**Superior Court of Washington, County of**

|  |  |
| --- | --- |
| In re the marriage of:Petitioner *(person who started this case)*: And Respondent *(other spouse)*:  | No. Petition for Legal Separation (Marriage)(PTLGSP) |

**Petition for Legal Separation (Marriage)**

This is a request for legal separation instead of divorce (dissolution).

1. Information about the parties

Petitioner lives in *(county):* *(state):*

Respondent lives in *(county):* *(state):*

1. Information about the marriage *(check all that apply):*

[ ]  We were married on *(date):* at *(city and state):* .

[ ]  Our registered domestic partnership converted into a marriage by law on June 30, 2014.

[ ]  Before we married, we were registered domestic partners. Our domestic partnership was registered with the State of on *(date):* .

*(Check one):*

[ ]  We have not yet separated.

[ ]  We separated on *(date):* , which is when *(check all that apply):*

[ ]  One of us moved to another address.

[ ]  We divided our assets and debts.

[ ]  The Petitioner filed this Petition.

[ ]  We agree we separated.

[ ]  Other *(specify):*

1. Jurisdiction over the spouses

The court has jurisdiction over the marriage because at least one of the spouses lives in Washington State, or is stationed in this state as a member of the armed forces.

*Check one:*

[ ]  The court does **not** have jurisdiction over the Respondent.

[ ]  The court **has** jurisdiction over the Respondent because *(check all that apply):*

[ ]  The Respondent lives in Washington State.

[ ]  The Petitioner and Respondent lived in Washington State while they were married, and the Petitioner still lives in this state or is stationed in this state as a member of the armed forces.

[ ]  The Petitioner and Respondent may have conceived a child together in this state.

[ ]  Other *(specify):*

1. Is one of the spouses pregnant?

|  |  |
| --- | --- |
| *(Check one):*[ ]  No [ ]  Yes If *Yes*, who is pregnant?[ ]  Petitioner [ ]  Respondent | ***Note:***  The law considers the other spouse to be the parent of any child born during the marriage or within 300 days after it ends. If the other spouse is not the parent, either spouse may file a *Petition to Disestablish Parentage Based on Presumption* (form PS 17-100) in court. In most cases, the deadline to file the *Petition to Disestablish* is before the child turns four. (See RCW 26.26.116, 26.26.500 – 26.26.625.) If everyone agrees, both spouses and the child’s biological father can sign an *Acknowledgment (and Denial) of Paternity*. Those forms must be notarized and filed with the Washington State Registrar of Vital Statistics to be valid. |

1. Children

[ ]  Does not apply. There are **no** dependent children in this case. *(Skip to 6.)*

[ ]  There are dependent children in this case. *(Complete* ***a. – d.*** *below.)*

**a.** List the dependent children of **either or both** spouses below:

|  |  |  |
| --- | --- | --- |
| Child’s name *(first, last)* | Age | This child’s parent is *(check below):* |
| Both Petitioner (Pet.) & Respondent (Resp.) | Pet. only | Resp. only |
| 1. |  | [ ]  | [ ]  | [ ]  |
| 2. |  | [ ]  | [ ]  | [ ]  |
| 3. |  | [ ]  | [ ]  | [ ]  |
| 4. |  | [ ]  | [ ]  | [ ]  |
| 5. |  | [ ]  | [ ]  | [ ]  |
| 6. |  | [ ]  | [ ]  | [ ]  |

**b.** **Children’s home(s)**

During the past 5 years have all the children lived only in this state and only with you or your spouse? *(Check one):*

[ ]  Yes. *(Skip to* ***c.****)*

[ ]  No. *(Fill out below to show where each child has lived during the last 5 years.)*

|  | Name of child(ren) | Lived with | State where child(ren) lived | Dates child(ren) lived there |
| --- | --- | --- | --- | --- |
| 1. |  | [ ]  Petitioner [ ]  Respondent [ ]  Other *(name):*  |  | From: To:  |
| 2. |  | [ ]  Petitioner [ ]  Respondent[ ]  Other *(name):*  |  | From: To:  |
| 3. |  | [ ]  Petitioner [ ]  Respondent[ ]  Other *(name):*  |  | From: To:  |
| 4. |  | [ ]  Petitioner [ ]  Respondent[ ]  Other *(name):*  |  | From: To:  |
| 5. |  | [ ]  Petitioner [ ]  Respondent[ ]  Other *(name):*  |  | From: To:  |
| 6. |  | [ ]  Petitioner [ ]  Respondent[ ]  Other *(name):*  |  | From: To:  |

**c. Other people with a legal right to spend time with a child**

Do you know of anyone besides you and your spouse who has or claims to have a legal right to spend time with a child you and your spouse have together?

