

# How to Write a Declaration in a Family Law Case

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## What is a Declaration?

It is a written statement, sworn to be the truth under penalty of perjury by someone with direct knowledge about the issues in a court case.

## What is it for?

You usually use Declarations when filing or responding to motions in court. A declaration's information can help the judge<sup>1</sup> decide on the motion. At a hearing on a motion, the parties do not get much time to speak. You also usually cannot testify about facts in the case. Anything the judge needs to know to make a decision at the hearing should be in a declaration.

If the judge has appointed a guardian ad litem (GAL), the GAL will often use the declarations:

- to understand the issues
- to help determine what is in the child's best interests
- to understand whether a child has been harmed or would be harmed by living with a parent

The parties usually file the originals of signed declarations with the court and serve copies on other parties with the motion, or the response or reply to the motion.

## What is in this packet?

- the general Declaration form you must use
- three sealed cover sheets
- instructions and suggestions for these forms, including how and when to use a sealed cover sheet

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<sup>1</sup> Court commissioners, not judges, make many decisions in family law cases. Court commissioners are like judges, but only make decisions relating to a particular subject matter. Many counties have family law commissioners who decide only family law cases. In this publication, "judge" means judge OR commissioner.

## Who should not use the Declaration form in this packet?

If you are getting ready for trial, your witnesses will usually must appear in person, not by declaration. Judges usually do not admit declarations as evidence at a trial.<sup>2</sup> A few counties might allow or require oral testimony at motions hearings. Most decide motions based on declarations. Check your local court rules.

**Some motions have special declaration forms.** They are not in this packet. If you need a declaration for a particular motion, you may need a special form used just for that motion.

**Example:** *A Declaration: Personal Service Could Not be Made in Washington* form. Our [website, www.washingtonlawhelp.org](http://www.washingtonlawhelp.org), has a list of family law packets for many different motions. Each packet has the state-wide court forms for that motion. Court forms are also available on the [court's website: http://www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/).

By presenting a declaration from a witness, you may be giving up the right to keep confidential other information that witness may have about you or the child.

## Who should write the declaration?

If you are a party (petitioner or respondent), you may need to write your own declaration at different pre-trial stages of the case,<sup>3</sup> to:

- tell “your side of the story”
- explain your requests
- give needed information
- respond to someone else’s declaration

You can also ask other people who have directly seen, heard, or otherwise witnessed important events to write declarations explaining what they know. Some examples of people to ask:

- teachers
- doctors
- relatives
- counselors
- friends

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<sup>2</sup> One exception: child support modification cases often have trial by affidavit (declaration) instead of in-person testimony.

<sup>3</sup> Some motions require special declaration forms not in this packet.

- scout leaders
- coaches
- clergy
- cops or other law enforcement officers
- neighbors

Generally, you do not need more than one witness to give the same information, especially if everyone agrees the info is true. If several witnesses would say the same things, choose just one or two to write a declaration.

Generally, the judge gives more weight to a neutral person or professional than someone obviously supporting only one side of the case. The more specific information someone has about the parties and/or child, the better for your case. Teachers, counselors, and/or other such professionals may need a signed release of information form before writing the declaration.

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❖ Some courts limit the number of declarations they will accept or the total number of pages you can file. Check your local court rules.

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### **What is an exhibit?**

It is a document -- written proof attached to a declaration that helps prove what the declaration says. **Examples:** copies of

- bills
- school records
- medical or treatment records
- police records

You should call the papers you attach to your declaration Exhibits and either number (1, 2, 3) or letter (A, B, C) them. Certain types of exhibits need a sealed records cover sheet. We explain more below.

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

### **General instructions for the forms in this packet:**

The main family law packets at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) have more complete General Instructions. The info below is shorter. It has info you will probably need when writing declarations in a case that has already been filed.

**Format:** The pleadings (legal forms) you file with the court must follow court rules about size and margins ([GR 14\(a\)](#)). You must use regular size (8 ½ x 11”) white paper. You must use only one side of the paper. The first page of each paper you file must have a three-inch margin (three inches of space) at the top. The other margins (left, right and bottom, and the top from the second page on) must be at least one-inch wide. Use black or dark blue ink. If your forms do not follow these rules, the court clerk may refuse to file them or may make you pay a fine.

**The caption.** The caption has the case name and number, the court’s name, and the court paper’s title. It appears at the top of the first page of every pleading.

- **Name of the court.** Put the name of the county where the case is filed in the blank where it says "Superior Court of Washington County of \_\_\_\_\_."
- **Case name.** Fill out the names the same as they are on the Petition.
- **Case number.** Put the case number from the Petition near the top on the right-hand section of the first page of every form.

**Identifying Information.** The next two boxes explain these court rules protecting your privacy: [GR 15](#), [GR22](#) and [GR 31](#). Use this info and the instructions for each form to help you decide if you need a sealed cover sheet.

