

File a court case

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Filing a case (sometimes called a lawsuit) is the first step in suing someone or asking a judge to resolve a legal dispute in court. The paperwork you need and where you'll file depends on the type of case. Learn how to get started.

If you want to start a court case or sue someone, you must file the case in the right court for your type of case. For example, if you're suing someone for less than \$10,000, you should file your case in small claims court. If you're suing for more than that, you must file in a different court. For a family law case, you must file in a county Superior Court, or sometimes in tribal court.

You must also file in the right county. This will depend on where you and the person, business, or organization you are suing are located. In a family law case involving children, it also matters where the children have been living.

When you file a case, you're usually called the Plaintiff or Petitioner. The other party is the Defendant or Respondent. For some cases, like probate and name change, there is no other party.

You can only start a civil (not criminal) court case. A prosecutor is the only one who can start a criminal case against someone.

Step-by-step

Filing a case generally involves these steps:

1. Fill out court forms

You can sometimes find out from the clerk of the court where you're filing which paperwork you'll need, or if it's a family law case the courthouse sometimes has a family law facilitator (https://www.courts.wa.gov/court_dir/?fa=court_dir.facils) to help with this.

Depending on the type of case, you might find the paperwork you need in our form library. If it's a family law case, answer a few questions on Get family law forms to get the right forms for your situation. Your local court's law library may have other forms.

2. Make copies

You'll generally need a set of copies of your completed paperwork for your own records, and one set to deliver to (serve on) each party you're suing. You may be able to make your copies at the clerk's office after you

file. The clerk might charge a small fee for copies.

3. Submit original forms to the court clerk

Bring your completed forms to the clerk's office for the court where you want to file. You can also file by mail and, in some courts, electronically.

Tell the clerk you want to file a new case. Give the clerk your set of originals.

4. Pay the filing fee or ask for a fee waiver

For most types of cases, you must pay a fee to file. This fee could cost a few hundred dollars. If you believe you can't afford it, you can ask the judge to cancel (waive) the filing fee.

5. Get a case number

The clerk will give you a case number. Stamp or write the number on your copies, along with the date that you filed.

In some courts, the clerk will also give you a case schedule with important dates for your case.

6. Have the other party served

For most cases, you will have to have someone else personally serve the papers on the other party.

7. Proceed with your case

After you file the case and have the other party served, your next steps will depend on the type of case and whether the other party responds.

For example, in a family law case you may want to get temporary orders, seek information through discovery, get ready for mediation or a settlement conference. If the other party does not respond, you can ask for a default. If the other party responds and you cannot agree, you may need to get ready for trial.

Starting September 1, 2025, someone who is in a jail, detention, or prison facility when they receive divorce or other family law court papers, including minor guardianship, has 60 days to respond to the case.

WashingtonLawHelp.org gives general information. It is not legal advice.

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