*(Check one):* [ ]  Yes. *(Fill out below.)* [ ]  No. *(Skip to* ***d.****)*

| Name of person | Child(ren) this person may have the right to spend time with |
| --- | --- |
|  |  |
|  |  |
|  |  |

**d. Other court cases involving a child**

Do you know of any court cases involving a child you and your spouse have together? *(Check one):* [ ]  Yes. *(Fill out below.)* [ ]  No. *(Skip to 6.)*

| Name of child(ren) | Kind of case*(Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)* | County and State | Case numberand year  |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

1. Jurisdiction over the children (RCW 26.27.201 – .221, .231, .261, .271)

[ ]  Does not apply. There are no dependent children in this case.

[ ]  The court **cannot** decide this case for the children because the court does not have jurisdiction over the children.

[ ]  The court **can** decide this case for the children because *(check all that apply):*

[ ]  **Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for *(children’s names):* .

[ ]  **Home state jurisdiction** – Washington is the children’s home state because
*(check all that apply):*

[ ]  *(Children’s names):* lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if the children are less than 6 months old, they have lived in Washington with a parent or someone acting as a parent since birth.

[ ]  There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they are less than 6 months old), but those were temporary absences.

[ ]  *(Children’s names):* do not live in Washington right now, but Washington was the children’s home state some time in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.

[ ]  *(Children’s names):* do not have another home state.

[ ]  **No home state or home state declined** – No court of any other state has the jurisdiction to make decisions for *(children’s names):* ,
**or** a court in the children’s home state decided it is better to have this case in Washington **and:**

* The children and a parent or someone acting as a parent have ties to Washington beyond just living here; **and**
* There is a lot of information (substantial evidence) about the children’s care, protection, education and relationships in this state.

[ ]  **Other state declined** – The courts in other states that might be *(children’s names):* ’s home state have refused to take this case because it is better to have this case in Washington.

[ ]  **Temporary emergency jurisdiction** – The court can make decisions for *(children’s names):* because the children are in this state now **and** were abandoned here **or** need emergency protection because the children (or the children’s parent, brother or sister) were abused or threatened with abuse. (*Check one):*

*[ ]*  A custody case involving the children was filed in the children’s home state *(name of state):*  . Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children’s home state.

[ ]  There is **no** valid custody order or open custody case in the children’s home state *(name of state):* . If no case is filed *in the children’s home state* by the time the children have been in Washington for 6 months, *(date):* , Washington should have final jurisdiction over the children.

[ ]  Other reason *(specify):*

1. Parenting Plan *(check one):*

[ ]  Does not apply. There are **no** dependent children in this case.

[ ]  I ask the court to order a parenting plan for the children my spouse and I have together. *(Check one):*

[ ]  I am filing and serving my proposed *Parenting Plan* (form DRPSCU 01-400) with this Petition.

[ ]  I will file and serve my proposed *Parenting Plan* (form DRPSCU 01-400) later.

1. Child Support *(check all that apply):*

[ ]  Does not apply. There are **no** dependent children in this case.

[ ]  **Court Order –** I ask the court to order child support (including medical support) according to state law for the children my spouse and I have together. *(You can ask for a court order of child support even if DCS has already established an administrative order. The court order will replace the administrative order to the extent the court order is different.)*

[ ]  I ask the court to order my spouse to pay his/her proportionate share of

*(check all that apply):* [ ]  day care expenses

[ ]  long-distance transportation expenses

[ ]  education expenses

[ ]  post-secondary (college or vocational school) support

[ ]  other child-related expenses *(specify):*

[ ]  **Administrative Order –** There is no need for the court to make a child support order. The DSHS Division of Child Support (DCS) has already established an administrative child support order for the children my spouse and I have together in DCS case number(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am not asking the court to make a different child support order.

[ ]  **Tax Exemptions** – I ask the court to order that tax exemptions for our dependent children be divided as follows *(describe):*

1. Written Agreements

Have you and your spouse signed a separation contract or prenuptial agreement?

*(Check one):* [ ]  Yes. *(Fill out below.)* [ ]  No. *(Skip to 10.)*

Type of written agreement *(check one):* [ ]  Separation contract [ ]  Prenuptial

Date of written agreement:

Should the court enforce this agreement?

