

\_\_\_\_\_ **Petition for Dissolution WPF DR 01.0100**

\_\_\_\_\_ **Summons WPF DR 01.0200**

\_\_\_\_\_ **Confidential Information Form WPF DRPSCU 09.0200**

\_\_\_\_\_ **Addendum to Confidential Information Form WPF DRPSCU 09.0210**

\_\_\_\_\_ **Parenting Plan – Proposed WPF DR 01.0400**

\_\_\_\_\_ **Child Support Worksheets – Proposed WSCSS Worksheets**

**Make copies of all forms after you have completed them.** The Superior Court Clerk’s Office will keep the original documents for your court file and you will need a set of copies for yourself and another set to serve on the other party.

**File the original documents with the Island County Superior Court Clerk in Coupeville** (101 NE Sixth Street). The filing fee is payable only in cash, money order or cashier’s check; the Superior Court Clerk can inform you of the current fee amount. The fee can be waived in some cases. The forms necessary to obtaining a fee waiver are available on the State website, at Court Administration, or from the Court Facilitator.

2. **Serve the other person:** Personal service must be done by a person over the age of 18 and not involved in the case. The person doing the service must complete:

\_\_\_\_\_ **Return of Service WPF DRPSCU 01.0250**

Make sure all the proper boxes are marked as to what documents were served and that the date, time, and place of service are filled out. Once this form is completed, make a copy and file the original with the Superior Court Clerk.

The Island County Sheriff's Office can also serve the documents for a fee if the other party lives in Island County. If the other party does not live in Island County, contact the Sheriff's Office, or a Process Server, in the county in which he/she lives.

Your spouse has **20 days** (if served in Washington) or **60 days** (if served outside Washington) to file a **Response** to your Petition. If you need to serve by publication or by mail, you must ask the Court for permission to do so.

3. If you need assistance with understanding forms or procedures, the Court Facilitator can 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 your spouse.
- There is a \$40 (cash only) fee per one hour appointment, payable to the Island County Superior Court Clerk before your appointment.
- **People are seen by appointment only; "walk-in" hours are not available.**
- To make an appointment call **(360) 678-7981** or email **[d.mehlhaff@co.island.wa.us](mailto:d.mehlhaff@co.island.wa.us)**

4. At the time of filing, a **Court's Temporary Order RE: SPR 94.04** is imposed which limits what the parties can do while their dissolution is pending and until the Court finalizes the dissolution. Review the Order carefully. This is not a restraining order that prohibits the parties from contacting each other. The Superior Court Clerk's Office will give you a copy of that Order. You must serve the other party with a copy of the Order by mailing or handing the Order to the other party and having them sign an:

\_\_\_\_\_ **Acceptance of Service WPF DRPSCU 01.0310**

If the other party refuses to sign an Acceptance of Service, then you must have them personally served and the person who serves them must fill out and file a:

\_\_\_\_\_ **Return of Service WPF DRPSCU 01.0250**

The Order is binding on the Petitioner from the date of filing and the Respondent from date of service.

5. Both parties must prepare a:

\_\_\_\_\_ **Sealed Financial Source Documents (Cover Sheet) (SEALFN)**

\_\_\_\_\_ **Financial Declaration WPF DRPSCU 01.1550**

\_\_\_\_\_ **Verified Statement of Assets and Liabilities (Local Court Form)**

Both parties must exchange these forms with each other within **30 days** of filing the Petition for Dissolution. The Financial Declaration and Sealed Financial Source Documents must also be filed with the Superior Court Clerk's Office. Do not file the Verified Statement of Assets and Liabilities.

6. **Respondents:** If you are served with dissolution documents and are not in agreement, then you must file a

\_\_\_\_\_ **Response WPF DR 01.0300**

within **20 days** (if served within the State) or **60 days** (if served outside the State). File your Response with Superior Court Clerk's Office and send a copy "certified mail return receipt requested" to the Petitioner at the address indicated on the Summons. You may also want to file and send your own Proposed Parenting Plan and Child Support Worksheets.

