

# File a motion for attorney fees in a divorce case

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Ask the judge in your divorce case to order your spouse to pay money for you to hire a lawyer. (Forms and instructions)

## **1. Fast facts**

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“Judge” here refers to judges and court commissioners.

If you're involved in a divorce case filed in a Washington state superior court, you can ask for a court order for your spouse to pay money for you to hire a lawyer if all these are true:

- You believe you need to hire a lawyer to get a fair result in your divorce
- You can't afford a lawyer with just your income
- Your spouse can afford to help pay your attorney fees

Under Washington State law

(<http://apps.leg.wa.gov/rcw/default.aspx?cite=26.09.140>)

(<http://apps.leg.wa.gov/rcw/default.aspx?cite=26.09.140>), a judge can order one spouse to pay the other's attorney fees after considering both parties' financial resources. You can ask for fees for services before filing or during a divorce, modification, or enforcement proceeding.

To ask the judge to do this, you must file a motion. There's no deadline, but you should file as soon as you can.

You'll file a motion for attorney fees in the Superior Court where your divorce is filed. When filing, you use the same case number. This motion is part of your divorce case.

**A motion** is any request you make to the judge while your case is in progress, before or after a trial. [Get family forms](#) to find the right motion forms for your situation.

For most motions, you must put all your requests and evidence in writing, schedule a hearing, file your papers with the court clerk, and serve the other party. You can file written statements (called declarations) from yourself and other people supporting your case. The other party can respond in writing.

**This is different from a trial** where witnesses must testify in person. The judge holds a trial to make a final decision on all issues in your case.

## **Do I have to pay to file a motion?**

It shouldn't cost anything to file a motion. You may have to pay for copies of whatever orders the judge signs.

## **How will the judge decide?**

After you file and serve your motion and notice of hearing, your spouse will have a chance to respond in writing. Go to the hearing even if your spouse doesn't respond in writing.

At the hearing, the judge should balance your spouse's ability to pay the fees against your need for attorney fees. The judge must consider your financial situation and your spouse's.

## **What if the judge doesn't approve my motion?**

The judge might not order your spouse to pay your attorney fees if you both have similar incomes, or if neither of you can afford a lawyer. Many people represent themselves in family court.

If you file a motion that the judge thinks wastes the court's time, the judge might order you to pay your spouse's court costs. If you're unsure if you should file this motion, try to talk to a lawyer.

## **2. Step-by-step**

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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](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 haven't already filled out and filed a Financial Declaration, you should do so now. File and serve the Financial Declaration with your other papers for this motion.

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.

4. **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.

5. **Have the server fill out the Proof of Mailing or Hand Delivery. Make 2 copies.** File the original with the Superior Court Clerk. If there will be a hearing, bring your copies to the hearing.
6. **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.

7. **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](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.

8. **Go to your hearing.** Read chapter 3 for how to get ready for and what to expect at your hearing.

9. **Tell the judge's clerk you want a copy of the order.** Follow the clerk's instructions about getting copies.

10. **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.

### 3. Hearing

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**Need an interpreter?** You have the right to interpreter services in court at no cost to you. Each court should have a contact person for interpreter requests. As soon as you find out about a court date, contact the court to ask for an interpreter.

#### 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.

## 4. Forms

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Form attached:

**Motion for Attorney Fees (Divorce)** (NJP Family 926)

Form attached:

**Order on Motion for Attorney Fees (Divorce)** (NJP Family 927)

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.

**Form section 4. Declaration:** Check the box for “Other reasons or information about the other party’s or my financial situation” if there are any other details here you think the judge should know. List those details here.

**Examples:**

- “I’m the primary parent for our two young children. My spouse doesn’t give me any support for them.”
- “I’ve gotten some advice from Northwest Justice Project (or a volunteer lawyer program), but they have too many cases and can’t represent me.”
- “We’ve been married for 10 years. My spouse has worked for the past 15 years in sales. I’ve been a full-time stay-at-home parent.”

If you haven’t already filled out and filed a Financial Declaration, you should do so now. File and serve the Financial Declaration with your other papers for this motion.

### **Tips for filling out the Order on Motion for Attorney Fees (Divorce) (NJP Family 927)**

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](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.

Superior Court of Washington, County of \_\_\_\_\_

Petitioner/s (person/s who started this case):  
\_\_\_\_\_

No. \_\_\_\_\_

Motion for Attorney Fees (Divorce)  
(No mandatory form)

And Respondent/s (other party/parties):  
\_\_\_\_\_

## Motion for Attorney Fees (Divorce)

**Use this form** to ask the court to order the other party to pay your attorney fees in a divorce case or in a modification or enforcement case after a divorce. Use this form together with the Order for Attorney Fees (Divorce), NJP Family 927.

### To both parties:

**Deadline!** Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at [www.courts.wa.gov](http://www.courts.wa.gov).

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 do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side.

1. **My name is** \_\_\_\_\_.

I am the (*check one*)  Petitioner  Respondent in this case.

2. **Motion**

I ask the court to order the other party to pay attorney fees as follows:

- Pay \$\_\_\_\_\_, so that I may pay a lawyer to represent me.
- To be paid no later than 5:00 pm on (*date*) \_\_\_\_\_ by:
  - Delivery directly to me.
  - Deposit into the court registry, to be released to an attorney who enters a Notice of Appearance for me.
  - Other: \_\_\_\_\_

3. **Basis**

The court can order one party to pay the other party's attorney fees from time to time after considering the financial resources of both parties. These fees can be for services before filing or during a divorce case, modification, or enforcement proceeding. RCW 26.09.140.

4. **Declaration**

The other party should pay my attorney fees because (*check all that apply*):

- The other party has a lawyer. I cannot afford a lawyer.
- The other party's income is higher than mine.
- I have spoken with a lawyer who may be willing to take my case if I can figure out how to pay them.
- I have filed the following document/s with the court that show my income:
  - Financial Declaration
  - Sealed Financial Source Documents (*describe*): \_\_\_\_\_
- Other reasons or information about the other party's or my financial situation:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 (*city and state*): \_\_\_\_\_ Date: \_\_\_\_\_

▶ \_\_\_\_\_  
*Moving party signs here* *Print name*

Superior Court of Washington, County of \_\_\_\_\_

Petitioner/s (person/s who started this case):  
\_\_\_\_\_

No. \_\_\_\_\_

Order on Motion for Attorney Fees  
(Divorce)

And Respondent/s (other party/parties):  
\_\_\_\_\_

(No mandatory form)

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## Order on Motion for Attorney Fees (Divorce)

*Use this form with the Motion for Attorney Fees (Divorce), NJP Family Law 926.*

### 1. Basis

The (check one):  Petitioner  Respondent made a Motion for Attorney Fees in a divorce case, or a modification or enforcement proceeding after a divorce.

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.

### 2. Hearing

The court held a hearing on the motion on (date) \_\_\_\_\_

The court heard testimony or argument from (name/s) \_\_\_\_\_

### 3. Findings

After considering the financial resources of both parties, the court finds good cause to approve this order.

Other findings, if any:

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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.)*

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