

## **THE DISSOLUTION PROCESS**

The legal process of a divorce case can be very confusing to clients. The following presentation briefly outlines various parts of the case to help remove some of the mystery associated with the traditional adversarial legal process.

Keep in mind that if you reach agreement on your settlement between yourselves or through attorney negotiation or mediation, you can avoid the often devastating financial burden and emotional trauma of family court actions.

## **THE PETITION vs. THE DECREE OF DISSOLUTION**

There is often a great deal of misunderstanding about the purpose of a Petition for Dissolution of Marriage. A case is started by filing two documents: a Summons, which gives the court jurisdiction over the party upon which it is served, and the Petition, which is simply a notice to the other party of the various items that you wish the court to deal with and the relief you are seeking.

The Petition, in and of itself, does not do anything other than outline those areas you wish the court to address. It will not automatically result in a divorce decree and can be written either specifically or generally. Sometimes, the attorney may elect to write a very general Petition so as to cover basic subject areas without getting into detail that may cause the other party to respond, thereby creating a more expensive process. Alternatively, the attorney may elect to make a much more detailed distribution of property. There are reasons for both and if you have any questions, you should feel free to ask why one method is selected over the other.

A Decree of Dissolution is the final document granting a dissolution of the marriage and stating the final terms of all the issues in the marriage like property, debts, the children's residence, etc. A Decree can only be obtained after:

- a. An Order of Default is entered against a party who has failed to respond to service of the Summons; or
- b. The parties reach an agreement and sign the final papers; or
- c. The parties go to trial where a judge makes a ruling and enters a Decree. A judge's ruling is often much less detailed or thought-out than an agreement between the parties. A trial is a disadvantage to both parties, but it's inevitable if a negotiated settlement is not reached.

## **THE 90-DAY WAITING PERIOD**

There is a minimum 90-day waiting period which must elapse before you Decree of Dissolution can be entered and your marriage dissolved. This time period is measured from the date the Summons is served on the other party. You will not automatically be divorced on the 91<sup>st</sup> day. Before any Decree can be entered, either the parties must reach an agreement and sign papers, and Order of Default must be entered, or the parties must go to trial and have a judge decide the issues. The 90-day waiting period cannot be waived by agreement. Finalizing the divorce may require your presence in Court with your attorney, even if it is by agreement. However, there are some procedures that can be utilized where only written documentation is submitted.

## **PRELIMINARY RELIEF: TEMPORARY ORDERS**

While your case is pending, you may request temporary relief from the Court such as a parenting plan, child support, spousal maintenance, possession and use of the family home, restraining orders and attorneys fees. Temporary restraining orders may include restraints against transferring, encumbering, concealing or disposing of assets, molesting or disturbing the peace of the other party or the children; entering the residence of the other party; removing the children from the jurisdiction of the Court; and incurring any community debts. All of these temporary measures are often referred to as Temporary Orders and they are designed to cover the period from the filing of the Motion for Temporary Orders until the Court either enters subsequent orders or a final Decree is entered.

## **SPOUSAL MAINTENANCE**

Maintenance (also called alimony) may be ordered where there is a real need for it on the part of one party and the ability to pay on the part of the other. Marital misconduct is not considered in setting maintenance. Maintenance is sometimes awarded pending trial, but the Court is usually reluctant to award post-divorce maintenance except under appropriate circumstances. The law requires a Court to consider the following factors in determining whether to award maintenance:

- a. Length of the marriage;
- b. Education level of the parties;
- c. Employment histories of the parties;
- d. Age of the parties;
- e. Physical and emotional condition of the parties;
- f. Whether or not the party seeking maintenance is also receiving child support; and
- g. The standard of living established during the marriage.

While the above factors may justify the need to order maintenance, it is also dependent on the other party's ability to pay and is often a balance between the two competing needs. It is in the discretion of the trial court and there is no fast and sure rule in this area.

## **DIVISION OF PROPERTY AND DEBTS**

As part of the dissolution, the Court makes a disposition of the property and liabilities of the parties, either community or separate, as appears "just and equitable" to the Court after considering all relevant factors. This means there is no basis to assume property and debts will automatically be split 50/50. There is also no basis to assume that property over which there is disagreement will be sold – that is very rarely ordered.

The factors to be considered by the Court in dividing property include:

- a. The nature and extent of the community property;
- b. The nature and extent of the separate property;
- c. The duration of the marriage; and
- d. The economic circumstances of each party at the time division of the property is to become effective, including:
  1. Awarding the family home to the party providing the primary residence of the children, or;
  2. Awarding more property to a party who lost income producing potential during the marriage or who simply has noticeably less income producing potential than the other party.

## **ATTORNEY'S FEES**

The Court has the discretion in appropriate cases (where one party has the financial ability to pay and the other party has the financial need) to award attorney's fees. However, Washington's Courts sometimes display reluctance to award attorney's fees in the appropriate circumstances. Often when there is exceptional need, the Court will consider it, but it is not a sure thing.

## **TRIAL SETTING / SETTLEMENT CONFERENCE**

If the other party responds by filing a written response to the Petition in the Court file, the case can only be resolved by voluntary dismissal, agreement or trial. All trials are to a judge only; there are no jury trials. If it appears that an agreement is not possible, your attorney will send in a Notice to Set for Trial. The timing of this notice is variable depending on the circumstances of the case, including the discovery process and other matters.

