

As a Pro Se Party, You are the Project Manager of Your Family Law Case

By: Marie White

A family law case is a project. A big project. If you hire an attorney, then your attorney is your project manager. If you cannot afford or choose not to hire a lawyer, then you are your project manager. Managing your family law project will likely be one of the most challenging things you ever do.

The five stages of most family law cases. Every family law case moves through the court system on a fairly predictable path. This is probably not obvious to you as an outsider, but bear in mind that King County Superior Court hears many thousands of family law cases every year and they process every case in essentially the same way. Most family law cases go through five stages. They are: (1) filing the initial petition and response; (2) the temporary order process; (3) discovery; (4) the settlement conference; (5) the trial if settlement fails. Buried within each of these broad stages are a myriad of small projects and details that you must tackle to cross the finish line and obtain your final orders.

Break your family law case down to manageable tasks. Your family law case will be impossibly confusing and overwhelming unless you break it down to bite-size chunks and nibble through each until you've cleaned your plate.

The petition and response. If you are the person filing the initial petition, focus on just this part of the process. Get the forms you need, learn about how to complete the forms and file and serve them on the other party. If you have been served with a petition, you will generally have 20 days to respond if you live in Washington or 60 days to respond if you live outside of Washington. Don't panic. Focus on getting the response forms, filling them out and filing and serving them on the petitioner.

The temporary order process. Divorce cases in King County are set for trial eleven months from the date the petition is filed. Of course, if you agree on everything right away or file a joint petition, you can finish your case much sooner. But if you do not have agreement or a joint petition, then your case could take many months to resolve. The same applies to paternity and many other family law cases. This may be too long for you to wait. For example, if you have children, you will probably want a parenting plan or child support order right away. Or you may have bills to pay or property you want to get from the other party. This means you will want to ask the Family Law court for temporary orders. You will need to learn how the family law motion process works. Then you need to get the necessary forms to file your motion and fill them out. These forms must be served on the other party. You must deliver a set of working papers to the family law court. If you are served with a motion for temporary orders, you must respond. On the hearing date, you must argue your case to the Family Law Commissioner. Once the orders are entered, you must obey them.

Discovery. Discovery means investigating the facts of your case so that when you have your settlement conference or trial, you know your situation and can explain it to the mediator or judge. Discovery can include sending Interrogatories and Requests for Production of Documents to the other party; sending subpoenas to third parties such as banks, employers, and pension plans; and deposing the other party or witnesses. Discovery can also mean hiring experts to value assets such as real estate or pension plans or to investigate your family situation so that your parenting plan is in your children's best interests. You can also conduct informal discovery. For example, you can go to your bank and get copies of your statements. This is the information gathering phase of your family law project. It is very important that you gather this information. Otherwise you will not know whether your settlement or trial decision is fair.

Settlement conference. Most litigants in King County Superior Court family law cases must participate in a settlement conference. Most family law cases settle. This is your last opportunity to control your own litigation, rather than having a stranger to your family tell you what your future will be. The settlement conference starts with agreeing on who your settlement master or mediator will be. Then each side sends to the mediator and to each other a settlement letter with supporting documents. This letter is an offer and an explanation as to why the offer is fair. Then the parties, attorneys and mediator meet to work out an agreement. Each party and his or her attorney is in a separate room and the mediator does

shuttle diplomacy between rooms, communicating offers back and forth and using his or her powers of persuasion to work out an agreement. If settlement is reached, everyone signs a Court Rule 2A agreement. Then one side drafts the final orders and the other side presents them to the court for entry.

Trial. If settlement fails, then you must take your case to trial. The trial process includes pretrial preparation, the trial itself, the court's ruling, and drafting and presentation of the final orders based on the court's decision.

You can do this. None of the steps described above is easy or simple. You will be on a very steep learning curve every step of the way, and there are many details involved in completing this project that are not discussed above. But your future, your financial security, and your children are worth the effort.

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Marie White is Founder and CEO of Pro Se University PS (www.ProSeUniversity.com). After witnessing many people represent themselves in a family law case, Marie realized that most of these people made mistakes in the process. She is changing this by offering affordable, explanatory services to guide people through common family law issues. Contact her at marie@proseuniversity.com.

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