

Ask to move your family law case to a different county in Washington (venue)

Author

Northwest Justice Project

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If someone filed a family law case against you in a county where neither of you lives, or that's inconvenient for you, you can try to have the case moved by filing a Motion to Change Venue. (Forms and instructions)

1. Fast facts

Use this for family law cases including divorce, legal separation, parentage, or cases about parenting plans or child support.

The county court where a case is filed is called its "**venue**." A motion to change venue asks a judge in the current county to transfer the case to a court in a different county. You can ask to move the case to any county in Washington where the case could or should have been filed.

If you want your case moved to a **different state or to tribal court**, you must object to jurisdiction (not venue).

()**The venue rules depend on the type of case.** The judge is more likely to approve a change of venue if the other party filed the case in the wrong county (if venue is improper).

- **Divorce:** You should file for divorce in a county where at least one spouse lives. A judge will generally approve a change of venue if the divorce was filed in a county where neither spouse lives. If one spouse lives in that county, and the other wants to move the case to the county where they live, the court may (but does not have to) change venue.

Some private services that prepare divorce papers for a fee will tell you to file for divorce in a county where neither spouse lives, often Lincoln County. If you file for divorce in a county where neither spouse lives, your spouse has the right to move the case to the proper county. The court should grant a change of venue.

- **Parentage:** You can file to decide parentage in a county where the child lives or is located. If the child doesn't live in Washington but the Respondent does, you can file in the county where the Respondent lives or is located. If Respondent died, you can file in the county where their estate is probated.
- **Petition for a Parenting Plan and/or Child Support:** The law isn't clear about this, but you can probably file in a county where the child or either parent lives or is located.
- **Change a Parenting Plan and/or Child Support Order:** You can file in the county where the child lives, where the final order was issued, **or** where the person with custody of the child lives.
- **Clarify or change a Final Divorce Order:** To change the spousal support amount or property and debt division in the divorce decree, you file in the county that issued the Final Divorce Order.

When can I ask to change venue?

You must raise the issue of wrong (improper) venue at your earliest chance. If you don't, you may accidentally give it up (waive it). You must either put in your Response to Petition that you object to the venue **or** file a Motion to Change Venue **before you file anything else**.

Try to get legal help if you have questions about venue. If you can't afford to hire a lawyer to represent you, you may be able to pay one to advise you and review your paperwork

Why would I try to change venue?

If you must take part in a case filed in another county:

- You may have to make a long, expensive trip to appear for hearing or trial.
- It may be harder for you to file motions.
- It may be harder for you to learn court procedures or get help from facilitators.
- If you need to try to change a parenting plan or child support order later, it may be harder and cost more to get copies of court orders from a far-away county.
- It may be very hard for your witnesses to travel to the county where the case is.

How much does it cost?

There's no fee to file a motion. But there may be fees to get copies of court papers. There will also be a fee to re-file the case in the new county. Ask the court clerk how much it will cost if your motion to change venue is approved.

If the other party filed the case in the wrong county according to the venue rules, you can ask the judge to order that the other party pay any costs to transfer the case to the correct county.

2. Lincoln County

Many people file divorces in Lincoln County even though neither spouse lives there. If you want to file a Motion to Change Venue from Lincoln County to somewhere else, you'll need this contact info:

- **Superior Court Clerk/Family Law Facilitator:** 509-725-1401.
- **Clerk's Office address:**

Lincoln County Clerk
450 Logan Street
P.O. Box 68
Davenport, WA 99122-0068

If you must go to a hearing and you don't live in Lincoln County, you might want to take part by phone or online (Zoom). You must contact the Court Administrator at 509-725-3081 to get permission **before** the hearing date.

If after filing in Lincoln County you and your spouse **agree** to move your divorce to another county, you can both sign an agreed ("Stipulated") Order to Change of Venue. After you each sign, you can mail the agreed order to the Lincoln County Superior Court Clerk. They can present it to the judge for you, without you having to go in-person. You'll have to pay a fee for "ex parte presentation" and other fees for preparing and moving (transferring) the case. To learn more, call the Family Law Facilitator or Court Clerk.