Once the notice is filed, the Court Administrator will send out a notice of Settlement Conference. This is scheduled about two to three months after the Notice to Set for Trial is filed. It is an opportunity for the parties to settle the case without going to trial with a judge who is not assigned to the case. If the parties reach an agreement, a record is made and the case is over. If they do not settle, the case is set for trial at a later date.

The trial date is set by the assigned judge. It is susceptible to being bumped by criminal cases or cases that are older in time. Therefore, it is sometimes hard to be sure a date is firm until just before the actual date.

## **FINALIZATION**

After negotiation, Settlement Conference or trial, the attorneys will prepare the final documents, such as the Decree of Dissolution, Findings of Fact and Conclusions of Law, and if applicable a Parenting Plan and Order of Child Support.

The Decree of Dissolution governs the parties' future relationship with regards to the assets and debts, custody, visitation and support of the children, and last but not least, dissolves the marriage. Not until the judge signs the Decree is the marriage actually dissolved.

## INSTRUCTIONS

1. DOCUMENTS:

Gather all documents set forth on the sheet entitled "Documents you will need" unless your attorney has indicated you do not need a certain document. If you are unsure, include a document. Our office will copy your original documents at 20 cents per copy and return the originals to you. If you prefer, feel free to make your own copies to avoid costs for copying numerous documents.

2. Fill out the client information sheet as thoroughly as possible.

3. PHOTOGRAPHS:

If your attorney has requested any photographs (such as your home, family members, personal property or automobiles, injuries, etc.), gather these photos. Attach a tab to each photo or a list describing what is depicted in the photo.

4. PERSONAL STATEMENT

If your attorney has requested a personal statement, please draft the statement, preferable typewriter and on a 3 1/4 computer disc, or send it by email. Please address these specific areas:

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5. WITNESS STATEMENTS

If your attorney has requested, gather statements from witnesses, use the "Blank Declaration" form. Make as many copies as you need. Include statements from:

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6. Return these documents to your attorney by (date) \_\_\_\_\_.

Thank you for your efforts and organization. It will benefit your case and help reduce attorneys' fees and costs.

## DOCUMENTS NEEDED FOR DISSOLUTION ACTION

In order to accurately determine the value of assets and debts, and to determine an accurate level of child support, the following documents are necessary and should be provided to your attorney in a dissolution action. If possible, please bring a clear copy of each which we may keep in your file. You may bring the original, and we will copy it for you, but additional charges may be accrued to you in copy charges.

Please advise your attorney which documents you are not able to provide and where you believe such documents may be located. We will discuss with you how you can obtain such documents for us, and thus save costs; or make arrangements to have such documents provided to our office.

If you have minor children, you will need to provide the following:

- Current wage stubs (last two months) for you and your spouse
- Last year's W-2 forms for you and your spouse
- Tax returns for the two most recent years
- Children's Social Security numbers

If you own real property:

- Copy of all Warranty Deeds, Deeds of Trusts, real estate contracts, and other recorded documentation showing a full legal description of the property and any encumbrance owing on the property
- Name and address of lender
- The balance owing to each lender who has an encumbrance on your property

If you have retirement plans through past or present employers:

- current statement showing value of accounts (This may be the last end-of-the-year statement)
- (if you were a participant in a plan during your marriage): statement showing value of account at the time of marriage
- copy of benefit plan

If you are self employed:

- most recent financial statement

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1112 Daniels Street  
P.O. Box 54  
Vancouver, WA 98666  
www.Marsh-Higgins.com  
(360)695-7909

- tax returns for the last two years
- most recent business valuation

If you have established credit and/or have debts and liabilities

- List of all credit cards, credit line accounts, and installment loans with account numbers and current balances. Please identify which accounts are held in your name only, your spouses name only, or jointly
- List of all debts, to whom they are owed and the current balance owed.

If you own vehicles, motorcycles, boats or mobile homes:

- \_ Title showing legal owner and VIN (Vehicle Identification Number)

If you own stocks, bonds, and other securities:

- \_ Copy of certificates with current value of shares or bonds

If you own art, antiques or collectibles of value:

- Most recent appraisal or insurance rider for each item

In addition, you should provide your attorney with:

- a list of all bank accounts, credit union accounts, money market accounts, etc. by name of financial institution, names on each account, account number, and the current balance.
- IRA and other retirement accounts not provided by an employer
- Life insurance policies with current face value
- A list of your assets and how you would like to have them divided. You and your spouse should each end up with assets worth 50% of the total net value of all assets you acquired during the marriage.

If documents will be served by a process server:

- current photo of spouse
- make, model, color and license number of the car your spouse normally drives

## FACTS ABOUT DISSOLUTION ACTION NOT INVOLVING CHILDREN

In order to answer questions you might have about what to expect in connection with your case, we would like to acquaint you with the general manner of handling dissolution cases in our office. Of course, each case is unique and handled in its own way, but the following is a general outline. Please feel free to contact our office if you have any questions about your case at any time.

As our client, the following services will be undertaken on your behalf:

1. An attorney will conduct an interview to ascertain and understand the nature of your situation. To maximize efficiency and save you unnecessary expense, trained legal assistants and/or legal interns may assist the attorney in the preparation of your case, particularly in answering Interrogatories, and preparing a Pre-trial Domestic Relations Settlement Conference Affidavit.