#### **Box #1**

Almost all pleadings, orders and other papers filed with the court are available to the public, and may be available online.

#### **Things You Should Not Put in Most Court Papers:**

**Home Address (where you live) and Phone Number:** You do not have to put these in court papers. You do need to give an address where you can get mail from the court. You should also give the court a phone number where they can reach you.

**Social Security/Driver’s License, ID Numbers of Adults and Children:** You do not have to put these in court papers. If you do, put only the last four digits, not the whole number.

**Dates of Birth of Children:** Do not put them in court papers.

**Bank Account, Credit Card Numbers:** Put the bank name, type of account (savings, checking, and so on), and only the last four digits of the account number.

**Box #2:****PRIVATE INFORMATION YOU SHOULD FILE WITH SEALED COVER SHEETS:**

**If you use a sealed cover sheet, the other party and the court can still see this information. It does not go in the public file.**

**Financial Information:** You should attach pay stubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders to a Sealed Financial Source Documents form.

**Medical or Mental Health Records or Information:** You should attach papers that have health or mental health information (information about past, present, or future physical or mental health of a person, including insurance or payment records) to a Sealed Personal Health Care Records form.

**Confidential Reports:** Reports such as Parenting Evaluations, CPS Reports, Domestic Violence Assessments, and Guardian ad Litem Reports that are for court use must have two sections, public and private. You should attach the private section to a Sealed Confidential Reports Cover Sheet.

**Retirement Plan Orders:** Certain retirement information belongs in the public file. “Retirement Plan Orders” do not. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. Read [GR 22](#) or see a lawyer if this affects your case.

**Other Kinds of Confidential or Embarrassing Information Not Mentioned Above.** If the paper you want confidential is not in the above list, you may have to ask court permission to seal that paper or part of it under [General Rule \(GR\) 15](#). There is no packet for this. There are presently no mandatory forms for this type of motion. Talk to a lawyer.

## Instructions and Suggestions for the Forms in this Packet

### A. Instructions for Declaration Form – FL All Family 135

Read your local court rules. Your court may have other, special requirements for declarations. Also, some motions require special Declaration forms not in this packet.

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❖ Check whether your county’s local rules or forms are available [online](http://www.courts.wa.gov/rules/local.cfm?group=superior) at <http://www.courts.wa.gov/rules/local.cfm?group=superior>.

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- **Caption.** Fill out the caption on the top half of page 1. Otherwise, the clerk will not know which case the declaration is for. If you are a party, you should fill out the caption and make several copies of the declaration form **before** putting any other info. Then you will have blank forms with just your case caption on them. You can give each witness one to fill out and have one for yourself.
- **This declaration is made by.** Put the name, age and relationship to the parties in the case. **Examples:**
  - (for a party) “Susan Marty, age 28, Petitioner”
  - (for a witness) “David Everett, age 45, Susan Marty’s neighbor”
- **Blank Lines.** After “I declare,” the person writing the declaration should type or print neatly in black or dark blue ink the information s/he wants to tell the judge. The paragraphs below have suggestions.
- **Using Documents and Confidential Information.**
  - To attach documents to Declarations, such as copies of bills, school records, medical or treatment records, you should refer to them in the declaration, explain what they are, call them “Exhibits,” and number them: Exhibit Number 1, Exhibit Number 2, and so on.
    - If the documents do not need a sealed cover sheet (see the General Instructions section), staple them as attachments to the declaration.
    - If the documents have personal medical or mental health information, or financial records, or confidential court reports, put an exhibit number or letter on each paper you are attaching. When the person writing the declaration mentions that document, they should use that exhibit number or letter and put it is “filed with the Sealed \_\_\_\_\_ (*fill out name of confidential cover sheet*) cover sheet on \_\_\_\_\_ (*date*).” Do not staple the document to the declaration. Attach it to the appropriate Sealed Cover Sheet form before filing and serving it.

We describe the sealed cover sheet forms later in this packet. (The information box in the General Instructions section of this packet explains the types of papers to keep out of the public file.)

- You should attach a declaration that talks about personal medical or mental health information or financial records to the appropriate Sealed Cover Sheet form before filing and serving. We describe the sealed cover sheet forms later in this publication. (The information box in the General Instructions section of this publication explains the types of papers to keep out of the public file.)
- **Signature Line.** The person making the declaration should date and sign at the signature line and put where s/he signed the statement. Declarations do not need notarizing. The witness is swearing the statements are true under the penalty of perjury.

