



# The Morris-Sockle Divorce Guide

Navigating separation and divorce  
in Washington



## About Morris – Sockle

Morris – Sockle, PLLC is a well-established, respected Thurston County law firm, managed by partners Frank Morris and Jeanne Sockle. For over 40 years, we have provided exceptional legal representation in the most cost-effective and time-efficient way possible, working in partnership with our clients.

We strive to provide a quality client experience as well as excellent results. We pride ourselves in listening to our clients' needs and concerns while working to minimize their distress. We have a proven track record of success in resolving complex cases and protecting major assets.

The Morris – Sockle legal team strongly represents their clients' interests. Our attorneys, Frank Morris, Jeanne Sockle, Paul Posadas and Katrina Otto, have over seven decades of combined experience in complex case negotiation, litigation, and trial work. We also have the benefit of having real estate, business development and management experience. We have built a solid team of well-qualified attorneys and experienced staff that provide the best possible results for our clients.

When you are ready to talk with us about how we can help, call us at **360-866-7100** for an initial consultation.

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## Introduction

**A guide for you** – Let us help you navigate the legal process of divorce.

Separation, divorce, and family restructuring are difficult processes that bring about profound changes in your life. These processes are also likely to have emotional, social, financial and sometimes physical impacts on you. However, if handled correctly, they do not have to be devastating. In fact, each process can be a turning point that leads you on a course to stability, financial security, and happiness.

Some people going through separation and divorce may feel overwhelmed; intimidated by the legal process, and out of control. This usually comes from a lack of understanding of the procedures and uncertainty about the future. Most people want to understand the direction their life is taking, feel confident in the decisions they are making, and maintain control over the major aspects of their life.

The keys to maintaining control during the process of separation and divorce are:

- 1) Becoming more knowledgeable about the process.** A little knowledge can be a powerful thing. It helps you to understand what is happening and why. That, in turn, allows you to plan, strategize, and participate in your case in a logical and meaningful way. The alternatives, which are generally fear of the unknown and unreasonable expectations, are unacceptable and leave you vulnerable.
- 2) Retaining a strong legal team to help you navigate the process.** Most people need accurate information and expert guidance to protect their interests and to help them meet the complex requirements of the legal process. Having an experienced attorney to guide you in making difficult decisions is invaluable. Feeling comfortable that you are represented by a skilled, reputable and assertive law firm alleviates many concerns and allows you to focus yourself on other aspects of rebuilding your life.

This guide is intended to give you a good, basic understanding of how the divorce process works in Washington. We provide valuable essential information about the technical and legal aspects of divorce, and how issues are likely to be handled by the courts. This guide is an example of what Morris – Sockle can do to help you navigate the divorce process.

Use this guide, our website, and our online resources as tools to help you approach your divorce from a position of knowledge and strength.



# The Divorce Process

## Understanding the legal process

The legal process of divorce can be difficult to navigate, especially if there are children and/or major assets involved. To maintain a sense of direction, you must identify your concerns and your goals. You have the power to make decisions about your children's *Residential Care* and *Parenting Time*, and you have rights regarding the division of your assets and debts, and regarding *Child and Spousal Support*.

Divorce is a cross-road. It is an opportunity to create a new road map for your future. Having a great lawyer on your side helps you lay the foundation for a better life after divorce.

This guide provides an overview of the divorce process, explaining key procedures and concepts.

However, this guide is not a substitute for legal representation or legal counseling. You should speak with a lawyer who is highly experienced in the divorce laws of the state of Washington, and who will protect your rights every step of the way.

Visit us online at [www.Morris-Sockle.com](http://www.Morris-Sockle.com) or call us at 360-866-7100. We are skilled, experienced, reputable attorneys, and we are ready to help you.

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## Divorce in Washington

You can obtain a divorce in Washington courts if either party in the case is a resident of Washington. However, if you have children, the location for initiating the legal action may be affected by where they live.

Divorce laws vary from state to state. Divorce actions in the state of Washington are controlled by the Revised Code of Washington (RCW) 26.09. You can reference the statutes for technical information.

Washington is a "no-fault" divorce state. You do not need to prove that one of you is engaging in marital misconduct, like an affair or abuse. It makes no difference to the court. In Washington, the only grounds for divorce is an *Irretrievable Breakdown* of the marriage.

You can get divorced just because you want to, and you cannot stop your spouse from going forward if they want a divorce.

Washington uses the term Dissolution of Marriage for the process of terminating a marriage, but we will use the more common term of "divorce" for easy understanding.

