

# When you've received divorce papers: The basics

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**Last Review Date**

December 11, 2024

If your spouse wants a divorce, they must make sure you receive court papers called a summons and petition. You could also receive an immediate restraining order or a motion for temporary orders. Learn some basics, including what these court papers are, whether the divorce is filed in the right place (and what you can do if it isn't), and how, why, and when to respond.

**Fill out forms online**

- Respond to Divorce  
<https://lawhelpinteractive.org/Interview/GenerateInterview/7064/engine>

**What does it mean to be served with divorce papers?**

Look at the title of the papers you received. The title is in the upper right section of the first page, under the case number. If you got a

**Summons and a Petition for Divorce**, you have a divorce case.

When someone files a court case against you, they must have a copy of their court papers – their petition, summons, and other papers filed - delivered to you. We call this having you "served" or "service of process."

In a divorce case, usually your spouse must have someone else deliver the papers to you in person. If you avoid service, your spouse can get permission to have the papers delivered to you by mail.

If you'd prefer to get the papers by email or some other way, you can sign a form saying you accept service. Accepting service doesn't mean that you agree to everything your spouse asked for. It just means you agree you received the papers.

You have a legal right to receive a copy of court papers filed against you. The judge won't make any decisions in the divorce until your spouse can show proof that you received copies of the court papers.

Once you've received the papers, you must act right away to figure out how to respond to the case by the court's deadline. You may need to respond a Motion for Temporary Family Law Orders or an Immediate Restraining Order, as well as respond to the Petition for Divorce. Even if you mostly agree with what your spouse has asked for in the court papers you received, don't ignore the papers!

**What happens if I don't respond on time?**

If you don't respond by the deadline, the court will give your spouse everything they've asked for in their divorce papers with no input from you (called a default judgment).

It's very hard to undo a default. Get started with your response right away.

### **What county did my spouse file for divorce in?**

The papers should say "Superior Court of Washington, County of \_\_\_\_" at the top. Your spouse should have started (filed) the case in the county that you live in or the county your spouse lives in.

If your spouse didn't file in one of those counties, you can ask the court to move the case to the right county.

### **I also received an Immediate Restraining Order. What should I do?**

An Immediate Restraining Order (and Hearing Notice) is a court order your spouse got without giving you notice beforehand. It also tells you that your spouse has scheduled a hearing.

**Obey the Immediate Restraining Order** until your court hearing. At the hearing, the court will decide if it should keep the Immediate Restraining Order or end it.

**Find out your deadline!** Every county's motion response deadline is different. It could be anywhere from **1 week** to **1 day** before the hearing. It may not be listed on the papers you received. Contact the Superior Court Clerk's office ([https://www.courts.wa.gov/court\\_dir/?fa=court\\_dir.county](https://www.courts.wa.gov/court_dir/?fa=court_dir.county)) or

### Courthouse Facilitator

([https://www.courts.wa.gov/court\\_dir/?fa=court\\_dir.facils](https://www.courts.wa.gov/court_dir/?fa=court_dir.facils))

([https://www.courts.wa.gov/court\\_dir/?fa=court\\_dir.facils](https://www.courts.wa.gov/court_dir/?fa=court_dir.facils)) to ask what the deadline to respond is. Tell the clerk what type of motion you received and when the court hearing will be.

Do your best to **respond by the deadline or at least before the hearing**.

You must act fast to respond – the sooner the better. You may only have a few days to do so. Provide working copies to the judge before the hearing.

If you need more time, you can try asking to reschedule (continue) your court hearing. Rescheduling could mean that the Immediate Restraining Order stays in place for longer.

### **I also received a Motion for Temporary Family Law Orders. What should I do?**

Look for a Hearing Notice. Your spouse has probably scheduled a hearing on the Motion. If you don't see a hearing notice, call the clerk of the court where the divorce is filed to ask if a hearing has been scheduled.

**Find out your deadline!** Every county's motion response deadline is different. It could be anywhere from **1 week** to **1 day** before the hearing. It may not be listed on the papers you received. Contact the Superior Court Clerk's office ([https://www.courts.wa.gov/court\\_dir/?fa=court\\_dir.county](https://www.courts.wa.gov/court_dir/?fa=court_dir.county)) or Courthouse Facilitator

([https://www.courts.wa.gov/court\\_dir/?fa=court\\_dir.facils](https://www.courts.wa.gov/court_dir/?fa=court_dir.facils)) to ask what the deadline to respond is. Tell the clerk what type of motion you received and when the court hearing will be.

Do your best to **respond by the deadline or at least before the hearing**.

Provide working copies to the judge before the hearing.

If you need more time, you can try asking to reschedule (continue) your court hearing.

### **I've never lived in Washington State. Can my spouse file for divorce there?**

It depends. If your spouse lives in Washington, they can file and get a divorce here. But the judge's authority over you might be limited unless you do or have done something to give it jurisdiction, or you agree to let Washington have jurisdiction over you.

**Jurisdiction** is the court's authority to make orders about people and issues in a case.

Without jurisdiction over you, the judge **can't** divide property and debts, award money, set child support or spousal support, or approve a restraining or protection order.