3. Step-by-step

Follow these steps to file a Motion to Change Venue.

1. **Fill out the forms** (except for the Proof of Mailing and Hand Delivery).

Contact the court clerk's office or family law facilitator (https://www.courts.wa.gov/court_dir/?fa=court_dir.facils) where the case is now. Ask if they have special (local) forms you must use for this motion or to schedule a hearing. If so, use those forms instead of ours. Ask the clerk when you can schedule a hearing on your motion and for help with the other details on the **Notice of Hearing** form. You can also wait to fill this part out until you go to court to file your papers.

If you can't travel to the courthouse to file your papers or go to the hearing, also ask these questions:

- Can I file a motion by mail or fax? If yes, how?
- Can I schedule a hearing date by phone or mail? If yes, how?
- Can I attend the hearing by phone or online (remotely)? If so, how?
- Is there a fee for any of the above? If so, how much? How do I pay (check, money order, online)? Can I get the fee waived if I have low income?

2. **Make copies.** You need one copy of each completed form for yourself, one for the judge, and one for each other party to your case.

Organize the copies in sets, so there's one set for each person who needs a copy. You don't have to give the other party a copy of the Proof of Mailing or Hand Delivery. Put each set of papers into an envelope addressed to each party, with your return address. You'll use these sets for service.

3. **File the originals** with the Superior Court Clerk. Give the clerk the originals of all your forms for filing **except** you should ask the clerk what to do with the originals of any proposed orders. Follow the clerk's instructions.

Ask the clerk to stamp your copies to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk keeps the original.

Deliver working copies to the judge, if required in your county.

1. **Serve the other party (or parties)** with copies of everything you filed, and any proposed orders. Most counties require service **at least 14 days before a hearing**. Ask the clerk if your county's deadline is different.

Follow the rules for service after a case starts. You can serve most motion papers yourself, but it's better to have someone else do it. Ask an adult friend or relative to do it for you. If the other party has a lawyer, have the papers served on the lawyer.

2. **Have the server fill out the Proof of Mailing or Hand Delivery. Make 2 copies.** File the original with the Superior Court Clerk. Bring your copies to the hearing.
3. **Confirm your hearing, if needed.** In some counties, you must contact the clerk's office to confirm that you want your hearing to happen on the day it is scheduled. If you don't confirm by the deadline, **your hearing will be canceled**. Ask the court clerk for instructions.

4. **Review any response. Reply if needed and allowed in your county.** The other party must give you a copy of any response they file. You don't have to reply, but you may want to if they bring up new issues or say things that aren't true.

Ask the court clerk or facilitator

(https://www.courts.wa.gov/court_dir/?fa=court_dir.facils), if your county has one, if replies are allowed in your county and, if so, when they are due. If allowed, you can file a declaration from yourself or others replying to the other party's response. Limit your reply to addressing issues in the other party's response. Serve a copy of your reply on the other party by the deadline. Deliver working copies to the judge if required in your county.

5. **Go to your hearing.** Read chapter 4 for how to get ready and what to expect at your hearing.
6. **Tell the judge's clerk you want a copy of the order.** Follow the clerk's instructions about getting copies.
7. **After the hearing,** follow the judge's order about what to do next. If the judge ordered you to pay the costs and filing fees associated with the change of venue, pay them. Otherwise, you should be notified when the case has been transferred. The case will have a new case number in the new county.
8. **If you disagree with the judge's decision, try to talk to a lawyer right away.**

You might want to file a motion for revision or reconsideration. You must file those motions **within 10 days** of the order you want to change.

4. Hearing

Get ready for the hearing

Try to go to court before the day of your hearing or check the court clerk's website to see if you can watch a hearing online. Watch how the court generally does hearings. Try to make some notes to yourself about the main points to make at your hearing.

Organize your paperwork. Plan to bring your set of court papers and your copies of any papers the other parties gave you in response. Bring extra copies of any proposed orders you want the judge to sign.