### **B. Tips on writing a Declaration**

- Declarations should be as short as possible. Stick to the main points you need to make. Put your most important points first. Put less important points later. The judge does not want to read about anything unrelated to the motion.
- The info in the declaration must be based on your own personal knowledge (what you saw firsthand), not what someone else told you. One exception: You may talk about what another party (but not another witness) has said. **Examples of what you cannot put:** “I called the cops. The responding 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.” But the cop and Petitioner’s mother in the examples above can give their own declarations regarding their direct knowledge about the Petitioner. **Example of what you can put:** “Petitioner called me and threatened to disappear with our children if I filed for divorce.”
- Explain how well you know the parties or children in the case. **Example:** “Ralph has worked for me at Acme Plumbing for fifteen years.”
- Type the declaration out or print neatly in **black or dark blue ink**. If the declaration is hard to read, the court may not read it.
- **Be specific.** General statements such as “she is a bad mother” or “the children are much happier living with Mary” do not help. The declaration should describe specific things and give info about when and where incidents took place. **Examples:** “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.”

- **Some courts limit the number of pages** you may give to the court with a motion. Check your local rules or ask the court clerk or family law facilitator.
- You may **attach extra pages** to the declaration if you need more space. Do not go over your county’s page limit for declarations. The writer of the declaration must sign and date the declaration in the space that says “I declare under penalty of perjury...” Your extra pages should also have margins of at least one inch. You should number all the pages at the bottom.
- **Use headings** to organize the declaration and make it easy to find the subject. Take time to organize your ideas before you write, create headings, and then write your details about that subject under its heading.
- If appropriate, explain events from oldest to most recent. **Example:** “Respondent has a history of committing domestic violence. In March 2015, he was convicted of fourth degree assault against me. He is currently charged with fourth degree assault against me for an incident that took place February 15, 2016.”
- **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 made in his/her declaration.
- **Re-read the declaration** after writing it. Make sure it is correct and complete. Any corrections must be neat and readable. Do not write in the margins of any page. The clerk may reject your form.
- Follow the instructions about using sealed cover sheets.

### **C. What do I put in my Declaration?**

It depends on:

- what the motion is about
- what information you have about that subject

In general, the declaration is your chance to tell the judge the important facts related to the motion. **Example:** If you need declarations about parenting, a witness might write about some or all of the following (if she knows):

- Times she has seen each parent with the child(ren)
- Each parent’s relationship and interactions with the child(ren)
- Each parent’s living situation, and whether it is appropriate for children
- Any problem issues affecting a party or child, such as alcohol /drug use, domestic violence, child abuse/neglect, criminal behavior, or mental health issues



- Any special needs a child has
- What they have heard a parent say to or in front of the children about the other parent
- Each parent’s dependability, truthfulness, and whether they would trust the parent to care for their children
- Which parent provides for the children’s daily needs -- who makes their meals, takes them to doctor’s appointments, grooms them, washes/irons their clothes, and so on

**D. Instructions for the Sealed Personal Health Care Records (Cover Sheet) – FL All Family 012**

Unless local court rules say otherwise, use this form whenever filing any papers with the court that mention health care of any kind -- mental health care, health insurance, or medical bills. This will make sure the records are not available to the public. Use this cover sheet on any records or correspondence with information relating to someone’s past, present, or future physical/mental health condition, including past/present/future health care payments. Some papers you should file with this cover sheet are:

- medical and mental health records and bills
- letters or declarations from doctors or counselors
- medical bills & statements of medical coverage (or denial)
- cost estimates for medical care
- social security, L&I, and other disability program letters and records
- medical evaluations
- medical insurance records
- dental records
- records of alternative health care practitioners such as massage therapists, acupuncturists and chiropractors

You should try to put this cover sheet on declarations that mention medical or mental health conditions.

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❖ Keep a blank copy of this form in case you need to file more health care records later.

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Attach the confidential personal health care records to this form.

- **Caption:** Fill out the caption.

- Check the boxes next to each type of paper you are filing. If you are afraid of giving the other parties your address or your location info, block out that info on the copies you file with the court and give the other parties.
- At the top of the first page of each set of health care records, about one inch from the top of the paper, put “Sealed.”

**Submitted by:** Check the box that applies to you. Sign and print your name.

**E. Instructions for the Sealed Confidential Report (Cover Sheet) – FL All Family 013**

Use this when you are filing certain confidential reports with the court. This includes reports such as the following, if intended as reports to the court in a family law case:

- Parenting evaluations
- Domestic Violence Assessment Reports created by certain qualified people
- CPS reports
- The form lists other types of reports

If you are afraid of giving your address or your location info to the other parties, block that info out on the copies you file with the court and give the other parties.

Attach the confidential part of the report to this form.

The person preparing the report also needs to file a public portion listing:

- the materials or information reviewed
- the individuals contacted, the tests conducted or reviewed
- the conclusions or recommendations reached

**Caption:** Fill out the caption as described in Section 5.

Check the boxes next to the type of report.

At the top of the first page of the report, about one inch from the top of the paper, put “Sealed.”