The judge **can** make a parenting plan if Washington has jurisdiction over your children, even if you've never lived here.

**If you don't believe Washington has jurisdiction over you**, and you don't want your divorce to proceed here, don't do anything to give Washington jurisdiction over you. **Don't** file a response, sign agreed orders, or ask the judge to do anything other than end (dismiss) the case. Here are some things you **should** do, as soon as you can:

- **Before any hearings**, you should write the judge assigned to your case a letter saying why Washington doesn't have jurisdiction over you. You can find the court's address and contact info using the Washington State court directory ([https://www.courts.wa.gov/court\\_dir/](https://www.courts.wa.gov/court_dir/)). You can call the Superior Court where the divorce was filed to find out which judge your divorce case has been assigned to. You can also file a motion to dismiss for lack of jurisdiction. A lawyer might be able to help you with this.
- **If a hearing is already scheduled** and you cannot write to the judge before the hearing, go to the hearing. (If it would be hard to go in person, call the court clerk well before the hearing to ask if you can take part in the hearing by phone or electronically.) Tell the judge why you think there's no jurisdiction over your case. If the judge rules against you, be ready to respond to the divorce in Washington.

If you're going to a hearing to tell the judge you think Washington lacks jurisdiction, you should still prepare a written response to the motion or petition **before** the hearing. **Don't file** the response, but bring it with you to the hearing. If the judge decides that Washington has jurisdiction, you should then ask the judge to read your response.

If you don't tell the court that Washington doesn't have personal jurisdiction over you as soon as possible, then the case will

probably proceed in Washington. You probably won't be able to object later.

## **I agree the divorce should be in a Washington court. What happens after I file my response?**

It depends. If your spouse has asked for temporary or immediate restraining orders right away, you'll need to respond to that motion and go to a hearing. If your spouse hasn't filed for such orders, but you believe either of those is needed, you can file for temporary orders yourself.

If you need more information about your spouse's situation, whether to go to trial or try to reach agreement, you can start a process called discovery to try to get that information.

Eventually you'll need to finalize your divorce. How that happens depends on how much you and your spouse agree about.

## **Step-by-step**

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### **1. Figure out which court the divorce is filed in.**

Read the top of the first page of the Summons or the Petition. It should say something like "Superior Court of Washington, County of Clark." This is where you'll have to file your response.

## 2. **Figure out how much time you have to respond.**

Look at all the papers you received. The Summons should tell you your deadline to file your response to the petition.

Look carefully through all the papers to see if you were also served with a Motion for Temporary Family Law Orders or Immediate Restraining Order and Hearing Notice along with the Summons and Petition. There's probably a separate deadline to respond to either of those.

**Notice re Military Dependent:** If you got this notice, and you're a military dependent, as the notice explains, you must notify your spouse and the court within 20 days after you received the notice.

## 3. **Read the papers carefully.**

You need to find out what your spouse is asking for. Use a yellow highlighter. Mark everything in your spouse's papers that you want to respond to.

## 4. **Try to talk to a lawyer.**

Even if you can't afford a lawyer to represent you, try to talk to a lawyer for advice, if you have time.

## 5. **Gather your evidence.**



Try to get the evidence you'll need now, for use when filling out forms. Think carefully about what information will help show what you are telling the judge is correct or what the other party says is not true. This could include declarations from you and other people with personal knowledge, records, photos, and financial information.

## 6. **Write your response.**

Fill out the Response to Petition about a Marriage. You can fill it out online or print it to fill out by hand. If you also need to respond to any motions, answer a few questions on Get family law forms to get the right forms for your situation.

## 7. **Make 2 copies.**

Make 1 copy for yourself, and 1 for your spouse.

## 8. **Serve a copy on your spouse.**

If your spouse has a lawyer, serve the lawyer instead of your spouse.

You can do this yourself or have someone else do it for you. You can always serve by hand delivery or mail. You can serve by email or fax only if the other party (or their lawyer) says they accept service that way in their papers, or if your court's local rules allow it.

For hand delivery, the other party (or lawyer) must receive their copy by the deadline. Ask them or their office staff to date-stamp your copy.

For mailing, you must put the copies in the mail at least **3 days before** the deadline. Ask the Post Office for tracking or delivery confirmation.

You (or your server) must fill out and sign the Proof of Mailing or Hand Delivery. Make 1 copy.

9. **File the originals.** (If the case has not yet been filed, skip this step.)

You can be served with a lawsuit before the case is filed in court. Look for a case number on the papers you received. It should be on the top right of the first page. **If there's a case number, the case has been filed.** If you **don't** see a case number, it may not be filed yet. You can call the court clerk to check.

**To file in person:** Take your completed papers to the court clerk and file the originals. Have your copies date-stamped to prove when they were filed. Keep your copies.

**To file by mail:** mail the court clerk 2 copies with a postage-paid return envelope addressed to you. Mail early so the court receives it by the deadline!

**Some courts let you file papers online (e-file).** Check your court clerk's website for instructions.

10. **Get ready for and go to any court hearings.**

Once you've timely filed your response or responses and served your spouse (or their lawyer), you should get notice of any **court dates (hearings)**. If you're too late and the judge has entered any orders against you, try to talk to a lawyer right away.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.