Get to your hearing early. Try to figure out before the day of the hearing how you will get there and how long it will take. Give yourself time to get through security, and to the right courtroom. If you aren't there on time, the judge could cancel the hearing, or the other party may win.

Bring your paperwork, a pad of paper, and a dark pen to take notes. Dress neatly. Try not to bring your children if you can make other arrangements for them. The judge usually won't let them sit in the courtroom.

When you get to the courtroom, tell the person in charge in the courtroom (the clerk or bailiff) your name and your case name and number. Take a seat. When the judge walks in the room, stand.

If your hearing is online, follow these [tips for phone and video hearings](#).

Your case will be one of several that are scheduled for the same time on the court calendar (called a docket). Listen to the judge and wait for them to call your name. When they call your name, tell the court you are present. Stay in court until they call your case for hearing.

When your case is called

In most cases, the judge will have read your papers before the hearing. The judge will make a decision based on the paperwork filed by both parties in advance.

You usually won't be able to testify, have witnesses testify, or otherwise give evidence at the hearing. You'll just get to tell the judge briefly what you want and why. This means you want to prepare beforehand by making notes about the main points you want to say to the judge.

If the other party gets a lawyer: If another party's lawyer contacts you or shows up at a hearing, you may decide to get one yourself. If so, tell the lawyer and the judge you need to postpone (continue) the hearing. The lawyer may ask you to sign some documents. **Don't sign anything you don't understand.**

If the other party shows up at the hearing, each of you will get to tell your side of the case. Stand while speaking. Tell the judge briefly what you want and why. Try to keep your argument short. Only outline your main points. You may have as little as 5 minutes to speak. Don't repeat everything in your papers. If you brought proposed orders, ask permission to hand them up to the judge.

If the judge asks you a question, try to answer it directly. **Don't interrupt the judge.**

If the other party doesn't show up, the judge may ask for your proof of service. Bring a copy of that to show the judge. Ask the judge to sign your proposed orders.

If you couldn't serve the other party in time, or you don't have proof of service, ask the judge to reschedule your hearing.

Hearing the judge's decision

After the judge has heard both sides, the judge decides on the requests. Listen carefully. Make notes. Usually, the judge gives their decision out loud, then it must be put in writing in a court order.

It's best to bring **proposed orders** so the judge can sign them at your hearing. If no one brought proposed orders, the judge may tell you, the other party, or the other party's lawyer to write the orders and come back later for the judge to sign. The judge could schedule another hearing in a week or two just for signing orders.

If the other party prepared the orders, read them carefully. Make sure they say what the judge said. If you're not sure, **don't sign the orders**. Ask to go back before the judge to make sure the order says what the judge said.

If the other party didn't show up for the hearing, send them copies of the court orders. Follow the rules to serve papers *after* a case starts.

5. Forms

Form attached:

Motion to Change Venue (family law) (NJP Family 904)

Form attached:

Order to Change Venue (family law) (NJP Family 905)

Form attached:

Notice of Hearing (family law) (FL All Family 185)

Form attached:

Proof of Mailing or Hand Delivery (family law) (FL All Family 112)

Follow the general rules to format and fill out court documents.

Tips for filling out the Motion to Change Venue (NJP Family 904)

Fill out the **motion** form to explain what you want the judge to do and why they should do it.

Some examples of what you could say, if true, are:

- “Neither the other party nor I live in the county where the case is filed.”
- “Neither of us owns property in the county where the case is filed.”
- “It would be a great inconvenience for me to take part in any hearing in this county. I live in ‘x’ county. I can’t afford to travel and stay in a county far from where I live.”

Make the statements short and factual. Don’t argue or give your opinion.

Tips for filling out the Order on Motion to Change Venue (NJP Family 905)

Fill out the **order** form the way you want the judge to sign it. This is a **proposed order** you'll ask the judge to sign at the hearing. If you're not sure about something in the order, leave it blank for the judge to complete.

