

**WASHINGTON SUPREME COURT
PATTERN FORMS COMMITTEE
DOMESTIC RELATIONS PATTERN FORMS**

**INSTRUCTIONS ON HOW TO FILL OUT THE
FORMS FOR TEMPORARY ORDERS
TEMPORARY ORDERS**

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Instructions for Temporary Order Forms (7/97)

GENERAL INFORMATION ABOUT TEMPORARY ORDERS

A temporary order may be sought in a proceeding for dissolution of marriage, legal separation or declaration of invalidity, as well as certain other types of proceedings (custody and paternity). You may request temporary orders commencing the day you file your petition up until the time a decree is finalized. Typically, temporary orders involve, but are not limited to:

1. Child Support
2. Parenting Plan/Schedules for Children
3. Spousal Maintenance
4. Use and Possession of Property
5. Allocation and Responsibility for Debts
6. Restriction on a Party's Conduct or Acts
7. Attorney's Fees/Professional Fee/Litigation Costs
8. Appointment of an Investigator or Guardian ad Litem

There are three types of temporary orders: emergency (ex-parte), non-emergency, and agreed orders.

TYPES OF RELIEF

The relief provided in any temporary order is not final. They are orders a court can enter until a final decree is ordered by the court either at trial or by agreement of the parties.

A. All temporary orders:

1. Do not determine what the final order will say about any matter that is going to be decided at a later hearing.
2. Upon application, may be revoked, modified, or terminated by the court upon a motion by any party.

3. Generally terminate when a final decree is entered or the matter is dismissed, except in certain circumstances.

B. If you are seeking a temporary order, you must:

1. Set forth your requests in a written motion (WPF DR 04.0100) and provide written evidence (declarations, WPF DR 09.0100 and WPF DR 01.0550) supporting the need for the order. You must also obtain a hearing date and prepare a notice of hearing, which may be obtained from the clerk of the court.
2. File the motion, note for motion docket and written documentation with the office of the clerk of the superior court.
3. Have someone serve a copy of all filed documents and pleadings (including a proposed temporary order) upon the other parent or spouse and file a completed return of service form with the clerk of the superior court in advance of the hearing. This may not apply in all counties.
4. Attend the court hearing.
5. Complete a Law Enforcement Information Sheet provided by the court if a restraining or no contact order is involved.

NEED FOR TEMPORARY ORDERS

During your proceedings, you may request a temporary order including relief in the following situations:

- A. Residential placement of your children. If there is a dispute, a temporary parenting plan can be established;

- B. If there is domestic violence or child abuse, you may seek orders to prevent more harm or abuse;
- C. Parenting time or visitation, if you are being denied access to your children;
- D. Restraining the other parent or spouse from removing your children from the area or from entering your residence;
- E. Establishing temporary child support, spousal maintenance, use of a residence, division of property, or payment of debts;
- F. Restraining the other parent or spouse from certain acts such as giving away or selling property, incurring debts, or letting insurance coverage lapse; and
- G. Any other disputes which cannot be resolved by agreement.

HOW TO OBTAIN AN EMERGENCY (EX PARTE) RESTRAINING ORDER

If there is an emergency and you need protection from the other parent or spouse, and if notifying the other parent or spouse before going to court will pose serious risk of harm to you or your children, you may ask for a restraining order without first notifying the other parent or spouse. This is called a motion for an ex-parte restraining order.

You must explain in your motion and to the judge any emergency and risk of harm that would result if you are required to notify the other parent or spouse about the hearing before the order is signed. If the court signs an order, it will be good for no longer than 14 days (or 28 days if you are in King County), unless the order provides otherwise. A hearing date is set as part of the Ex Parte Restraining Order and Order to Show Cause (WPF DR 4.0170). A copy of this order, along with a copy of the Proposed Temporary Order (WPF DR 4.0250) you wish to have the court approve, must be served upon the other parent or spouse (this may not apply in all counties).

You may at the same time include in your motion and show cause order other relief for non-emergency temporary orders that you are also seeking (refer to relief set forth in WPF DR 4.0100). At the scheduled hearing, the other parent or spouse will have a chance to tell his or her side of the story. This type of order does two things:

1. It gives you an order which takes effect immediately.
2. It orders the other parent or spouse to come to a hearing at which your request for the court to extend the orders until your dissolution is final and to grant any other temporary orders you requested is addressed.

STEP 1-FILL IN THE HEADINGS OF THE FORMS:

To get a temporary restraining order and order to show cause, you need an original and at least two copies of the following completed forms:

1. Motion/Declaration: Ex-Parte Restraining Order
(WPF DR 4.0150)
2. Ex-Parte Restraining Order and Order to Show Cause
(WPF DR 4.0170)
3. Proposed Temporary Order (WPF DR 4.0250)
4. Return of Service (WPF DR 1.0250)

Fill in the headings of and complete all forms. The caption for the name of the petitioner, the respondent, and the cause number on these forms will be the same. Check all boxes that provide the relief you seek or otherwise list the relief desired. Make sure all papers are consistent with one another.

STEP 2-GO TO THE COURTHOUSE TO HAVE THE ORDER SIGNED:

Present your motion/declaration ex parte restraining order to the appropriate judge along with your proposed ex-parte restraining order and order to show cause. Contact the clerk's office to find out when domestic ex-parte matters are heard. In some courts, you may not appear before the judge if the court clerk, instead, presents the order for the judge's signature. This may be done immediately after you have filed the summons and petition for dissolution. Be prepared to tell the judge why there is an emergency and the type of harm that will result if the order is not entered before you are required to notify the other parent or spouse.

STEP 3-COPY AND FILE YOUR ORDER:

If the court grants your ex-parte restraining order and order to show cause, ask the superior court clerk for a copy of it, then file the original with the clerk of the superior court immediately.