2. If you decide to pursue the action after the initial interview, payment of a deposit will be required, which includes the consultation fee and initial out-of-pocket costs. The amount of this deposit is usually in the range of \$1,500.00 to \$2,500.00 which includes the initial out-of-pocket costs for the filing fee (\$250.00 filing fee, and approximately \$35.00 for the service processor's fee - this may vary according to your particular fact situation. The fees charged will be determined primarily by the work performed in your case and will include the cost of the attorney, legal assistants, legal interns and secretarial services. An estimate of the fees will be given during your attorney interview based on the facts of your case.

3. Non-Contested Proceedings: Where there is no substantial disagreement with your spouse over the terms of the dissolution action, the proceeding may be referred to as non-contested. Services to be performed in a non-contested case include:

- a. Initial interview(s).
- b. Preparation and drafting of Summons and Petition for Dissolution, or Preparation, or drafting of a Response.
- c. Preparation of Affidavits or Declarations as may be required by applicable Court rules or State law.
- d. Motion, Affidavit and Order of Default. (COURT APPEARANCE REQUIRED OF ATTORNEY)
- e. Preparation of Findings of Fact and Conclusions of Law and

Decree of Dissolution of Marriage, and notification to the State Bureau of Vital Statistics, and presentation at final Court hearing.  
(COURT APPEARANCE BY ATTORNEY AND CLIENT)

- f. Correspondence.
- g. Closing arrangements including preparation of forms or deeds, if necessary.

4. Contested Proceedings: A contested proceeding is one where the parties cannot reach an agreement regarding maintenance, and/or division of property and payment of debts, or any other aspects of the dissolution action. All of the services required for a non-contested action must be performed as well as additional legal proceedings. These additional services may include but are not limited to the following:

- a. Stipulation or Separation Contract
- b. Depositions - out of court testimonial proceedings
- c. Interrogatories - preparation, review of and/or answering
- d. Attendance at settlement conferences and negotiations
- e. Legal research and preparation of briefs
- f. Preparation of additional legal pleadings and documents, including a Pre-trial Domestic Relations Settlement Conference Affidavit
- g. Representation at Superior Court Pretrial Settlement Conference, if required by the Court
- h. Trial preparation
- i. Witness interviews
- j. Investigation and retaining of experts
- k. Additional conferences and telephone calls with client and opposing counsel

If requested or the facts warrant, a Restraining Order may also be prepared and entered.

Because additional Affidavits must be prepared as required under Superior Court Rules and because a Court appearance is required, the securing of a Restraining Order will result in substantial additional attorney's fees and expenses.

5. Time Requirements and Procedure:

- a. A Petition is drawn up by the attorney which is reviewed and signed by the client. It is then filed with the Court and served on the spouse. The spouse then has 20 days to make an appearance or hire an attorney and have that attorney make an appearance in the dissolution action. If the spouse does not make an appearance or hire an attorney, a Decree of Dissolution may be entered at the end of a ninety (90) day waiting period, granting everything that has been requested in the Petition.
- b. If your spouse does make an appearance, the next step, if necessary, is that your attorney will bring the matter to a hearing before the Court on the question of what will happen to the assets, obligations, etc., of the parties during the time between the filing of the Petition and the obtaining of the Decree of Dissolution.
- c. Your attorney must have all the facts and information in order to properly represent you. If the spouses do not cooperate in supplying information as to assets, it may be necessary for us to utilize various discovery devices as listed in paragraph 4 above.
- d. If it is possible to reach an agreement, a Separation Contract may be prepared for both of the parties to sign, which will define the final outcome of all issues. This may involve negotiating between the spouses or having their attorney do the negotiating. If an agreement can be reached, the client and the attorney will appear at the Court hearing before the Judge or Court Commissioner and present the Separation Contract to the Court Commissioner or Judge for his or her review and ask the Judge or Court Commissioner to enter the Decree of Dissolution based on the Separation Contract, if the Judge approves the terms of the Separation Contract. The earliest a Decree of Dissolution can be obtained is ninety (90) days from the date that the spouse is served.

6. Correspondence, Telephone Calls and E-mail: We send you copies of letters or documents which we send out or which are received by us. Through this means, you will have the same information which we have. Even though the papers or copies of letters discuss Court hearings or appearances, you need not appear in Court unless you receive a letter from us instructing you to be there. When something important happens with regard to your case, we will advise you immediately. If you have a question or need some advice or are concerned about

your case, do not hesitate to e-mail or call our office and talk to either your attorney or the legal assistant working with you on the case. Since telephone consultations often take as much time as office consultations and correspondence, and since our billing is based partly on time expended on your behalf, please be aware time spent handling telephone calls and e-mails will be included in determining billings.

7. Person to Contact: Delivery of information/documentation or questions regarding your case should be directed primarily to the legal assistant assigned to your case.

## CONFIDENTIAL INFORMATION FORM (INFO)

Do not file in a public access file.	County:	Cause Number:
<b>COURT CLERK: THIS IS A RESTRICTED ACCESS DOCUMENT</b>		

Divorce/Separation/Invalidity/Nonparental Custody/Paternity/Modifications     Other  
 Domestic Violence     Antiharassment     Information Change (Check if you are updating information)

A restraining order or protection order is in effect protecting     the petitioner     the respondent     the children.

The health, safety, or liberty of a party or child would be jeopardized by disclosure of address information because:

**The following information about the parties is required in all cases:**  
 (Use the Addendum To Confidential Information Form to list additional parties or children)

Petitioner Information	Type or Print only	Respondent Information	
Name (Last, First, Middle)		Name (Last, first, Middle)	
Race	Sex	Race	Sex
Birthdate		Birthdate	
Drivers Lic. or Identicard (# and State)		Drivers Lic. or Identicard (# and State), (or, if unavailable, residential address)	
Mailing Address (P.O.Box/Street, City, State, Zip)		Mailing Address (P.O.Box/Street, City, State, Zip)	

**The following information is required if there are children involved in the proceeding.**  
 (Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment).)