7. **Default Orders:** If your spouse does not file a Response to your petition within the allowed time, you can present a

\_\_\_\_\_ **Motion for Default WPF DRPSCU 03.0100** and an

\_\_\_\_\_ **Order on Default WPF DRPSCU 03.0200**

to the Judge on the Court's ***Pro Se Dissolution Calendar***. If the Judge signs an Order of Default you can finalize the case without your spouse's participation or signature. Note that even if you obtain an Order of Default you still cannot finish your case before 90 days from the day after the date your spouse was served.

8. **Both parties must attend an approved Parenting Seminar.** The Parenting Seminar "***Helping Children through Divorce***" is the only class available on Whidbey Island that satisfies this requirement. Sign up for the seminar by calling (360) 279-9222 (North Whidbey) or (360) 341-1955 (South Whidbey).

- **Failure to comply with this requirement may result in a finding of contempt and imposition of sanctions.**
- **Island County does not accept online parenting seminars.**

- Permission to attend another parenting seminar must be obtained from the court by presenting a Motion and Order to the Judge at an *Ex Parte* Hearing **before** you attend your final dissolution Hearing.
- Within 14 days of completion of the seminar both parties must complete, file, and serve each other with a Proposed Parenting Plan (if they have not already done so).
- File your certificate of completion with the Superior Court Clerk's Office.

9. **Both parties must fill out and file a:**

\_\_\_\_\_ **Supplemental Confidential Information Form (Local Court Form)**

Each party must provide the required information on all people (including their selves) over the age of 11 living in their household. Submit the form to the Superior Court Administration at least 10 days before the date of your dissolution hearing.

10. During your 90 day waiting period, prepare the following 6 documents but do not file them:

\_\_\_\_\_ **Residential Time Summary Report WPF DR 01.0410**

\_\_\_\_\_ **Parenting Plan – Final WPF DR 01.0400**

\_\_\_\_\_ **Order of Child Support WPF DR 01.0500**

\_\_\_\_\_ **Child Support Worksheets – Final WSCSS Worksheets**

\_\_\_\_\_ **Findings of Fact/Conclusions of Law WPF DR 04.0300**

\_\_\_\_\_ **Decree of Dissolution WPF DR 04.0400**

11. **Mandatory Mediation:** If you and the other party cannot work out an agreement on all issues, then you must schedule mediation. Mediation is required by **Local Court Rule**. If you reach an agreement, either on your own, or after mediation, then fill out the final paperwork listed in #10 pursuant to your agreement.

12. **Schedule your agreed final dissolution hearing after meeting with the Court Facilitator.**

- **The Court Facilitator must review Final Parenting Plans, Child Support Worksheets, and Child Support Orders before your date for dissolution.**
- Call the Superior Court Clerk's Office **(360) 679-7359** and ask to be put on the ***Pro Se Agreed Dissolution Calendar***.

- When you call you must give the Clerk the date that your 90 days is up so they can schedule you for the first available court date after your 90 days. If your spouse was served, then the 90 days started the day after the date your spouse was served.
  - Take all your prepared orders to the final hearing.
13. **If Mediation does not resolve your contested issues and if you can't come to an agreement on your own, then fill out and file a Note for Trial Setting** (local form). The Note for Trial Setting is your request to have a Trial Date assigned to your case.
- On the line that says "Date requested for trial assignment" pick a Monday that is at least two weeks away. You will not have to appear in court on that Monday, it is just the date that the Court Administrator will be reviewing your file and assigning you a Trial Date and a Readiness Hearing.
  - If there are dates that you will not be available for trial, fill out and file a Notice of Conflict Dates (local form) when you file your Notice of Trial Setting. **You must serve the other party with a copy of the Note for Trial Setting and any Notice of Conflict Dates.**
  - The Court will send you and the other party notice of your Readiness Hearing and your Trial Date.
14. **There are specific requirements and procedures related to trial preparation.** Purchase a copy of the *Local Court Rules* at the Court Administrator's Office, or download a copy from the Superior Court website. Be sure you are familiar with the rules related to trials and that you follow the required procedures. **This outline does not cover trial preparation.**
15. Go to your trial with all the completed and signed paperwork listed in #10 above.

