

## How to

# Ask for a Legal Separation

## For spouses/registered domestic partners *who agree*

Use this packet only if:

- You and your spouse or registered domestic partner **agree** on the terms of your legal separation, and
- Your spouse or registered domestic partner **will sign** the court papers to show that they agree.

### **WARNINGS!**

- If one of you is pregnant, or a child was born before the legal separation, the other spouse is considered the *legal* parent. If you do not think the other spouse/registered domestic partner is the parent, you may need to file a parentage case before you finalize the case. If you are in this situation, talk to a lawyer.

### **Talk to a lawyer if you can**

These instructions have been developed by the King County Superior Court Family Law Information Center. They provide *legal information* only and **are not intended** to be a substitute for legal advice.

**Facilitators cannot provide legal advice or complete your forms for you.** It's a good idea to talk to a lawyer before you file any forms.

- You can get information about their services at <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>.
- You can obtain a list of low-cost and free legal resources. <https://kingcounty.gov/~media/courts/superior-court/docs/family/facilitator/family-law-resources.ashx?la=en>

## Step 1: Fill out these forms

All these forms in Step 1 can be downloaded at: [www.kingcounty.gov/courts/clerk/forms.aspx](http://www.kingcounty.gov/courts/clerk/forms.aspx)

| Form Name  | Form Number       | Notes   | Completed                |
|--|-------------------|---|--------------------------|
| <a href="#">Case Assignment Area Form and Case Information Cover Sheet</a> |                   | Family Law  | <input type="checkbox"/> |
| <a href="#">Confidential Information</a>                                   | FL All Family 001 | <a href="#">Attachment to Confidential Information (for additional parties or children)</a> | <input type="checkbox"/> |
| <a href="#">Certificate of Dissolution-Vital Statistics form</a>           |                   |   | <input type="checkbox"/> |

## Step 2: Fill out these forms and make copies

All these forms in Step 2 can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)

|  |                |  |                          |
|--|----------------|--|--------------------------|
| <a href="#">Petition for Legal Separation (Marriage)</a> | FL Divorce 203 | Use <a href="#">FL Divorce 204 Petition to End Registered Domestic Partnership (Dissolution) for Registered Domestic Partnership</a><br><br>"Joinder" on the last page of the petition needs to be signed by the Respondent or a separate "Joinder" form should be filed to indicate that there is an agreement. | <input type="checkbox"/> |
|--|----------------|--|--------------------------|

If you have children under the age of 18 born during your marriage, you will also need these forms

|   |                   |  |                          |
|---|-------------------|--|--------------------------|
| <a href="#">Parenting Plan</a>                      | FL All Family 140 |  | <input type="checkbox"/> |
| <a href="#">Declaration about Public Assistance</a> | FL All Family 132 |  | <input type="checkbox"/> |

### 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.
- Make a **3rd** copy if you have a child(ren) who has received public assistance at some point. You must deliver copies of your filed forms to the King County Prosecuting Attorney's Office, Family Support Section.

### Step 3: Start (file) your case

You can start (file), your case by either bringing your original forms to the Clerk's Office (room 2C in Kent and E-609 in Seattle),

**OR**

You can file your case online on the Clerk's website at:

<https://www.kingcounty.gov/courts/clerk/documents/efiling.aspx>. If you have questions about e-filing call 206-477-3000, or email [eServices@kingcounty.gov](mailto:eServices@kingcounty.gov).

### Step 4: Pay the fee

**While starting the case, the Clerk will ask you to pay a filing fee.** If you cannot afford to pay the fee, apply to waive the fee. This application is available here:

- For **Kent**: <http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-kent.ashx?la=en>
- For **Seattle**: <http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-sea.ashx?la=en>

There are instructions about how to get a fee waiver approved during COVID-19 here:

<https://www.kingcounty.gov/~media/courts/Clerk/docs/misc/Updated-Instructions-for-Ex-Parte-via-the-Clerk-Fee-Waiver.ashx?la=en>

### Step 5: You must complete the family law class(es)

Self-represented parties must complete the Family Law Orientation by the deadline listed on your Case Schedule. You can register online at: <https://kcscfamlaworientation.eventbrite.com>. If you have questions or need to waive the fee, email [FamLawOrientation@kingcounty.gov](mailto:FamLawOrientation@kingcounty.gov).

If you have children under 18, you must also complete the parenting seminar "What About the Children," by the deadline listed on your Case Schedule. You can register online at: <https://kcscparentseminar.eventbrite.com>. If you have questions or need to waive the fee, email [Parentseminar@kingcounty.gov](mailto:Parentseminar@kingcounty.gov).