**Submitted by:** Check the box that applies to you. In the blanks, sign and print your name.

**F. Instructions for the Financial Source Documents( Cover Sheet) – FL All Family 011**

Use this when filing private financial documents with the court. Keep a blank copy of this form in case you must file more financial documents later. You may attach one form to a stack of documents.

- **Caption:** Fill out the caption.
- Check the boxes next to each type of paper you are filing.
- If you are afraid of giving your address or employer’s address to the other parties, block out that info on the copies you file with the court and give the other parties.
- **Submitted by:** Check the box that applies to you. In the blanks, sign and print your name. At the top of the first page of each set of financial papers, about one inch from the top of the paper, put “Sealed.”

### **Blank Forms in this Packet**

The following blank forms are in this packet. You may not need every form. You may also need special declaration forms from other packets. See the main family law packet you are using to decide what other forms you need.

- Declaration of : – FL All Family 135
- Sealed Personal Health Care Records (Cover Sheet) – FL All Family 012
- Sealed Confidential Reports (Cover Sheet) – FL All Family 013
- Sealed Financial Source Documents (Cover Sheet) – FL All Family 011

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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. \_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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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. \_\_\_\_\_

Sealed Personal Health Care Records  
(Cover Sheet)  
(SEALPHC)

Clerk's action required.

*For use in Family Law and Guardianship cases.*

**Sealed Personal Health Care Records  
(Cover Sheet)**

**Use this form** as a cover sheet to keep your personal health information **private** from the public. On the first page of each document, write the word "SEALED" 1 inch from the top of the page.

Check the documents you are attaching to this cover sheet to be sealed:

- Health records of any kind (including correspondence) related to a person's physical or mental condition, or payment for health care.
- Genetic test records for parentage.

Submitted by:  Petitioner or his/her lawyer  Respondent or his/her lawyer



\_\_\_\_\_  
*Sign here*

\_\_\_\_\_  
*Print name (if lawyer, also provide WSBA #)*

**Important!** The other person and the lawyers in your case can see your **sealed** documents. If you need to keep your address information private for safety reasons, you may cross out or delete your address information.

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

In re:

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

\_\_\_\_\_

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

\_\_\_\_\_

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

Sealed Confidential Report  
(Cover Sheet)

(SEALRPT)

Clerk's action required.

*For use in Family Law and Guardianship cases.*

## Sealed Confidential Report (Cover Sheet)

**Use this form** as a cover sheet to keep any confidential part of a report **private** from the public. On the first page of each document, write the word "SEALED" 1 inch from the top of the page.

Check the reports you are attaching to this cover sheet to be sealed. Only the following parts of these reports are confidential and should be attached:

- Detailed descriptions of material, or information gathered or reviewed;
- Detailed descriptions of all statements reviewed or taken;
- Detailed descriptions of tests conducted or reviewed; or
- Analysis to support the conclusions and recommendations.

*(A public version of the report without the confidential parts may be filed separately.)*

- Parenting evaluations
- Domestic Violence Assessment Reports (from Family Court Services or a court-appointed expert)
- Risk Assessment Reports (from Family Court Services or an expert)
- CPS Summary Reports (from Family Court Services or directly from CPS)
- Sexual abuse evaluations
- Report from a Guardian ad Litem (GAL) or Court Appointed Special Advocate (CASA)
- Other (*specify*): \_\_\_\_\_

Submitted by:  Petitioner or lawyer  Respondent or lawyer  Other: \_\_\_\_\_

▶ \_\_\_\_\_  
*Sign here*

\_\_\_\_\_ *Print name (if lawyer, also provide WSBA #)*

**Important!** The other person and the lawyers in your case can see your **sealed** documents. If you need to keep your address information private for safety reasons, you may cross out or delete your address information.

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

In re:

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

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

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

Sealed Financial Source Documents  
(Cover Sheet)

(SEALFN)

Clerk's action required.

*For use in Family Law and Guardianship cases.*

**Sealed Financial Source Documents  
(Cover Sheet)**

**Use this form** as a cover sheet to keep your financial documents **private** from the public. On the first page of each document, write the word "SEALED" 1 inch from the top of the page.

Check the documents you are attaching to this cover sheet to be sealed:

- Income tax records
- Credit card statements
- Checks or the equivalent
- Check registers
- Other financial information sealed by court order (specify): \_\_\_\_\_
- Pay stubs or other proof of earnings
- Bank statements
- Loan application documents
- Retirement plan orders

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submitted by:  Petitioner or his/her lawyer  Respondent or his/her lawyer

▶ \_\_\_\_\_  
*Sign here*

\_\_\_\_\_ *Print name (if lawyer, also provide WSBA #)*

**Important!** The other person and the lawyers in your case can see your **sealed** documents. If you need to keep your address information private for safety reasons, you may cross out or delete your address information.