Child's Name (Last, First, Middle)	1
Child's Race/Sex/Birthdate	
Child's Soc. Sec. No. (If required)	
Child's Present Address or Whereabouts	
Child's Name (Last, First, Middle)	2
Child's Race/Sex/Birthdate	
Child's Soc. Sec. No. (If required)	
Child's Present Address or Whereabouts	

List the names and present addresses of the persons with whom the child(ren) lived during the last five years:


List the names and present addresses of any person besides you and the respondent who has physical custody of, or claims rights of custody or visitation with, the child(ren):


**Except for petitions in protection order cases (Domestic Violence/Antiharassment), the following information is required:**

Petitioner's Information	Respondent's Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
Telephone No.: (    )	Telephone No.: (    )
Employer:	Employer:
Empl. Address:	Empl. Address:
Empl. Phone No.: (    )	Empl. Phone No.: (    )

Additional information:

Addendum To Confidential Information Form is attached.

I certify under penalty of perjury under the laws of the state of Washington that the above information is true and accurate concerning myself and is accurate to the best of my knowledge as to the other party, or is unavailable. The information is unavailable because

Signed on <Date> at Vancouver, Washington.

\_\_\_\_\_  
Petitioner/Respondent



# CERTIFICATE OF DISSOLUTION DECLARATION OF INVALIDITY OF MARRIAGE OR LEGAL SEPARATION

Please Type or Print Clearly in Permanent Black Ink

COURT FILE NUMBER

STATE FILE NUMBER

29. HUSBAND'S SOCIAL SECURITY NUMBER

30. WIFE'S SOCIAL SECURITY NUMBER

<b>DECREE</b>											
I certify the marriage of the persons named below was ordered as a . . .						1. <input type="checkbox"/> Dissolution of Marriage <input type="checkbox"/> Declaration of Invalidity		2. DATE OF ENTRY (MO/DAY/YR)		3. COUNTY OF DECREE	
						<input type="checkbox"/> Legal Separation					
4. SIGNATURE OF SUPERIOR COURT CLERK											
<b>TO BE COMPLETED BY PETITIONER'S ATTORNEY OR PRO SE</b>											
<b>HUSBAND</b>											
5. NAME				FIRST	MIDDLE	LAST	6. DATE OF BIRTH (MO/DAY/YR)		7. BIRTH STATE (IF NOT USA GIVE COUNTRY)		
8. USUAL RESIDENCE (NUMBER AND STREET)						9. CITY/TOWN/LOCATION		10. INSIDE CITY LIMITS <input type="checkbox"/> Yes <input type="checkbox"/> No		11. COUNTY	12. STATE
<b>WIFE</b>											
13. NAME				FIRST	MIDDLE	LAST	14. MAIDEN NAME		15. DATE OF BIRTH (MO/DAY/YR)		16. BIRTH STATE (IF NOT USA GIVE COUNTRY)
17. USUAL RESIDENCE (NUMBER AND STREET)						18. CITY/TOWN/LOCATION		19. INSIDE CITY LIMITS <input type="checkbox"/> Yes <input type="checkbox"/> No		20. COUNTY	21. STATE
22. PLACE OF THIS MARRIAGE - COUNTY				23. STATE (IF NOT USA GIVE COUNTRY)				24. DATE OF THIS MARRIAGE (MO/DAY/YR)		25. NUMBER OF CHILDREN BORN ALIVE OF THIS MARRIAGE	
26. PETITIONER						27. NAME OF PETITIONER'S ATTORNEY / PRO SE					
<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both <input type="checkbox"/> Other (specify)											
28. PETITIONER'S ADDRESS						CITY/TOWN		STATE		ZIP	

# INTAKE QUESTIONNAIRE (DISSOLUTION)

## 1. WIFE'S INFORMATION

- 1.1 Wife's Full Name (First, Middle, and Last): \_\_\_\_\_
- 1.2 Maiden Name: \_\_\_\_\_ Nickname: \_\_\_\_\_
- 1.3 Change Name [ ] Yes [ ] No To: \_\_\_\_\_
- 1.4 Physical Address: \_\_\_\_\_  
City: \_\_\_\_\_ State & Zip: \_\_\_\_\_ County: \_\_\_\_\_
- 1.5 Is address within city limits? [ ] Yes [ ] No
- 1.6 Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State & Zip: \_\_\_\_\_ County: \_\_\_\_\_
- 1.7 Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Cellular/Pager: \_\_\_\_\_ Fax: \_\_\_\_\_
- 1.8 E-mail address: \_\_\_\_\_
- 1.9 Birth date: \_\_\_\_\_ Birth State and County: \_\_\_\_\_
- 1.10 SSN: \_\_\_\_\_ Driver's License: \_\_\_\_\_ State: \_\_\_\_\_
- 1.12 Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_
- 1.13 Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Build: \_\_\_\_\_
- 1.14 Vehicle Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_  
License No.: \_\_\_\_\_ State: \_\_\_\_\_ Color: \_\_\_\_\_
- 1.15 Employer: \_\_\_\_\_  
Employer Phone: \_\_\_\_\_  
Employer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State & Zip: \_\_\_\_\_ County: \_\_\_\_\_
- 1.16 Current Position/Title: \_\_\_\_\_
- 1.17 Type of Work: \_\_\_\_\_
- 1.18 Work schedule: \_\_\_\_\_
- 1.19 Length of employment: \_\_\_\_\_ Date of Commencement: \_\_\_\_\_
- 1.20 Annual Gross Salary: \_\_\_\_\_ Current Monthly Salary: \_\_\_\_\_
- 1.21 Paid/Amount: Monthly: \$ \_\_\_\_\_ Bi-monthly: \$ \_\_\_\_\_  
Weekly: \$ \_\_\_\_\_ Every 2 weeks: \$ \_\_\_\_\_
- 1.22 Education: (highest level completed): \_\_\_\_\_
- 1.23 Degree In: \_\_\_\_\_ From: \_\_\_\_\_
- 1.24 Other Training: \_\_\_\_\_

