

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

HOW TO OBTAIN TEMPORARY ORDERS WITH A FAMILY LAW CASE

If you or another have started a Family Law case and the case has not been finalized, then you can request temporary orders which will remain in place until final orders are entered unless the Court changes the orders during the case. Usually someone asks for temporary orders because they cannot wait until the case is finalized and they need something ordered sooner.

1. Obtain and prepare the necessary forms listed in this outline. The Island County Superior Court Clerk sells forms or you may download forms for free at the following websites:

www.courts.wa.gov/forms (for standardized State forms)
www.islandcounty.net/superiorcourt (for Island County forms and rules)

Island County Local Court Rules and some local court forms are available for purchase at the courthouse or can be downloaded from the following website:

www.islandcounty.net/superiorcourt (for Island County forms and rules)

2. 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

3. Fill out and make two copies of the following documents:

_____ **Motion/Declaration for Temporary Orders WPF DR O4.0100**

In Section I of the Motion you must mark the boxes which correspond to what you are asking for and you must sign and date on the appropriate lines.

In Section II you must explain (in detail) why you are asking the Court enter Temporary Orders. In this section include facts, events and reasons for your motion. If you need more space you can attach additional pages. You must also fill in the signature part of the section.

_____ **Note for Motion Calendar (Local Form)**

On the lines that say “date” and “time” pick a Monday date that is at least two (2) Mondays away and enter the time as 9:30 a.m. Local Court Rules require that the other party receive 12 days notice of the hearing (not including weekends and holidays).

On the line that says “Nature of Motion” write in “Motion for Temporary Orders” and include in general what motions you are requesting (i.e. Child Support, Parenting Plan, Restraining Orders, etc.).

At the bottom you must put in your name, address, and phone number under the section that says “List the attorneys/parties names and addresses below.” Also put the other parties’ name and address in this section. Use the address that the other party provided in their original Response or Summons.

In addition, you may need other forms depending on what you are asking for. For example:

Temporary Parenting Plan

If you are asking for a Temporary Parenting Plan, then you will need to file a Proposed Parenting Plan. You may also need to file supporting Declarations and other appropriate evidence especially if you are asking to restrict the other party’s time with the child(ren).

_____ **Proposed Parenting Plan WPF DR 01.0400**

_____ **Declarations WPF DRPSCU 01.0100**

Guardian Ad Litem

If you are asking the Court to appoint a Guardian Ad Litem, then you will

need to file supporting Declarations and other appropriate evidence explaining why a Guardian Ad Litem is necessary, especially if you are asking to restrict the other party's time with the child(ren). Because the Court will need to determine who will pay for the Guardian Ad Litem, you will also need to file a Sealed Financial Source Document Cover Sheet with attached proof of income (two years of tax returns with W-2 Statements and 6 months of paystubs or one paystub with year-to-date information); and a Financial Declaration.

_____ **Declarations WPF DRPSCU 01.0100**

_____ **Sealed Financial Source Document Cover Sheet WPF
DRPSCU 09.0220**

_____ **Financial Declaration WPF DRPSCU 01.1550**

Temporary Child Support

If you are asking for Temporary Child Support, then you will need to file a Sealed Financial Source Document Cover Sheet with attached proof of income (two years of tax returns with W-2 Statements and 6 months of paystubs or one paystub with year-to-date information); a Financial Declaration; and Proposed Child Support Worksheets. If you want to try calculating the child support yourself you can try using the following website: www.dshs.wa.gov/dcs

_____ **Sealed Financial Source Document Cover Sheet WPF
DRPSCU 09.0220**

_____ **Financial Declaration WPF DRPSCU 01.1550**

_____ **Proposed Child Support Worksheets (WSCSS Worksheets)**

Temporary Maintenance

If you are asking for Temporary Maintenance, then you will need to file a Sealed Financial Source Document Cover Sheet with attached proof of income (two years of tax returns with W-2 Statements and 6 months of paystubs or one paystub with year-to-date information); and a Financial Declaration.

_____ **Sealed Financial Source Document Cover Sheet WPF
DRPSCU 09.0220**

_____ **Financial Declaration WPF DRPSCU 01.1550**

Restraining Orders

If you are asking for Restraining Orders, then you will need to file supporting Declarations from you or people who have personal knowledge

of the situation, and/or other evidence (such as police reports, CPS information or criminal history information) that support your request.

_____ **Restraining Order WPF DR 04.0500**

_____ **Declarations WPF DRPSCU 01.0100**

4. File your original documents (not the copies) at the Clerk's Office. Since you are bringing the Motion for Temporary Orders within a Family Law case, there is no additional filing fee. "Conform" your copies by using the time/date stamp machine.
5. Provide copies to the other party using one of the following procedures:
 - A. If the other party has not filed a Summons, Response, or Notice of Appearance, then you must have the other party personally served by someone over the age of 18 other than a party to the case with the copies and the server must fill and file a Return of Service.

_____ **Return of Service WPF DRPSCU 01.0250**

- B. If the other party has filed a Summons, Response, or Notice of Appearance, then you are allowed to mail a copy to the address listed in that document.

The other party must receive the documents at least 12 Court days before the hearing. If the other party files any documents in response to your Motion for Temporary Orders, they are required to provide those documents to you no later than 6 calendar days prior to the hearing. You have up to 4 days before the hearing to file and serve any additional documents that you want the Court to consider.

6. Go to the hearing and be prepared to speak to the Judge about what you want and why. Bring to the hearing the appropriate orders including a

_____ **Temporary Order WPF DR 04.0100**

and any other Orders specific to what you are asking for. For example:

- If you are asking for a **Temporary Parenting Plan**, then you will need to bring a

_____ **Temporary Parenting Plan**

- If you are asking for the Court to appoint a **Guardian Ad Litem**, then you will need to bring an

___ Order Appointing Guardian Ad Litem on Behalf of Minor

- If you asking for **Temporary Child Support**, then you will need to bring a

___ Temporary Order of Child Support

___ Proposed Child Support Worksheets (WSCSS Worksheets)

- If you are asking for **Temporary Maintenance** then you will need a

___ Temporary Order

- If you are asking for **Restraining Orders** then you will need a

___ Restraining Order

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.

All requests for Temporary Orders are addressed during the Motion Calendar on Mondays at 9:30 a.m.

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.

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/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