

# **DIVORCE (DISSOLUTION OF MARRIAGE) WITHOUT CHILDREN For Agreed Cases**

**Does Not Include Service, Temporary Order or Default Forms**



## **Prepared by the Office of the Courthouse (Family Law) Facilitator**

This kit contains forms and instructions for obtaining an agreed divorce (dissolution of marriage) from Clallam County Superior Court. This kit is designed for those with no dependent children of the marriage being dissolved and who are acting pro se (without an attorney). **The information contained in this kit is not intended to be, nor should it be taken as, legal advice.**

## GENERAL INFORMATION ABOUT DIVORCE (DISSOLUTION)

In the State of Washington a person may get a divorce (dissolution of marriage) without having to prove any wrongdoing; rather, either spouse may petition the Court to end his or her marriage because it is irretrievably broken. The Court will decide how to divide property and debts and whether to order spousal maintenance (alimony) if it is requested.

### Starting the Case

**This kit is designed for those who are in complete agreement as to all terms of the divorce**, including property/debt division and spousal maintenance. Use of this kit requires both spouses to cooperate in completing and signing all of the necessary paperwork. It does NOT contain instructions or forms for serving a spouse, for obtaining temporary orders or a default order, or for scheduling a settlement conference and trial date. **This kit is designed for those who do NOT have dependent children from this marriage.**

An **agreed** divorce is started by filing a *Confidential Information Form, Case Cover Information Sheet* and *Vital Statistics Certificate of Dissolution, Petition for Divorce (Dissolution of Marriage)*, at the Clallam County Clerk's office on the second floor of the Clallam County Courthouse.

The spouse filing the Petition is the "petitioner" or "moving party"; the other spouse is the "respondent" or "nonmoving party."

The *Petition* tells the Court what the petitioner would like the court to order concerning the parties' property and debts. The Petition can be filed by any person who is a resident of Washington, or is a member of the armed forces and is stationed in Washington, or is married to a resident of Washington or to a member of the armed forces who is stationed in Washington. Assuming your divorce is agreed, both spouses will sign the *Petition* before it is filed.

There is a \$364 filing fee for filing the *Petition*. An application for waiver or deferral of the filing fee can be made to Clallam County Superior Court in cases of indigency (low income status).

Washington State has a 90-day waiting period for divorces. The court cannot enter a *Divorce Order* (Dissolution Decree) until 90 days have passed since the agreed *Petition* was filed. The 90-day waiting period cannot be shortened, even if both spouses agree.

## Forms to Be Used

Washington State has forms approved by the Administrative Office of the Courts that must be used in a divorce proceeding. The forms are identifiable by the title and number in the lower left-hand corner of each page of every form. Here is a link to the Washington State Court Form website: <https://www.courts.wa.gov/forms>

The forms you or your spouse files with the court become part of a permanent public record. You may hear these forms referred to as pleadings, filings, pattern or mandatory forms, documents, or court papers. You can view your court file and obtain copies (for a charge) of any documents in the file at the Clallam County Superior Court Clerk's office.

It is a good idea to make your own copies of documents before they become part of the court file. If you choose to make your sets of copies here, you will be need to pay a fee. The Clallam County Clerk's office has stamps to show the date you filed a document and the name of the judge or court commissioner who signed an order. Stamping your copies in this manner is called "conforming copies." Ask the clerk if you need help conforming your copies.

Keep an organized file of copies of all forms you have filed and which you have received from your spouse. In addition, keep dated notes of all conversations with your spouse, your spouse's attorney, or others involved in your case. Keep letters and other documents concerning your case, even if they are not part of your court file.

## Note about Property Division

The Court must make a fair and equitable division of your property and debts. ***Everyone has property to be divided.*** Even if you and your spouse do not own a house, you have personal property that either has been divided already or needs to be divided. At a minimum, the Court will expect to see a statement that the parties have fairly and equitably divided their property or that each party will keep the personal property in that party's possession.

Although the general rule is that property and debt division must be fair and equitable, sometimes the division is not equal because of a higher future earning power of one spouse, or because one spouse may have devoted time raising children instead of pursuing a career, or because of other factors. Another general rule is that property and debt division is permanent and final and cannot be modified at a later date.

Property settlement issues can be complex. This is especially true if there are retirement benefits to be divided, if real estate will be sold and the proceeds divided after the dissolution is final, or if either spouse is considering bankruptcy. It is always a good idea to consult with an attorney to get advice about your rights and responsibilities. If your case has complex property issues, consulting an attorney is extremely important.

### **A Note about Children**

If a child has been born to a party during the marriage, or if one party is pregnant now, and the other spouse is not the parent, you should immediately consult an attorney for legal advice. You, your spouse, and the child's father/other parent have rights and responsibilities that can be affected by a dissolution. The Court will act in the child's best interest and will make sure the child's rights are protected. Only an attorney can advise you as to what is best for you.