# INTAKE QUESTIONNAIRE (DISSOLUTION)

## 2. HUSBAND'S INFORMATION

- 2.1 Husband's Full Name (First, Middle, and Last): \_\_\_\_\_
- 2.2 Nickname: \_\_\_\_\_
- 2.3 Change Name [ ] Yes [ ] No To: \_\_\_\_\_
- 2.4 Physical Address: \_\_\_\_\_  
City: \_\_\_\_\_ State & Zip: \_\_\_\_\_ County: \_\_\_\_\_
- 2.5 Is address within city limits? [ ] Yes [ ] No
- 2.6 Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State & Zip: \_\_\_\_\_ County: \_\_\_\_\_
- 2.7 Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Cellular/Pager: \_\_\_\_\_ Fax: \_\_\_\_\_
- 2.8 E-mail address: \_\_\_\_\_
- 2.9 Birth date: \_\_\_\_\_ Birth State and County: \_\_\_\_\_
- 2.10 SSN: \_\_\_\_\_ Driver's License: \_\_\_\_\_ State: \_\_\_\_\_
- 2.12 Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_
- 2.13 Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Build: \_\_\_\_\_
- 2.14 Vehicle Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_  
License No.: \_\_\_\_\_ State: \_\_\_\_\_ Color: \_\_\_\_\_
- 2.15 Employer: \_\_\_\_\_  
Employer Phone: \_\_\_\_\_  
Employer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State & Zip: \_\_\_\_\_ County: \_\_\_\_\_
- 2.16 Current Position/Title: \_\_\_\_\_
- 2.17 Type of Work: \_\_\_\_\_
- 2.18 Work schedule: \_\_\_\_\_
- 2.19 Length of employment: \_\_\_\_\_ Date of Commencement: \_\_\_\_\_
- 2.20 Annual Gross Salary: \_\_\_\_\_ Current Monthly Salary: \_\_\_\_\_
- 2.21 Paid/Amount: Monthly: \$ \_\_\_\_\_ Bi-monthly: \$ \_\_\_\_\_  
Weekly: \$ \_\_\_\_\_ Every 2 weeks: \$ \_\_\_\_\_
- 2.22 Education: (highest level completed): \_\_\_\_\_
- 2.23 Degree In: \_\_\_\_\_ From: \_\_\_\_\_
- 2.24 Other Training: \_\_\_\_\_

# INTAKE QUESTIONNAIRE (DISSOLUTION)

## 3. MARRIAGE

3.1 Date of Marriage: \_\_\_\_\_

3.2 Location of Marriage: \_\_\_\_\_  
City County State

3.3 Separated:  Yes  No Date of Separation: \_\_\_\_\_

3.4 Specify by number if separation date is (1) date moved into separate residence; (2) date divided assets & debts; (3) date Petitioner was filed; (4) date parties agree to; or (5) other reason (specify): \_\_\_\_\_

3.5 Have you & your spouse signed a Pre or Post marital agreement?  Yes  No

3.6 Date executed: \_\_\_\_\_

3.7 Where located: \_\_\_\_\_; Have copy or original:  Yes  No

3.8 Name of Attorney(s) who prepared Agreement: \_\_\_\_\_

3.9 Were (are) you in the military:  Yes  No  
If Yes, When: \_\_\_\_\_ Branch: \_\_\_\_\_

3.10 Was (is) Spouse in the military:  Yes  No  
If Yes, When: \_\_\_\_\_ Branch: \_\_\_\_\_

3.11 Is wife pregnant?  Yes  No Is husband father?  Yes  No  Unknown

3.12 *Domestic violence is defines as "domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) staking as defined in RCW 9A.46.110 of one family or household member by another family or household member.*

Based on the above definition, have you been the victim of domestic violence or have you been (may you be) accused of domestic violence against the other party?  Yes  No If yes, please describe the circumstances briefly: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you believe you need an emergency restraining order protecting you from the other party?  
 Yes  No

3.13 Has there been any misuse of financial resources or unusual accumulation of debts?

Yes  No If yes, describe: \_\_\_\_\_

Do you need a restraining order protecting assets and restraining the other party from accumulating extraordinary debts?  Yes  No If yes, state reasons: \_\_\_\_\_

## INTAKE QUESTIONNAIRE (DISSOLUTION)

\_\_\_\_\_

Do you need maintenance? [ ] No [ ] Yes Amount per month: \$ \_\_\_\_\_

3.14 If yes, state reason(s): \_\_\_\_\_

3.15 Does Spouse need maintenance? [ ] No [ ] Yes Amount per month: \$ \_\_\_\_\_

3.16 If yes, state reason(s): \_\_\_\_\_

### 4. PROPERTY

*[Check items which you or your spouse currently own and provide detailed description of property. Also state who you propose to keep each item.]*

\_\_\_\_\_ Family Residence

Provide the following information for each piece of real estate:

- Address of real estate;
- Name on deed;
- Tax parcel ID number;
- Legal description (provide copy of deed if available.)