***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 30 minutes before the court time.

**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.***

**Helpful Websites:**

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

**Helpful Phone Numbers:**

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

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**WASHINGTON STATE COURT RULES**

**GR 14**

**FORMAT FOR PLEADINGS AND OTHER PAPERS**

- (a) **Format Requirements.** All pleadings, motions, and other papers filed with the court shall be legibly written or printed. The use of letter-size paper (8 ½ by 11 inches) is mandatory. The writing or printing shall appear on only one side of the page. The top margin of the first page shall be a minimum of three inches, the bottom margin shall be a minimum of one inch and the side margins shall be a minimum of one inch. All subsequent pages shall have a minimum of one inch margins. Papers filed shall not include any colored pages, highlighting or other colored markings. This rule applies to attachments unless the nature of the attachment makes compliance impractical.
- (b) **Exception for Trial or Hearing Exhibits.** This rule is not mandatory for trial or hearing exhibits, but the use of trial or hearing exhibits that comply with this rule is encouraged if it does not impair legibility.
- (c) **Application of Rule.** This rule shall apply to all proceedings in all courts of the State of Washington unless otherwise specifically indicated by court rule.
- (d) **Citation Format.** Citations shall conform with the format prescribed by the Reporter of Decisions.

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**PART 1**  
**LOCAL CIVIL RULES (LCR)**  
**ISLAND COUNTY SUPERIOR COURT**  
Effective September 1, 2012

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**LCR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

(e) **Filing With the Court Defined.**

- (1) ***Filing with the Clerk.*** The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, and not the court administrator's office or the judge.
- (2) ***Facsimile Filing of Pleadings with Clerk.***
- (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.

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**DISSOLUTION ACTION**  
**PROPERTY AND DEBT DIVISION – INSTRUCTIONS**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW (WPF DR 04.0300):**

**List all of the property.**

- If you and your spouse bought something during the marriage, it generally is community property and goes under paragraph **2.8 Community Property**.
- If the property was brought into the marriage and the other party's name is not on the title, such as a house, or land, or a car then list the property under separate property for the party who brought the property into the marriage paragraph **2.9 Separate Property** ("*The Petitioner has the following real or personal separate property:*" or "*The Respondent has the following real or personal separate 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 listed under the community debt section, paragraph **2.10 Community Liabilities**.

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

- 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 listed under the separate debt section for the party who incurred it, paragraph **2.11 Separate Liabilities**.

**DECREE OF DISSOLUTION (WPF DR 04.0400):**

This is the form used to say which party gets which property or which has to pay which debts; use the information from the *Findings of Fact and Conclusions of Law*, paragraphs **2.8 Community Property**, **2.9 Separate Property**, **2.10 Community Liabilities**, and **2.11 Separate Liabilities**.

**ALL** of the property and debts listed in the *Findings of Fact and Conclusions of Law* must be distributed or awarded to the petitioner or respondent. If the property or debt was separate property or separate debt, as noted in the *Findings of Fact and Conclusions of Laws*, then list the property or debt as appropriate in the *Decree of Dissolution* under the following paragraphs: **3.2 Property to be Awarded the Petitioner**, **3.3 Property to be Awarded to the Respondent**, **3.4 Liabilities to be Paid by the Petitioner**, and **3.5 Liabilities to be Paid by the Respondent**.

**To avoid delays, have your spouse sign the FINDINGS OF FACT AND CONCLUSIONS OF LAW and the DECREE OF DISSOLUTION if at all possible!**

**IF YOU FAIL:**

**(1) TO FULLY COMPLETE THE LIST OF PROPERTY/DEBTS IN THE FINDINGS OF FACT AND CONCLUSIONS OF LAW, or**

**(2) TO DISTRIBUTE ALL THE PROPERTY/DEBTS IN THE DECREE OF DISSOLUTION**

**THE JUDGE MAY NOT SIGN YOUR FINAL PAPERS AND MAY NOT DISSOLVE YOUR MARRIAGE UNTIL THE PROPERTY AND DEBT LIST AND DISTRIBUTION IS CORRECTLY DONE.**

**YOU MAY HAVE TO RESCHEDULE YOUR HEARING DATE UNTIL THIS DONE.**

**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 your attorney.