*(Check one):* [ ]  Yes [ ]  No

If No, why not?

1. Real Property (land or home that you own) *(check one):*

[ ]  Does not apply. Neither spouse owns any real property.

[ ]  Does not apply. The court does not have jurisdiction to divide our real property.

[ ]  I ask the court to order that each spouse will keep any real property he/she currently owns.

[ ]  I ask the court to divide our real property according to the written agreement described in 9. above.

[ ]  I ask the court to divide our real property fairly (equitably), as explained below:

| **Real Property Address** | **Tax Parcel Number** | **Who will own this property?** |
| --- | --- | --- |
|  |  | [ ]  Petitioner [ ]  Respondent  |
|  |  | [ ]  Petitioner [ ]  Respondent |
|  |  | [ ]  Petitioner [ ]  Respondent |

[ ]  I ask the court to divide our real property fairly (equitably). I will file and serve my proposed division of real property later.

[ ]  Other *(specify):*

1. Personal Property (possessions, assets or business interests of any kind)
*(check one):*

[ ]  Does not apply. The court does not have jurisdiction to divide our personal property.

[ ]  We have already divided our property fairly. I ask the court to order that each spouse will keep any personal property that s/he now has or controls.

[ ]  I ask the court to divide our personal property according to the written agreement described in 9. above.

[ ]  I ask the court to divide our personal property fairly (equitably), as explained below:

| **List property** *(include vehicles, pensions/retirement, insurance, bank accounts, furniture, businesses, etc. Do not list more than the last four digits of any account number.):* | **Who will own this property?** |
| --- | --- |
|  | [ ]  Petitioner [ ]  Respondent  |
|  | [ ]  Petitioner [ ]  Respondent  |
|  | [ ]  Petitioner [ ]  Respondent  |
|  | [ ]  Petitioner [ ]  Respondent |
|  | [ ]  Petitioner [ ]  Respondent |
|  | [ ]  Petitioner [ ]  Respondent |
|  | [ ]  Petitioner [ ]  Respondent |
|  | [ ]  Petitioner [ ]  Respondent |
|  | [ ]  Petitioner [ ]  Respondent |

[ ]  I ask the court to divide our personal property fairly (equitably). I will file and serve my proposed division of personal property later.

[ ]  Other:

1. Debts *(check one):*

[ ]  Does not apply. Neither spouse has any debt.

[ ]  Does not apply. The court does not have jurisdiction to divide our debts.

[ ]  I ask the court to divide our debts according to the written agreement described in 9. above.

[ ]  I ask the court to make the following orders about debts *(check all that apply):*

[ ]  Each spouse is responsible for his/her own debts incurred (taken) after the date of separation.

[ ]  Each spouse is responsible for the debts that are now only in his/her own name.

[ ]  Divide our debts fairly (equitably), as explained below:

| **Debt Amount** | **Creditor** *(person or company owed this debt)* | **Who will pay this debt?** |
| --- | --- | --- |
|  |  | [ ]  Petitioner [ ]  Respondent  |
|  |  | [ ]  Petitioner [ ]  Respondent |
|  |  | [ ]  Petitioner [ ]  Respondent |
|  |  | [ ]  Petitioner [ ]  Respondent |
|  |  | [ ]  Petitioner [ ]  Respondent |
|  |  | [ ]  Petitioner [ ]  Respondent |
|  |  | [ ]  Petitioner [ ]  Respondent |
|  |  | [ ]  Petitioner [ ]  Respondent |

[ ]  Divide our debts fairly (equitably). I will file and serve my proposed division of debts later.

[ ]  Other:

1. Spousal Support (maintenance/alimony)

[ ]  Spousal support is **not** needed.

[ ]  Spousal support **is** needed *(explain):*

[ ]  The *(check one):* [ ]  Petitioner [ ]  Respondent should pay *(amount)* $

every month until *(date or event):*

[ ]  Spousal support should be paid according to the written agreement described in 9. above.

[ ]  Other *(specify):*

1. Protection Order

Is there already an *Order for Protection* involving you and the other spouse?