\_\_\_\_\_ Automobiles

Provide the following information for each vehicle:

- Approximate value;
- Year, make, model, license plate number;
- Identify whose name is on each vehicle.

\_\_\_\_\_ Boat(s), and trailer(s) (including jet skis)

Provide the following information for each:

- Approximate value;
- Year, make, model;
- Identify whose name is on each boat/trailer.

\_\_\_\_\_ Airplane

Provide the following:

- Approximate value;
- Year, make, model;
- Identify whose name is on each plane

## INTAKE QUESTIONNAIRE (DISSOLUTION)

### \_\_\_\_\_ Recreational vehicles

Provide the following:

- Approximate value;
- Year, make, model;
- Identify whose name is on each RV

### \_\_\_\_\_ Season tickets

Provide the following:

- Approximate value;
- Identify type of tickets;
- Identify whose name the tickets are in.

### \_\_\_\_\_ Club or other organizational memberships (including timeshares)

Provide the following:

- Approximate value;
- Identify types of membership;
- Identify whose name the membership(s) is/are in.

### \_\_\_\_\_ Bank accounts

Provide the following:

- Identify whether the account(s) is/are checking, savings, money market account, etc.;
- Identify the name of the bank;
- Account number;
- Current approximate balance in each account;
- Identify whose name is on each account;
- Current Account statements for each account;
- Account statements for each account as of the date of separation (if applicable).

### \_\_\_\_\_ Life Insurance

Provide the following:

- Named insured;
- Insurance company name;
- Policy number;
- The cash value amount (if any).

## INTAKE QUESTIONNAIRE (DISSOLUTION)

\_\_\_\_\_ Pension, retirement benefits, 401(k)s, IRAs

**Provide the following:**

- Name of account;
- Account number;
- Approximate value/balance (now and at the date of separation);
- Whose name is on each account;
- Current account statements for each account;
- Account statements for each account as of the date of separation (if applicable).

\_\_\_\_\_ Stocks or Bonds

**Provide the following:**

- Company name;
- Name on the stocks/bonds;
- Number of shares.

\_\_\_\_\_ CD, T-bills, other investments

**Provide the following:**

- Name of account;
- Account number;
- Approximate value/balance;
- Whose name is on each account;
- Current account statements for each account.

\_\_\_\_\_ Any other monies owed to you by a third party

**Identify and provide description:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Inheritances, gifts, or other separate property

**Identify and provide description:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Other Assets:

**Identify and provide description:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## INTAKE QUESTIONNAIRE (DISSOLUTION)

### 5. DEBTS/LIABILITIES

Please provide a list of all debts and liabilities. Include the name, phone number and address of the creditor, the account number, whose name is on each debt, the amount of the monthly payment and the current balance owed. Also provide your proposal for who should pay each debt (or if each party should pay 50%, specify that). *If more space is needed, please write on the back of page with an indication to us to turn the page over.*

Type and Name of Debt	Creditor Name, Account #, Phone #, and Address of Creditor	Amount of Monthly Payment	Current Balance Owed	Whose Name on Debt	H or W Pays
Home Mortgage					
Line of Credit and/or 2 <sup>nd</sup> Mortgage					
Auto Loan					
Auto Loan					
Credit/Charge Card					
Credit/Charge Card					
Credit/Charge Card					
Credit/Charge Care					
Loan					
Loan					
Student Loan					
Other					

## INTAKE QUESTIONNAIRE (DISSOLUTION)

### DISTRIBUTION OF SEPARATE OBLIGATIONS/LIABILITIES

From the above list of debts, please list any "separate debts" that were incurred prior to the marriage or after the separation date. Please indicate which party incurred the separate debt and the approximate date the debt was incurred. (If the date is unknown, identify whether the debt was incurred prior to the marriage or after separation.)

Creditor and Type of Debt	Party's Name on Separate Debt	Date Debt Incurred

### 6. FINANCIAL INFORMATION

#### PERSONAL INFORMATION

Occupation: \_\_\_\_\_

The highest years of education completed: \_\_\_\_\_

Are you presently employed?  Yes  No

a. If yes, (1) Where do you work: \_\_\_\_\_

(2) When did you start work there? (month/year) \_\_\_\_\_

b. If no, When did you last work? (month/year) \_\_\_\_\_

What were your gross monthly earning? \_\_\_\_\_

(3) Why are presently unemployed? \_\_\_\_\_

## INTAKE QUESTIONNAIRE (DISSOLUTION)

INCOME INFORMATION	PETITIONER	RESPONDENT
Wages and Salaries		
Interest and Dividend Income		
Business Income		
Spousal Maintenance Received: From:		
Other Income		
<b>Total Gross Monthly Income</b>		
<b>MONTHLY DEDUCTIONS FROM GROSS INCOME</b>		
Income Taxes		
FICA/Self-employment taxes		
State Industrial Insurance Deductions		
MANDATORY Union/Professional Dues		
Pension Plan Payments		
Spousal Maintenance Paid		
Normal Business Expenses		
<b>Total Deductions from Gross Income</b>		
<b>MONTHLY NET INCOME.</b> (Total Gross Monthly income minus Total Deductions)		
<b>MISCELLANEOUS INCOME</b>		
Child support received from other relationships Name:		
Other miscellaneous income (list source and amounts)		
Income of current spouse. Name:		
Income of children. Name(s):		
Income from assistance programs. Name:		
Non-recurring income. Name:		
Other Income. Describe:		
<b>Total Miscellaneous Income</b>		
Income of Other Adults in Household Name:		
In the income of either party is disputed, state monthly income you believe is correct and explain:		