Even if you are not married, you may need help to deal with the details of ending a *Committed Intimate Relationship*. Washington law has provisions for treating the termination of committed intimate relationships very similarly to divorce, particularly in issues of parenting children and division of property and debts.

## Stages of a divorce

1. Petition for Dissolution of Marriage
2. Service of Process
3. Response to the Petition
4. Temporary Orders
5. Settlement Conference and/or Mediation
6. Trial (if no agreement)
7. Decree of Dissolution of Marriage
8. Divorce Modification



### Divorce Petition

The divorce process is started by either spouse filing a *Petition for Dissolution of Marriage*. This legal document must be correctly completed and filed at the Superior Court in the proper county, usually where the filing spouse resides, or where the children of the marriage are located.

### Service of Process

A copy of the filed *Petition for Dissolution of Marriage* must also be “served” on (give to) the other spouse. This provides official notification to the spouse that a legal action has been initiated. The service must be done by someone other than the Petitioner.

### Response

The spouse being served with the Petition must then formally respond (answer), in writing, to the information stated in the Petition.

### Temporary Orders

The divorce can only be finalized after a required 90-day waiting period has passed. During this period, the court will enter *Temporary Orders*. These court orders control temporary *Child Placement and Parenting Time*, *Child Support*, *Spousal Support*, and property and debt division. Temporary Orders can also be used to protect bank accounts and other financial investments. The divorce can be finalized after 90 days if the parties reach agreement on all the issues involved in the divorce. Most cases take more than 90 days to reach an agreement.

The Temporary Orders will stay in effect until the divorce is finalized. If the case goes to *trial*, the judge will decide on those things that the parties have not been able to agree to. Any decisions made by the judge during the divorce process, and at the time of trial, will rely heavily on the Temporary Orders. Temporary Orders are important and should not be taken lightly. They set the tone for the entire process on all the important issues of your divorce such as the children and finances.

### **Agreement, Mediation or Trial**

If the *parties* reach agreement on all the issues involved in the divorce and the proper documents are filed with the court, a judge will order the marriage dissolved. If agreement cannot be achieved, the court will schedule a *Settlement Conference* or order the parties to schedule a *mediation session* to assist in reaching a compromise agreement. If the parties are not able to agree to all the terms of the divorce, the court will schedule a *trial*.

### **Divorce Decree and Divorce Modification**

At the end of the divorce proceeding, the court will issue a *Decree of Dissolution of Marriage*. This document contains the final rulings of the court regarding all the legal aspects of the divorce. Changing the terms of this decree is difficult and requires a formal *Divorce Modification*.

### **Agreement or trial?**

When deciding whether or not to go to trial, you should balance the value of what you would be fighting for in court, against the cost of going to trial. During the divorce process, you and your attorney will work together to informally negotiate a settlement agreement and reach a resolution with the other party regarding key issues such as *Parenting Plan*, *Child Support*, *Spousal Support*, and property and debt division.

If agreement is not possible on all the terms of your divorce, your attorney may recommend, or the court will order, *mediation* or a *settlement conference*. This involves a more formalized effort to reach an agreement on the terms of the divorce.

If an agreement is reached, independently or through mediation, the final *Decree of Dissolution of Marriage* will be based on the *Settlement Agreement*; there will be no need to go to *trial*. Cooperation and agreement can save money and emotional stress, and are likely to create solutions that are more sustainable in the long term.

If negotiation and *mediation* efforts fail, and an agreement cannot be reached, the divorce will proceed to trial, where a judge will decide the *Parenting Plan*, level of Support, and the division of your assets and debts.

Most cases tend to be settled by agreement within about six to nine months after filing the Petition. Trial, if necessary, will usually occur 12 to 18 months after the Petition was filed.





## Spousal Rights and Obligations

### Financial support: Spousal Support

*Spousal Support* (also known as alimony or spousal maintenance) is money generally paid by the financially stronger spouse to the financially weaker spouse. It may be awarded for a specific period of time or permanently, in both contested and uncontested divorces.

In Washington, *Spousal Support* is one of the more complex and contentious family law issues. There are no state required formulas or written guidelines to determine if Spousal Support should be awarded or to determine the appropriate amount, if awarded.

When determining both the amount and the duration of *Spousal Support*, the Family Law Courts in Washington have enormous discretion, and they strive to take several factors into account, including:

- The duration of the marriage;
- The need, employment history, job skills, physical and situational ability to work of the financially-weaker spouse; and
- The ability of the financially stronger spouse to pay.