*(Check one):*  [ ]  Yes [ ]  No

* **If *Yes:*** Describe the *Order for Protection* below:

|  |  |  |
| --- | --- | --- |
| Type of order *(check one):* [ ]  domestic violence [ ]  harassment | Protects *(check all that apply):*[ ]  me [ ]  name: [ ]  the children in this case | Restrains *(check one):*[ ]  me [ ]  name:  |
| Case number:  | Name of Court *(county/state):*  | Date order signed: Date order ends:  |

[ ]  I ask the court to combine (consolidate) the *Order for Protection* with this case and *(check all that apply):*

[ ]  renew (extend) it. The renewed order should last until *(date)*:

[ ]  make the following changes to it *(describe):*

|  |
| --- |
| ***Warning!*** *The court will not combine the protection order with this case automatically. You must ask for consolidation in temporary or final orders. “No Contact” orders from criminal cases cannot be combined with or changed by this case.* |

* **If *No:***Do you want the court to approvean *Order for Protection*?

*(Check one):*  [ ]  Yes. *(Fill out below.)* [ ]  No. *(Skip to 15.)*

***If Yes****, you must file a Petition for Order for Protection (form DV-1.015 for domestic violence, or form UH-02.0200 for harassment).*

I am filing a *(check type):* [ ]  domestic violence [ ]  harassment *Petition for Order for Protection* at the same time as this *Petition*.

|  |
| --- |
| ***Important!*** *If you need protection* ***now****, do not wait. Ask the court clerk for Domestic Violence or Harassment forms. (RCW 26.50 or 10.14)* |

1. Restraining Order

Do you want the court to approve a *Restraining Order*?

*(Check one):*  [ ]  Yes. *(Fill out below.)* [ ]  No. *(Skip to 16.)*

If *Yes*, check the type of orders you want:

[ ]  **Do not disturb** – Order the Respondent not to disturb my peace or the peace of any child listed in 5.

[ ]  **Stay away** – Order the Respondent:

[ ]  Not knowingly to goor staywithin feet of my home, workplace, or school, or the daycare or school of any child listed in 5.

[ ]  To stay away from my home, workplace, or school, and the daycare or school of any child listed in 5.

[ ]  **Do not hurt or threaten** – Order the Respondent not to harass, assault, molest, or stalk me or any child listed in 5.

*If the court makes this order, federal law says the restrained person* ***must not*** *possess or control firearms or ammunition until this Order ends.* ***Exception:*** *Law enforcement officers and military personnel may carry government-issued firearms while on duty. (18 U.S.C. § 925(a)(1))*

[ ]  **No guns or weapons** – Order the Respondent not to possess or control any firearms or dangerous weapons until the Order ends. Also order the Respondent to turn in any firearms or dangerous weapons that he/she possesses or controls to *(check one):*

[ ]  his/her lawyer [ ]  the sheriff in this county

[ ]  a court-approved person *(name):* .

[ ]  **Other restraining orders:**

1. Other Orders, if any *(specify):*

1. Summary of Requests

I ask the court to approve the following orders *(check all that apply):*

[x]  *Legal Separation Order (Decree)*, including:

[ ]  Divide our property and debts

[ ]  Reasonable spousal support

[ ]  Payment of court costs, guardian ad litem costs, lawyer fees, and other reasonable costs

[ ]  Change the Petitioner’s name to:

*first middle last*

[ ]  Change the Respondent’s name to:

*first middle last*

[ ]  approve the separation contract or prenuptial agreement

[ ]  Petitioner’s Proposed *Parenting Plan*

[ ]  *Child Support Order*, according to the Washington State Child Support Schedule

[ ]  *Order for Protection* (Domestic Violence)

[ ]  *Order for Protection – Harassment*

[ ]  *Restraining Order*

[ ]  Other *(specify):*

**Petitioner fills out below:**

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at Date:

 *city state*

*Petitioner signs here Print name*

**Petitioner’s lawyer (if any) fills out below:**

*Petitioner’s lawyer signs here Print name and WSBA No. Date*

[ ]  **Respondent fills out below if he/she agrees to join this Petition:**

I, *(name):* , agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. *(Check one):*

[ ]  I do not need to be notified about the court’s hearings or decisions in this case.

[ ]  I ask the Petitioner to notify me about any hearings in this case. *(List an address where you agree to accept legal documents. This may be a lawyer’s address or any other address.)*

*address city state zip*

If this address changes before the case ends, you **must** notify all parties and the court in writing. You may use the *Notice of Address Change* form (DRPSCU 01-325). You must also update your *Confidential Information Form* (DRPSCU 09-200) if this case involves parentage or child support.

*Respondent signs here Print name Date*