

# Write a declaration (family law)

## **Author**

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You or a witness can write a declaration to give information in a court case before trial. You can keep *some* financial, medical, and other information confidential by filing it under a Sealed Cover Sheet. These forms are for family law, guardianship, or protection order cases. For other civil (non-criminal) court cases, use our general declaration form.

Form attached:

**Declaration of (name):** \_\_\_\_\_ **(family law)** (FL All Family 135)

Form attached:

**Sealed Cover Sheet – Confidential** (All Civil 040)

## **What is a declaration?**

It's a written statement that you swear under penalty of perjury is the truth. "Swearing under penalty of perjury" means you understand that you can get in trouble if it turns out that your written statement isn't true.

You make this statement if you have direct knowledge about the issues in a court case. You must sign and date the declaration, but it doesn't have to be notarized or witnessed by other people who see you sign it.

## **What's a declaration used for?**

You usually use Declarations when filing or responding to motions in court. A Declaration can help you tell “your side of the story,” explain your requests, give needed information, and respond to someone else’s Declaration.

You can write a declaration about what you know. You can also ask other people (witnesses) to write declarations about what they know.

The information in a Declaration can help the judge decide how to rule on the motion. At a motion hearing, the parties usually don’t get much time to speak. You also usually can’t testify.

Anything the judge needs to know to make a decision should be in a written Declaration.

## **Are there other reasons to file declarations with the court?**

**Yes.** If the judge has appointed a Guardian ad Litem (GAL) to your case, the GAL will often use the Declarations to understand the issues, help decide what is in the child’s best interests, and to understand if a child has been harmed or would be harmed by living with a parent.

## **What do I put in my declaration?**

It depends on what the motion is about and what you know about that subject. In general, the Declaration is a chance to give key facts related to the motion.

Base your statement on **your own personal knowledge** (what you saw or experienced), not what someone else told you. One exception: You may talk about what *another party* has said.

**Example of what you can put:** "Petitioner called me and threatened to disappear with our children if I filed for divorce."

**Examples of what you can't put:** "The police officer told me he responded to similar calls when Petitioner was married to his ex-wife," or "Petitioner's mother told me he tried to commit suicide when we separated."

However, the cop and Petitioner's mother in the examples above can give their own Declarations of their direct knowledge about the Petitioner.

If you need Declarations about parenting, a witness might write about some or all of these (if they know):

- Times they have seen each parent with the children
- Each parent's relationship and interactions with the children
- Each parent's living situation, and if it is appropriate for children
- Any problem issues affecting a party or child, such as substance use, domestic violence, child abuse or neglect, criminal behavior, or mental health issues
- Any special needs a child has
- What they've heard a parent say to or in front of the children about the other parent
- Each parent's dependability, truthfulness, and if they would trust the parent to care for their children
- Which parent makes the children's meals, takes them to doctor's appointments, grooms them, washes their clothes, and so on

### **Tips for writing a declaration**

Put your **most important points first**.

Type the Declaration out or print neatly in **black or dark blue ink**. A few courts require that you type all Declarations. If you type, remove the underlining. If the Declaration is hard to read, the judge may not try.

Don't make the Declaration too long.

**Tell your side of the story.** If you are responding to the other party's motion, or writing a reply Declaration, respond to the major points the other party's Declaration made.

Explain how well you know the parties or children, how often you see who you're writing about, and in what situations.

**Example:** "I've lived next door to the Johnsons for 4 years. Our kids are the same age and play together after school most days."

If appropriate, explain events from oldest to most recent.

**Example:** "Respondent has a history of committing domestic violence. In March 2023, he was convicted of fourth degree assault against me. He is currently charged with 4<sup>th</sup> degree assault against me for an incident that took place February 15, 2024."

Stick to issues the judge will be deciding. **Be specific** on those issues.

General statements such as “she is a bad parent” or “the children are much happier living with Mary” don’t help. You should describe specific things and say when and where things happened.

**Example:** “About a year ago, Joe knocked over our mailbox while driving. I ran out to the street to see what had happened. I smelled liquor on his breath. I have seen him weaving down the road in his car three other times this year.”

**Use headings** to organize the Declaration. This makes it easy to find the subject. Take time to organize your ideas before you write.

**Re-read the Declaration** after writing it. Any corrections must be neat and readable. Don’t write in the margins of any page.

**Attach extra pages** to the Declaration if you need more space. Don’t go over the page limit for Declarations. Your extra pages should also have margins of at least one inch. You should number all the pages at the bottom.

Follow the instructions about using **sealed cover sheets**.

### **Are there page limits?**

It depends. Some courts limit the number of Declarations they'll accept or the total number of pages (or words) you can file. Ask the court clerk or family law facilitator (if there is one) about any limits on the length or number of Declarations.

You don't usually need more than one witness to say the same thing. If several witnesses would say the same things, choose just 1 or 2 to write a Declaration.

## What is an exhibit?

It's a "written proof document" attached to a Declaration that helps prove what the Declaration says.