## The Courthouse (Family Law) Facilitator

The Family Law Facilitator is available to answer *limited* questions regarding your divorce action and other family law matters. The Facilitator cannot give you legal advice or act as your attorney, but can help identify the forms you need, assist with completing the forms, help to set court hearings if needed, and review forms for completeness. You may visit the Facilitator at any stage in your case. **You may have the Facilitator review your final documents before presenting them to the Court to have your divorce granted.** There is a \$35.00 fee for the Facilitator's help, per session. All help is provided in-person, on an appointment-only basis. You may schedule your own appointment with the Court Facilitator on the Clallam County Superior Court website, on the court facilitator's webpage at: <https://www.clallamcountywa.gov/514/Court-Facilitator>

Keep in mind that the Family Law Facilitator is not your attorney and does not represent you. Your conversations with the Facilitator are not confidential. The Facilitator may be assisting your spouse. The Facilitator's help is not designed to take the place of the advice of an attorney. The Facilitator will not represent you in court or provide legal advice. You should consult an attorney if you need legal advice.

The Court may make decisions that can have a significant impact on you, such as requiring you to pay money to your spouse, garnishing your wages, or restraining certain kinds of actions. If you represent yourself *pro se*, you will be expected to know all the laws and court rules that apply to your case as if you were a lawyer. Getting legal advice is an important step any time you are involved in a legal proceeding. To find an attorney, ask a friend or family member for a referral, use the yellow pages, or call your local or state bar association. Those with low income may obtain free legal services through the Northwest Justice Project's CLEAR line at (888) 201-1014.

## How to obtain a divorce (dissolution of marriage)

This kit contains one set of the forms you will need to complete your **agreed** divorce in Clallam County Superior Court. It is a good idea to read all of the instructions before you begin filling out the forms. It is not unusual for the forms to ask for information you have already supplied in another form. Provide the information each time it is requested. If you do not understand what the form is asking for, you can get help from the Court Facilitator.

### *Step 1: The basics of filling out forms*

#### **General Guidelines for Completing Legal Forms**

- PRINT NEATLY IN INK OR TYPE THE FORMS
- USE BLUE INK FOR SIGNATURES
- PHOTOCOPY EACH COMPLETED FORM BEFORE FILING IT

#### **The Caption**

The top portion of each form is called the caption. The caption will be filled out by you the same way on each form. A sample caption is shown below.

<b>Superior Court of Washington, County of _____</b>	
In re the marriage of: Petitioner ( <i>person who started this case</i> ): _____ And Respondent ( <i>other spouse</i> ): _____	No. _____ <b>Petition for Divorce (Dissolution)</b> (PTDSS)

## *Step 2: Complete and file the forms to start your case*

To start your **\*agreed\*** divorce, complete these documents:

- *Case Information Cover Sheet* – Domestic Cases
- *Certificate of Dissolution* (Department of Vital Statistics) -- DOH 422-027
- *Confidential Information Form* -- FL All Family 001
- *Summons* -- FL Divorce 200
- *Petition for Divorce (Dissolution)* -- FL Divorce 201. **Note: you and your spouse must sign this form prior to filing**
- *Financial Declaration* -- FL All Family 131
- *Sealed Financial Source Documents* -- FL All Family 011

File the originals of these documents (listed above) at the Clallam County Superior Court Clerk's Office on the second floor of the Clallam County Courthouse. Bring photocopies with you, if desired.

The filing fee is \$364, payable in cash or with a debit/visa card. Have the date stamped on the upper right-hand corner of the first page of all photocopies and make sure your case number appears on each document. If you don't have copies, you are welcome to purchase them.

**If you cannot afford to pay the \$364, you can request to have the filing fee waived due to indigency (low income status).** Bring the originals of your initial documents to the Clerk's Office. Ask the staff for a fee waiver kit. Complete and sign each of the three forms and return to the clerk with your initial documents.

You will need to file all documents with the clerk's office before 11:00 am and come back to court the same day at 1:00pm, and the judge/commissioner will generally review it and make a decision on the Ex Parte docket. If denied, you or your spouse will likely be required to pay the \$364.00 before your case will be filed.

### *Step 3: Complete Your Final Divorce Documents*

During your 90-day waiting period, prepare these forms for presentation to the court:

- *Findings and Conclusions about a Marriage* -- FL Divorce 231
- *Final Divorce Order (Dissolution Decree)* -- FL Divorce 241

**You and your spouse should sign each of these forms.**

### *Step 4: See the Courthouse (Family Law) Facilitator for a Review of Your Final Documents*

The Family Law Facilitator may review your final documents from Step 3 above for accuracy and completeness, before your paperwork can be presented to the judge.

### *Step 5: Present Your Final Documents to the Court*

**If you scheduled a hearing date:** Be on time to your hearing at the Superior Courtroom. When your case is called, come forward to the "bench." Answer the Court's questions truthfully and completely.

### *Step 6: Get copies of final orders*

You are welcome to drop by any time to purchase copies of the final papers that were signed by the Court. Alternately, if you brought your own photocopies of the final orders, you can ask the Clerk's office for assistance in conforming your copies.