### Step 6: Look at your Joinder (last page of your *Petition* or separate "*Joinder*" form)

If your spouse or registered domestic partner checked the box "I demand notice of all further proceedings in this matter," s/he must:

- Sign the completed documents in Step 7, or
- You must give them a copy of the completed documents in Step 7, 14 days before the hearing date for personal service, or 17 days before the hearing date if mailed.

You must take a completed *Proof of Mailing or Hand Delivery* form to your hearing to prove that your spouse/partner was properly served.

|   |                   |   |                          |
|---|-------------------|---|--------------------------|
| <a href="#">Proof of Mailing or Hand Delivery</a> | FL All Family 112 | Download form at <a href="http://www.courts.wa.gov/forms/">www.courts.wa.gov/forms/</a> | <input type="checkbox"/> |
|---|-------------------|---|--------------------------|

If the Joinder "waives notice," you are not required to serve the other party.

## Step 7: Complete your final documents to finalize your legal separation

Completely fill out and sign the forms below. As a self-represented party, you are responsible for filling out all final documents as you want the Court to sign them.

General Tips:

- 1) 231 Findings and Conclusions and 241 Final Separation Order are twin documents. Any information in 231 must be repeated or referenced in 241.
- 2) The other party must sign the final documents if they “Demanded Notice” on the Joinder or if they are the Petitioner.
- 3) If the other party “waived notice,” they do not need notice of the final documents or to sign the final documents AS LONG AS the final documents contain the same information as the Petition for Legal Separation.

Declaration in Lieu can be downloaded at: <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>

| Form Name   | Form Number  | Notes   | Completed                |
|---|--------------|---|--------------------------|
| Declaration in Lieu of Formal Proof <ul style="list-style-type: none"> <li>• <a href="#">WITH KIDS</a></li> <li>• <a href="#">WITHOUT KIDS</a></li> </ul> | Facilitators | This form allows the Facilitators to finalize your case on your behalf. | <input type="checkbox"/> |

All these forms in Step 7 can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)

|  |                |  |                          |
|--|----------------|--|--------------------------|
| <a href="#">Findings and Conclusions About a Marriage</a>  | FL Divorce 231 | Use FL Divorce 232 <a href="#">Findings and Conclusions About a Registered Domestic Partnership for Registered Domestic Partnership</a>        | <input type="checkbox"/> |
| <a href="#">Final Divorce Order (Dissolution Decree) / Legal Separation Order (Decree) / Invalid Marriage Order (Annulment Decree) / Valid Marriage Order (Decree)</a> | FL Divorce 241 | Use FL Divorce 242 <a href="#">Final Order Ending Registered Domestic Partnership (Dissolution Decree) for Registered Domestic Partnership</a> | <input type="checkbox"/> |

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

|   |   |  |                          |
|---|---|--|--------------------------|
| <a href="#">Parenting Plan (Final)</a>                    | FL All Family 140   |  | <input type="checkbox"/> |
| <a href="#">Child Support Order</a>                       | FL All Family 130   |  | <input type="checkbox"/> |
| <a href="#">Child Support Worksheets</a>                  | WSCSS-Worksheets  |  | <input type="checkbox"/> |
| <a href="#">Child Support Schedule &amp; Instructions</a> | Use this information to calculate Child Support Worksheets. Online Child Support Calculation software is available at <a href="https://fortress.wa.gov/dshs/dcs/SSGen/Home">https://fortress.wa.gov/dshs/dcs/SSGen/Home</a> |  |                          |

**You may also need these forms:**

|   |                   |                          |
|---|-------------------|--------------------------|
| <a href="#">Restraining Order</a>                 | FL All Family 150 | <input type="checkbox"/> |
| <a href="#">Law Enforcement Information Sheet</a> | PO 003            | <input type="checkbox"/> |

**Step 8: How to finalize your case by agreement or default:**

If both parties are **self-represented** and you are ready to finalize your case, you **must** schedule an appointment with the facilitators.

To schedule an appointment, go to:

<https://kingcounty.gov/courts/superior-court/family/facilitators.aspx>

At the appointment, the facilitators will review your final documents.

- If all documents are complete and ready to finalize the facilitators will process the documents and present them to a judicial officer for approval.
- If the documents are incomplete or there are other issues to fix before finalizing, you will be given instructions and scheduled for a return appointment.

**How to prepare for your appointment:**

**All final documents must be filled out (see step 7 for the list of final documents).** Your final documents are different than the documents you filed to start your case.

**Documents must be signed by both parties:** Unless the respondent waived notice, or you are finalizing by default both parties must sign all final documents.