Write a declaration (civil)

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You or a witness can write a declaration to give information in a court case before trial. This form is for civil cases such as eviction, debt collection, and birth certificate gender change petitions. For family law, guardianship, or protection order cases, use the family law declaration form and instructions.

Form attached:

Declaration of (name): _____ (general civil) (NJP General 010)

What is a declaration?

A declaration is 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 declaration isn’t true.

You make a declaration 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. Sometimes you will include a Declaration in your initial petition that starts a case. 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 or petition. 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.

What do I put in my declaration?

It depends on what the motion or petition is about and what you know about that subject. In general, the Declaration is a chance to give key facts related to the motion. Use your declaration to tell your story about what you want the judge to do and why. List important facts and events clearly in the order they happened.

> **Example:** If you're filing a petition to amend your birth certificate, you might write a Declaration with facts the judge needs to know. Your Declaration could include your birth information, birth certificate information, birth state rules for changing gender

> designation on the record, a statement about your Washington residency, statements about the impact on your life, and other important information you want the judge to know before they decide your case.

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:** "My landlord called me and said he wouldn't repair the broken windows."
>
> **Example of what you can't put:** "My neighbor told me the landlord did the same thing to them."

However, the neighbor in the example above can give their own Declaration of their direct knowledge about what the landlord did. You would include that as their own signed separate written statement of Declaration in addition to your Declaration.

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 to read it.

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 situation or how often you see who you're writing about.

> **Example:** "Dylan has worked for me at Acme Plumbing for 15 years."

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

General statements such as "she is a bad landlord" or "he's always drunk" don't help. You should describe specific things and say when and where things happened.

> **Example**: "About a year ago, Joe knocked over my 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."
>
> **Example**: "I believe I will suffer harm and stress if I am not able to change the gender on my birth certificate because I work in a job where it could be found out that I am transgender. I believe I would suffer harassment and discrimination if the record of my birth gender were to remain unchanged."

Write your Declaration like a timeline list of facts that tell a convincing and true story. Write in short, clear, numbered sentences. Try to be specific and direct.

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.

Are there page limits?

It depends. Some courts limit the number of Declarations or the total number of pages (or words) you can file. Ask the court clerk 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, birth certificate copies, doctor's

letters, 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.

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 your 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. You may need to file any redacted paperwork using special confidential forms. If you need to do this, you should talk to you local court clerk about what to do.

I'm worried about privacy. Will my declaration be a public record?

Generally, anything you file in your court case is a public record unless the case or record is sealed. Public record means anyone can see it.

Privacy tip! You can block out (redact) some information, such as your home address, social security and financial account numbers, and children's birth dates. If you block something out on the copy

> you give the other party, you must also block it out on the copy you file with the court.
>
> If you're filing a declaration in a family law, protection order, or guardianship case, you can use a sealed cover sheet to keep certain medical, financial, and confidential information private.

Some types of cases are always sealed so they are **not** public records. (Examples: adoption, civil commitment, dependency, sealed name changes in Superior Court.) Only court staff, parties to the case, and their lawyers can see those records. If you file a Declaration in a sealed case, then the Declaration will be confidential.

If your case isn't sealed and you have a serious privacy or safety concern about information in a declaration, you can 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

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. Label and attach any exhibits to the declaration.

   You can use this form or make your own. If there is a specific declaration form for your type of case, use that form.

   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.

   This perjury phrase must be **exact**. 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 (if there are any).** Have your server fill out a Proof of Mailing and Hand Delivery.

5. **Deliver a set of working copies** (https://working) **to the judge, if needed.**

6. **File** Proof of Mailing and Hand Delivery with the court clerk.

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_____ Court of Washington, County of _____

Petitioner / Plaintiff: _____	No. _____
And Respondent / Defendant: _____	Declaration of (*name*): _____ (DCLR) (*No mandatory form*)

Declaration of (*name*): _____

1. **I am** (*check one*): ☐ the Petitioner / Plaintiff ☐ the Respondent / Defendant

   ☐ Other (*relationship to people in this case*): _____, age ___.

2. **I declare:**

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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(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: _____

▶ _____ _____

Sign here *Print name*

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