AVAILABLE ASSETS	Total
Cash on hand	
On deposit in banks	
Stocks and bonds	
Cash value of life insurance	
Other liquid assets:	

## INTAKE QUESTIONNAIRE (DISSOLUTION)

### MONTHLY EXPENSE INFORMATION

Monthly expenses for myself and \_\_\_\_\_ dependents are: (Expenses should be calculated for the future, after separation, based on the anticipated residential schedule for the children.)

<b>HOUSING</b>	
Rent, 1 <sup>st</sup> mortgage or contract payments	
Installment payments for other mortgages or encumbrances	
Taxes & insurance (if not in monthly payment)	
<b>Total Housing</b>	

<b>UTILITIES</b>	
Heat (gas & oil)	
Electricity	
Water, sewer, garbage	
Telephone	
Cable	
Internet	
Other: Describe:	
<b>Total Utilities</b>	

<b>FOOD AND SUPPLIES</b>	
Food for _____ persons	
Supplies (paper, tobacco, pets, cleaning products)	
Meals eaten out	
Other: Describe:	
<b>Total Food Supplies</b>	

<b>CHILDREN</b>	
Day care/babysitting	
Clothing	
Tuition (if any)	
Other child related expenses: Describe:	
<b>Total Expenses Children</b>	

<b>TRANSPORTATION</b>	
Vehicle payments or leases	
Vehicle insurance & license	
Vehicle gas, oil, ordinary maintenance	
Parking	
Other transportation expenses: Describe:	
<b>Total Transportation</b>	

## INTAKE QUESTIONNAIRE (DISSOLUTION)

*Monthly expenses continued*

<b>HEALTH CARE (Omit if fully covered)</b>	
Insurance	
Uninsured dental, orthodontic, medical, eye care expenses	
Other uninsured health expenses: Describe:	
<b>Total Health Care</b>	

<b>PERSONAL EXPENSES (Not including children)</b>	
Clothing	
Hair care/personal care expenses	
Clubs and recreation	
Education	
Books, newspapers, magazines, photos	
Gifts (for anyone and for any occasion)	
Other: Describe:	
<b>Total Personal Expenses</b>	

<b>MISCELLANEOUS EXPENSES</b>	
Life Insurance (if not deducted from income)	
Other: Describe:	
<b>Total Miscellaneous Expenses</b>	

<b>INSTALLMENT DEBTS INCLUDED IN ABOVE ITEMIZATION</b>		
Creditor and Description of Debt	Balance	Month of Last Payment

<b>INSTALLMENT DEBTS NOT INCLUDED IN ABOVE ITEMIZATION</b>			
Creditor and Description of Debt	Balance	Month of Last Payment	Amount of Monthly Payment

## INTAKE QUESTIONNAIRE (DISSOLUTION)

Please provide our office with a copy of the following:

1. Your income tax returns for the past 2 years with W2s, 1099s, and all schedules.
2. Your wage stubs for the current year or at least the last 6 months of wage stubs.
3. Wage stubs for the opposing party for the last 6 months or at least a current wage stub (if you have access to the statement).
4. The last 6 months of all bank statements that you can access.
5. Current receipts for monthly living expenses and debts. (I.e. a rent receipt or mortgage payment or cancelled check, utility statement, etc.)
6. Current statements for all retirement accounts and other financial accounts that you can access. If applicable, statements for all retirements accounts and other financial accounts that you can access which show value(s) at or near the separation date.
7. Debt statements that you can access which show the current balance owed. If applicable, debt statements that you can access which show the balances at or near the separation date.
8. Legal description (located on deed of trust or other real estate document) and tax assessor's number for all real estate.
9. A list of all household items, specifying who has possession of the item, the approximate garage sale value of the item, and your proposal for who should keep the item.

### 7. CHILDREN

7.1 Children of this Marriage (include adoptions)

Full Legal Name	Social Security No.	Age and Date of Birth	Living With

7.2 Are any of the children in private school, college or vocational training?  Yes  No  
If yes:

Name of child	Name of School	Year	Course of Study

## INTAKE QUESTIONNAIRE (DISSOLUTION)

7.3 What is the cost per year of: Tuition \$ \_\_\_\_\_ Book: \$ \_\_\_\_\_  
Fees: \$ \_\_\_\_\_ Food, etc (Board): \$ \_\_\_\_\_ Room (Lodging): \$ \_\_\_\_\_  
Transportation: \$ \_\_\_\_\_ Other costs (explain): \_\_\_\_\_  
\_\_\_\_\_

7.4 Is Primary Custody of the Children at issue?  Yes  No

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

7.5 Do you anticipate any problems over custody or visitation?  Yes  No

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

7.6 Do you know of any person, other than your spouse, who has physical custody of any of your child(ren) or claims to have custody or visitation rights with respect to any of your child(ren)?  Yes  No

If yes, provide name(s), address(es) & relationship(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7.7 Have any of your children lived any place other than Washington during the last five year?  
 Yes  No

If yes, list the child's name and the names and present addresses of the person with whom the child lived during that period, and the period of time when the child lived outside of Washington:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7.8 Are there any other legal proceedings involving your child(ren)?  Yes  No

If yes, please provide court & case number: \_\_\_\_\_

7.9 Have you participated as a party, witness or in any capacity, in any other litigation concerning the custody of your child(ren)?  Yes  No.