**Examples:** Texts, photos, bills, school records, medical or treatment records, criminal history, law enforcement records.

Some counties say "attachment" instead of "exhibit." Your county may have its own rules for using exhibits or attachments.

You should label the papers you attach to your Declaration Exhibits and number (1, 2, 3) or letter (A, B, C) them. Some exhibits need a **sealed records cover sheet** to keep them private. We explain more below.

## Do I need to give the other party copies of any declarations I file?

**Yes.** File the originals of signed Declarations with the court and serve copies to all other parties to your case. You can serve the Declarations together with any other court papers you're filing at the same time

If you're afraid for your safety or the children's safety, you can block out (redact) information identifying your location on the copies you file with the court and give the other parties.

## Can other people write a declaration to help my case?

**Maybe.** You can ask people who have directly seen, heard, or otherwise witnessed important events to write Declarations explaining what they know, such as:

- Teachers
- Doctors
- Relatives
- Counselors
- Friends
- Scout leaders
- Coaches
- Clergy
- Law enforcement officers
- Neighbors

The judge may give more weight to a neutral person or professional than someone obviously supporting only one side of the case.

### **What is the Sealed Cover Sheet for?**

Use the Sealed Cover Sheet to keep certain documents **out of the public court file**. You still must serve a copy on the other party in your case. If you file something **without** a Sealed Cover Sheet, anyone can ask to see it as a public record.

You can only seal certain types of documents with the cover sheet, including:

- Financial source documents (Examples: paystubs, bank records, loan documents, benefit statements)
- Health care records
- Medical or psychological reports
- Guardian ad litem or Court Visitor reports
- Social Security Representative Payee reports

If you have other types of documents you want to keep out of the public record, you must file a motion to get a court order to redact or seal. You'll have to show that your privacy or safety concern outweighs the public interest in access to the court record. This can be hard to do.

## Step-by-step

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If you're filing a declaration with a motion or other forms, follow the instructions with those forms for making copies and filing and serving all the papers together. If you're just filing declarations, follow these steps:

1. **Fill out and sign** the declaration. You can use this form or make your own. Attach any exhibits to the declaration or to a sealed cover sheet, if needed.

You can write a declaration on blank paper (or letterhead). If you do, put the name of the court, the parties' names, and the case number at the top. Also, you **must include this specific statement** above your signature at the end:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

The Declaration signer must also list their location (city and state), date, sign, and print their name.

2. **Make at least 2 copies** of each declaration and other papers you're filing with the court. Make more if needed. You'll need one copy for yourself plus one for each other party to the case. Sometimes you need an extra copy for the judge.
3. **File** your papers with the court clerk.
4. **Arrange to mail or deliver the papers to the other parties.** Have your server fill out a Proof of Mailing and Hand Delivery.
5. **Deliver a set of working copies to the judge, if needed.**
6. **File** Proof of Mailing and Hand Delivery with the court clerk.

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 \_\_\_\_\_**

In re:

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

\_\_\_\_\_

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

\_\_\_\_\_

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

Declaration of  
(*name*): \_\_\_\_\_

(DCLR)

**Declaration of (*name*): \_\_\_\_\_**

1. I am (*age*): \_\_\_\_\_ years old and I am the (*check one*):  Petitioner  Respondent

Other (*relationship to the people in this case*): \_\_\_\_\_

2. I declare: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(Number any pages you attach to this Declaration. Page limits may apply.)*

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form (and any attachments) are true.  I have attached (number): \_\_\_\_\_ pages.

Signed at (city and state): \_\_\_\_\_ Date: \_\_\_\_\_

Signature \_\_\_\_\_ Print name \_\_\_\_\_

*Sign here* *Print name*

**Warning!** Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a **Sealed** cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents.

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

In re: \_\_\_\_\_

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

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

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

**Sealed Cover Sheet – Confidential:**

(check one)

- Sealed Financial Source Documents (SEALFN)  
 Sealed Personal Health Care Records (SEALPHC)  
 Sealed Confidential Report (SEALRPT)

**Court Clerk:** This is a Restricted Access Document. Do not file in a public access file.

**Sealed Cover Sheet – Confidential**

**Important!** Use this cover sheet as page 1 of a separate filing. Check document/s below. Write "Confidential" at least one inch from the top of the first page of each attached document. For use only in family law, guardianship, and protection order cases.

- Financial Source Documents (SEALFN) (describe) \_\_\_\_\_  
\_\_\_\_\_
- Health Care Records (SEALPHC)  
 Medical/Psychological Report (SEALRPT)  
 Court Visitor/Guardian ad Litem Report (SEALRPT)  
 Social Security Representative Payee Report (SEALRPT)  
 Other \_\_\_\_\_

Submitted by:



Signature \_\_\_\_\_

Print Name \_\_\_\_\_

WSBA  CPG#

**Privacy Notice!** All parties, court staff, and authorized volunteers may have access to these documents.