If the superior court does not grant your ex-parte restraining order and order to show cause, you may still seek the relief you want if you ask for other non-emergency requests for temporary relief in the ex-parte motion.

STEP 4-MAKE SURE THE OTHER PARTY IS SERVED:

Have someone else who is over the age of 18 serve a copy of the Motion/Declaration Ex-Parte Restraining Order (WPF DR 4.0150), the Ex-Parte Restraining Order and Order to Show Cause (WPF DR 4.0170), and your Proposed Temporary Order (WPF DR 4.0250) on the other parent or spouse well in advance of the hearing date. While local rules should be consulted, this generally requires service anywhere from at least six court days prior to the hearing, not including the day the papers are served or Saturday, Sunday or holidays, to 14 calendar days. The person serving the papers must complete and file a Return of Service (WPF DR 1.0250). Make a copy of the Return of Service and file the original with the clerk.

YOU MAY NOT SERVE THE PAPERS ON THE OTHER PARTY
YOURSELF.

STEP 5-GO TO THE HEARING:

Attend the hearing, bring your original proposed Temporary Order, and be prepared to tell the judge why your order should be entered. Bring your copy of the Return of Service (proof of service on the other parent or spouse).

**HOW TO OBTAIN A TEMPORARY ORDER
WHEN NO EMERGENCY EXISTS**

If you do not have an emergency and if you have already filed the summons and petition but wish a temporary order from the court, you will need an original and at least two copies of the following completed forms:

**HOW TO OBTAIN A TEMPORARY ORDER
WHEN NO EMERGENCY EXISTS**

If you do not have an emergency and if you have already filed the summons and petition but wish a temporary order from the court, you will need an original and at least two copies of the following completed forms:

1. Motion for Temporary Order (WPF DR 4.0100)
2. Declaration in Support of Temporary Order (WPF DR 9.0100)
3. Note for Motion Docket obtain local county form)
4. Temporary Order (W.P.F. DR 4.0250)

STEP 1-FILL IN THE HEADINGS OF THE FORMS:

Fill out the Motion and Declaration for Temporary Order (WPF DR 4.0100): Check the boxes that apply or provide the information that is necessary for any box that you check. If you have requests which are not stated on the form, set them forth in paragraph "1.9 Other." Fill out the declaration which follows in that document.

Complete any financial declarations required by your county if any temporary financial relief from the other parent or spouse is being requested (maintenance/child support/attorney fees/litigation costs).

If seeking temporary child support, complete the Child Support Worksheets and Order of Child Support (WPF DR 1.0500). If any of the parties are on public assistance, you must also serve the State of Washington, Division of Child Services or obtain their signature on the Temporary Order of Child Support before presenting it to the court for signature.

If seeking a temporary parenting plan setting the residential placement of your children, complete the Declaration in Support of Proposed Temporary Parenting Plan (WPF DR 4.0120) and a Proposed Temporary Parenting Plan (WPF DR 4.0400). From these documents, the court decides what time the child will spend with each parent and who will make major decisions for the child after looking at: any problems of either parent which will justify limitations on a parent's time with the child, which parent is taking more responsibility for the daily needs of the child, what arrangements will be the least disruptive for the child, and other relevant matters.

Prepare the Temporary Order (WPF DR 4.0250) with appropriate attachments which reflect the relief you have requested in your motion.

Prepare a "Note for Motion Docket" according to the form required for your county to establish the time and date for a hearing on your motion for temporary orders. The Note for Motion Docket is a paper the clerk uses to schedule your hearing on the court calendar. You may want to

call the superior court clerk's office to find out when motions for temporary orders in dissolution matters are heard. Pick a date far enough away so that the other parent or spouse will receive the papers well in advance of the hearing. You must write in the time and date before you file it, the name of the county court, cause number and the address of the courthouse in the space provided on the note. In some courts the clerk will give you a hearing date. In others, you determine the hearing date, in accordance with local rules. Also fill in the other parent's or spouse's name and address (or the name and address of his or her attorney, if he or she has one).

STEP 2-FILE YOUR PAPERS:

File all original documents (except the original proposed Temporary Order, V/PF DR 4.0250) with the clerk of the superior court. Be sure to allow sufficient time to permit service upon the other parent or spouse, so he or she receives appropriate prior notice according to court rules in your county.

STEP 3-MAKE SURE THE OTHER PARTY IS SERVED:

Have another person over the age of 18 serve the other parent or spouse with a copy of all papers you have filed (including a copy of your proposed temporary order) well in advance of the hearing date. The person serving the papers must complete, and you must file, a Return of Service (WPF DR 1.0250). Make a copy of the Return of Service and file the original with the clerk of the superior court. If the temporary order papers are being filed with the summons and petition, serve all documents at the same time. If you are requesting temporary orders after your petition has been served, mail your papers to the other parent or spouse usually at least ten days prior to the date of the hearing. In some counties, this could be longer, i.e., 18 days prior to the hearing in King County. (Mailing also requires compliance with local court rules and filing of a Return of Service (WPF DR 1.0250)).

**YOU MAY NOT SERVE THE PAPERS ON THE
OTHER PARTY YOURSELF.**

STEP 4-GO TO THE HEARING

Go to the hearing. Have in your possession the original Temporary Order with the required accompanying documents. Bring a copy of the Return of Service. Be prepared to state your case to the judge. The other parent or spouse will have an opportunity to state his or her response. At the end of the hearing, fill out the temporary order so it states what the judge ordered. Have the other parent or spouse and the judge sign it. Make a copy for yourself and the other parent or spouse and have the copy stamped with the date. Be sure to retain a copy of any order that is entered for your records.