Tips for filling out the Notice of Hearing (FL All Family 185)

Fill out the **Notice of Hearing** with details from the court clerk or family law facilitator (https://www.courts.wa.gov/court_dir/?fa=court_dir.facils). You can try to get that information over the phone, or in-person when you file your papers. When choosing a hearing date, leave yourself enough time to have the other party served.

Many counties require you to use their own form. Ask the facilitator or clerk in the county where your case was filed if they use a special Notice of Hearing form. If not, use ours.

Tips for filling out the Proof of Mailing or Hand Delivery (FL All Family 112)

Fill out this form after serving the other party. Whoever served the other party must sign it. Follow the rules for service after a case starts.

Check to be sure your server filled out the date of service, who the papers were delivered to, and how they were delivered. Also be sure the form lists all documents that were served. If your server leaves out a form, you won't have proof it was served.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.

Ask to move your family law case to a different county in Washington (venue)

Superior Court of Washington, County of _____

Petitioner/s (*person/s who started this case*):

And Respondent/s (*other party/parties*):

No. _____

Motion to Change Venue (family law)
(MT)
(No mandatory form)

Motion to Change Venue (family law)

Use this form if you want to move your case to a different county in Washington State. Use this together with a proposed Order on Motion to Change Venue (family law), NJP Family 905.

To both parties:

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

You must schedule a hearing on this motion. You may use the *Notice of Hearing* (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling information.

To the person receiving this motion:

If you don't agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court shouldn't approve those requests. You may file other written proof supporting your side.

1. Relief Requested

My name is: _____. I ask the court for an order changing venue in this case to (*name of county*) _____.

All costs associated with the change of venue should be (*check one*):

☐ fully paid by the other party (*name*): _____

☐ fully paid by me.

☐ divided between the parties as follows: _____

2. Legal Authority

Venue should be changed according to CR 12(b)(3), CR 81(b), CR 82(d), Ch. 4.12 RCW, and the following laws:

☐ for a divorce case, RCW 26.09.010(2)

☐ for a parentage case, RCW 26.26A.420

☐ to change or enforce a parenting plan or child support, RCW 26.09.280

☐ other: _____

3. Statement of facts and evidence

I declare: The following facts or evidence support my request to change venue.
(Describe reasons for changing venue. You may refer to declarations or other documents filed separately.)

4. Proposed Order

A proposed order (*check one*): ☐ Is ☐ is **not** attached to this *Motion*.

Person making this motion fills out below

I declare under penalty of perjury under the laws of the state of Washington that all the information provided in this form is true and correct.

Signed at (*city and state*): _____ Date: _____



Person making this motion signs here

Print name here

Superior Court of Washington, County of _____

Petitioner/s (*person/s who started this case*):

And Respondent/s (*other party/parties*):

No. _____

Order to Change Venue (family law)

(OR)

(No mandatory form)

☐ Clerks action required: 3

Order to Change Venue (family law)

Use this form with the Motion to Change Venue (family law), NJP Family Law 904.

1. Basis

The (*check one*) ☐ Petitioner ☐ Respondent filed a *Motion to Change Venue*.

2. Hearing

The court has considered the motion and any supporting documents, any response from the other party, and any other documents from the court record identified by the court.

The court:

☐ decided this motion without a hearing.

☐ held a hearing on the motion on (*date*) _____

☐ heard testimony or argument from (*name/s*) _____

3. Order

The *Motion to Change Venue* is:

☐ **Denied.**

☐ **Granted.** The Court directs the Clerk of the Court to forward all records and files herein to the Superior Court Clerk for _____ County, and to take any other actions necessary to complete the change of venue.

Any court costs and filing fees associated with the change of venue shall be paid by
(name): _____.

Ordered.

Dated: _____ at _____ a.m./p.m. _____
Judge/Court Commissioner

Parties or their lawyers fill out below.

