

LEGAL SEPARATION - NO CHILDREN (SERVICE REQUIRED)

SPOKANE COUNTY FAMILY COURT FACILITATOR

Checklist of Steps to complete:

- _____ 1. Fill out the following papers completely and sign. Print clearly in black ink or type.
 - () *Confidential Information (FL All Family 001)*
 - () *Summons: Notice About a Marriage or Domestic Partnership (FL Divorce 200)*
 - () *Petition for Legal Separation (Marriage) (FL Divorce 203)*

- _____ 2. Make two copies (original plus two copies) of documents before going to court and staple each separate document.

- _____ 3. File the original of each document with the Spokane County Superior Court Clerk, Room 300, Cashier's Window (to the far right when you enter). Pay the filing fee of \$314.00. Enter the case number and date stamp on the front page of each of your copies.

- _____ 4. You must have a copy of the *Summons and Petition for Legal Separation* served or given to your spouse by a third person. **YOU** cannot serve your spouse. The person who serves your spouse must complete and sign the *Proof of Personal Service* form. Make a copy for yourself.
 - () *Proof of Personal Service (FL All Family 101)*

- _____ 5. After your spouse has been served, file the *Proof of Personal Service* form with the Superior Court Clerk. Put the date stamp on your copy.

- _____ 6. You must wait to finalize your divorce until 90 days have passed, after both service and filing. During this time, your spouse may file a *Response to Petition About a Legal Separation*. If so, you may wish to consult with an attorney for legal advice or the Family Court Facilitator for procedural information.

- _____ 7. If your spouse does not file a *Response to Petition About a Legal Separation* within 20 days after service (60 days if served out of state) you may schedule a final court date to finalize your case. Bring the *Notice of Hearing to Finalize Divorce* to the Family Law Center, Room 200 between the hours of 8:30 a.m. - 12:00 p.m. and 1:00 p.m. - 5:00 p.m. You must fill in the case number, the caption box and sign the document. The Family Law Center assistant will fill in the date and time of the hearing.

- Notice of Hearing to Finalize Divorce*
<http://www.spokanecounty.org/DocumentCenter/Home/View/7269>

____ 8. During the 90-day waiting period, fill out the following forms in black ink or type:

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

If your spouse has not responded, also fill out the following papers:

- Motion for Default** (FL All Family 161)*
 *Order on Motion for Default** (FL All Family 162)*

(** Default means the other party was served papers and they did not respond.)

Sign the original of each document where it says "Presented by." If your spouse agrees s/he may sign where it says "Approved for Entry."

Note: If your spouse does not respond, the *Findings and Conclusions About a Legal Separation* and *Final Divorce Order (Dissolution Decree)* cannot change any items from what was requested in the *Petition for Legal Separation*. What you asked for in the *Petition for Legal Separation* is what you will get.

If you finalize your legal separation by *agreement*, you and your spouse can agree to change any of the items from the *Petition for Legal Separation*. These CHANGES can be made in the final papers ONLY if both you and your spouse sign the final papers.

____ 9. Make two copies (original plus two copies) of each document (one for you and one for your spouse).

____ 10. Go to Superior Court, to your assigned courtroom, on the day set for your hearing and bring the original and all copies of the final documents with you.

____ 11. When the Court Commissioner signs your papers, you are then divorced. Take the copies to the Clerk's office and stamp the name of the Court Commissioner who signed your papers (on the judge/commissioner signature page) and put the date stamp on the top, front page of each document.

____ 12. Give a copy to your spouse and keep one for yourself.

NOTE: All of the above mentioned forms can be found on the Washington State Court website: www.courts.wa.gov/forms.

The Family Court Facilitator, Room 200, Family Law Center, is available to review your documents and answer procedural questions. It is recommended you have all documents reviewed before filing and presenting to the court.