If yes, provide detail(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## INTAKE QUESTIONNAIRE (DISSOLUTION)

7.10 Do you have information on any paternity, dependency, or custody proceeding concerning you children, the other parent of the other parent's children?  Yes  No

If yes, provide detail(s): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7.11 List the county, state, and case number of any other legal proceedings: \_\_\_\_\_  
 \_\_\_\_\_

7.12 Specify how you would like the tax exemption(s) for the children to be awarded:

<u>Name of child</u>	<u>Exemption To</u>	<u>Odd/Even/Every</u>

Does either party have any children born of a prior marriage or relationship?  Yes  No

If yes, state:

Child's Full Name	Social Security No.	Age and Date of Birth	Living With	Names of Child's Parents

7.13 Are you or the other party paying support for these children?  Yes  No

Specify who pays support: \_\_\_\_\_  
 State the amount per month paid: \_\_\_\_\_

7.14 Are you or your spouse receiving support for this children?  Yes  No

Specify who pays support: \_\_\_\_\_  
 State the amount per month paid: \_\_\_\_\_

7.15 Do you or the other party now pay alimony/spousal maintenance to a prior spouse?

Yes  No If yes, specify who pays, how much is paid each month, and when the payments began and when they will end: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7.16 Are you or the other party currently behind in alimony/maintenance payments?  Yes  No

## INTAKE QUESTIONNAIRE (DISSOLUTION)

If yes, please specify which party is behind in payments and how much is currently past due:

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### 8. PARENTING PLAN INFORMATION

8.1 Is there a legitimate reason the other parent's residential time with the children should be limited or restricted:  Yes  No

If yes, please explain: \_\_\_\_\_

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8.2 Is there any of the following conduct with the children by the other parent? Please check all appropriate boxes.

Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions.

Physical, sexual or a pattern of emotional abuse of a child.

A history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

Neglect or substantial nonperformance of parenting functions.

A long-term emotional or physical impairment which interferes with the performance of parenting functions as defined in RCW 26.09.004.

A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions.

The absence or substantial impairment of emotional ties between the parent and child.

The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development.

A parent has withheld from the other parent access to the child for a protracted period without good cause.

Other reason (please specify): \_\_\_\_\_

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## INTAKE QUESTIONNAIRE (DISSOLUTION)

8.3 **RESIDENTIAL SCHEDULE.** These provisions set forth where the child/ren shall reside each day of the year and what contact the child/ren shall have with each parent. Please state your preference with respect to each of the following time periods.

8.4 **Pre-School schedule.** \_\_\_\_\_

8.5 **School schedule.** \_\_\_\_\_

8.6 **Schedule for Winter Vacation.** \_\_\_\_\_

8.7 **Schedule for Spring Vacation.** \_\_\_\_\_

8.8 **Summer Schedule.** \_\_\_\_\_

8.9 **Vacation with you.** \_\_\_\_\_

8.10 **Vacation with Other Parent.** \_\_\_\_\_

8.11 **Schedule for Holidays.** The residential schedule for the child/ren for the holidays listed below is as follows:

<b>HOLIDAY</b>	<b>MOTHER (Specify whether Odd/Even/Every)</b>	<b>FATHER (Specify whether Odd/Even/Every)</b>
New Year's Day		
Martin Luther King Jr. Day		
President's Day		
Memorial Day		
July 4 <sup>th</sup>		
Labor Day		
Veteran's Day		
Thanksgiving Day		
Day after Thanksgiving		
Christmas Eve		
Christmas Day		
Other: (Easter)		
Other: (Halloween)		
Other:		

A holiday shall begin and end as follows (set forth times): \_\_\_\_\_

Holidays which fall on a Friday or a Monday shall include Saturday and Sunday.

## INTAKE QUESTIONNAIRE (DISSOLUTION)

8.12 **Schedule for Special Occasions.** The residential schedule for the child/ren for the following special occasions is as follows (i.e. birthdays).

HOLIDAY	MOTHER (Specify whether Odd/Even/Every)	FATHER (Specify whether Odd/Even/Every)
Mother's Day		
Father's Day		
Mother's Birthday		
Father's Birthday		
Child's Birthday		

A special occasion shall begin and end as follows (set forth times): \_\_\_\_\_

8.13 **Transportation Arrangements.** \_\_\_\_\_

8.14 **Major Decisions.** Major decisions regarding each child shall be made as follows:

- |                               |                                 |                                 |                                |
|-------------------------------|---------------------------------|---------------------------------|--------------------------------|
| (a) Education decisions       | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Joint |
| (b) Non-emergency health care | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Joint |
| (c) Religious upbringing      | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Joint |
| (d) Other: _____              | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Joint |

8.15 **DISPUTE RESOLUTION.** Do you have any preference for dispute resolution in regard to the parenting plan?     Counseling     Mediation     Arbitration     Court

8.16 The cost of this process should be allocated between the parties as follows:

\_\_\_\_\_ % Husband    \_\_\_\_\_ % Wife

<b>STAFF USE ONLY</b>
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### CONFLICT CHECK AND FILE SET-UP

OPPOSING PARTY:

FULL NAME: \_\_\_\_\_

MAIDEN NAME (if applicable): \_\_\_\_\_