This order (*check any that apply*):

- ☐ is an agreement of the parties
- ☐ is presented by me
- ☐ may be signed by the court without notice to me

This order (*check any that apply*):

- ☐ is an agreement of the parties
- ☐ is presented by me
- ☐ may be signed by the court without notice to me

► _____
Petitioner signs here or lawyer + WSBA #

► _____
Respondent signs here or lawyer + WSBA #

Print Name

Date

Print Name

Date

Superior Court of Washington, County of _____

In re:

Petitioner/s (*person/s who started this case*):

And Respondent/s (*other party/parties*):

No. _____

Notice of Hearing
(NTHG)

☒ Clerk's action required: **1**

Notice of Hearing

To the Court Clerk and all parties:

1. A court hearing has been scheduled:



for: _____ at: _____ ☐ a.m. ☐ p.m.
date time

at: _____ in _____
court's address room or department

docket / calendar or judge / commissioner's name

2. The purpose of this hearing is (*specify*): _____

Warning! If you do not go to the hearing, the court may sign orders without hearing your side.

This hearing was requested by: ☐ Petitioner or lawyer ☐ Respondent or lawyer



Person asking for this hearing signs here

Print name (if lawyer, also list WSBA #)

Date

I agree to accept legal papers for this case at:

address

city state zip

(Optional) email: _____

This does **not** have to be your home address. If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the *Notice of Address Change* form (FL All Family 120). A party must also update their *Confidential Information* form (FL All Family 001) if this case involves parentage or child support.

Superior Court of Washington, County of _____

In re:

Petitioner/s (*person/s who started this case*):

And Respondent/s (*other party/parties*):

No. _____

Proof of Mailing or Hand Delivery
(for documents after Summons and
Petition)
(AFSR)

Proof of Mailing or Hand Delivery
(for documents after Summons and Petition)

Warning! Do **not** use this form to prove you mailed or delivered a Summons, Petition, Order to Go to Court, or any kind of Restraining Order. For those documents, use Proof of Personal Service (FL All Family 101), or if you have court permission to serve by mail, use Proof of Service by Mail (FL All Family 107).

I declare:

1. I am (*check one*): ☐ the Petitioner ☐ the Respondent ☐ (*name*): _____
_____ and I am competent to be a witness in this case.

2. On (*date*): _____, I served copies of the documents listed in **3** below to
(*name of party or lawyer served*): _____ by:

☐ mail (*check all that apply*): ☐ first class ☐ certified ☐ other _____

Mailing Address *City* *State* *Zip*

☐ email to (*address*): _____
(*only if allowed by agreement, order, or your county's Local Court Rule*)

☐ fax to (*number*): _____
(*only if allowed by agreement, order, or your county's Local Court Rule*)

☐ Hand delivery at (*time*): _____ ☐ a.m. ☐ p.m. to this address:

Street Address *City* *State* *Zip*

I left the documents (*check one*):

- ☐ with the party or lawyer named above.
- ☐ at the attorney's office with the clerk or other person in charge.
- ☐ at the attorney's office in a conspicuous place because no one was in charge.
- ☐ with (*name*): _____,
at the address listed in court documents where the party agreed to receive legal papers for this case.
- ☐ (*For a party or lawyer who has no office or whose office is closed*) at their home with (*name*): _____,
a person of suitable age and discretion who lives in the same home.

3. List all documents you served (*check all that apply*):

(*The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document you served that is not already listed.*)

☐ Notice of Hearing (<i>hearing date</i>): _____	☐ Notice Re: Military Dependent
☐ Motion for Temporary Family Law Order ☐ and Restraining Order	☐ Sealed Financial Documents
☐ Proposed Temporary Family Law Order	☐ Financial Declaration
☐ Proposed Parenting Plan	☐ Declaration of: _____
☐ Proposed Child Support Order	☐ Declaration of: _____
☐ Proposed Child Support Worksheets	☐ Declaration of: _____
☐ Other: _____	☐ Other: _____
☐ Other: _____	☐ Other: _____
☐ Other: _____	☐ Other: _____

4. Other: _____

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

Signed at (*City and State*): _____ Date: _____

► _____
Signature of server

Print or type name of server