*Spousal Support* is different from division of assets and debts. With *Spousal Support*, the court is seeking to set both spouses on a path towards equitable income, not equal property (as in division of assets and debts). During the marriage, one spouse may have worked full time outside the home while the other stayed home and took care of the children. To determine *Spousal Support*, the court will consider how much time a spouse will need in order to become financially independent, how employable they are, and if they need additional education or training. These factors will determine the need, amount, and duration of *Spousal Support*.

It is important to build a strong case for, or against, *Spousal Support*. Due to the uncertainty involved in this part of the process, you need an experienced attorney to provide thoughtful and prudent advice to negotiate a reasonable settlement. Morris – Sockle is well-qualified to assist you with these complex issues.

### **Domestic violence**

No one should be subjected to domestic violence. If your relationship is violent, it is important that you seek assistance immediately, whether you are on the giving or receiving end of the violence. If you are the victim, protection is available. If you are the perpetrator, help is available. Your human and legal rights, and those of your family, must be protected.

The divorce process is an emotionally charged and a high pressure time for both spouses. Accusations of domestic violence, especially threats of violence, are not uncommon. Sadly, due to the circumstances, spouses can make exaggerated or misleading claims of domestic violence.

You need to fully understand the lasting consequences that even the accusation of domestic violence can have on your life and future. Orders of protection, restraining orders, and arrests for domestic violence can come from words spoken in anger which are taken as a verbal threat. Anyone who is convicted of domestic violence faces a range of adverse legal consequences.

Don't ever hesitate to walk away from a heated situation. Take a deep breath when you feel overwhelmed, and figure out what you need to do to keep your cool. Always avoid any situation with your spouse or partner that may lead to a physical confrontation or verbal or written threats.



## Parental Rights and Obligations

### Parental Rights

As a parent, you have the right to continued involvement in your children's lives. This includes the right to providing *Residential Care*, *Parenting Time*, and decision making around many aspects of your children's lives, including schooling and healthcare.

At Morris-Sockle, we do not accept the outdated notion that one parent deserves less residential care or less parenting time in a divorce, without there being exceptional circumstances. Our lawyers know how to work with the courts to obtain the best results for you.

### Parenting Plans

If you have children under the age of 18, a *Parenting Plan* is required by the court. The Plan must state, in detail, the specific time periods the children will be in the *Residential Care* of each parent. In the past, this was called Custody and Visitation. The *Parenting Plan* will be incorporated into the

final *Decree of Dissolution of Marriage*. If you want your children to live primarily with you (if you want to be the Primary Residential Parent), you will have to demonstrate that you are more qualified and available, and that the arrangement is in the *best interest* of your children.

At the *hearing* for Temporary Orders, the court will order temporary *Residential Care* of the children based on very little information. It is very important that you thoroughly prepare for this hearing. You must make a strong showing at this first *hearing*. You must present evidence as to why the court should accept your proposed plan. Even though this will be a Temporary Order, it will serve as the basis for the final *Parenting Plan*. You should retain an experienced family law attorney to help you prepare for this hearing.

If agreement can be reached with your spouse, the court will accept an agreed *Parenting Plan*. If agreement cannot be reached, the court will order *mediation*. The purpose of the *mediation* session is to encourage and assist the *parties* in agreeing to a *Parenting Plan*. This is done with the assistance of one or two *mediators*. If agreement cannot be reached at *mediation*, the court will conduct a *trial* and will decide the *Parenting Plan*, after both sides present evidence.

In some cases, before *mediation* and before *trial*, the court will appoint a *Guardian Ad Litem* (GAL), who will investigate what is in the best interest of each child, and advocate for those interests in court. Both *parties* can agree to recommend a specific GAL to the court, or each party can make a suggestion for the court's final determination. This is a very important decision, and one that should be made with the help of an experienced family law attorney that knows the background of the potential GALs.

It is important to closely follow the Temporary Parenting Plan Order, even if you do not like it. If you want to improve the Temporary Plan, you will need to demonstrate throughout the divorce process that you have your children's best interest as your top priority. Conversely, if your spouse deviates from the temporary parenting plan, keep records of dates and circumstances in order to develop evidence to support your position, and talk to your attorney.

### **Financial support: Child Support**

Each parent has a legal obligation to provide support for their Children. The Washington State Legislature has adopted a fixed formula for setting *Child Support*. The total support level is set based on the combined net incomes of both parents. Each parent's obligation is determined by their percentage of the total net income.

In cases where the children live primarily with one parent, support is paid by the other parent, the non-*Primary Residential Parent*. In cases with 50/50 shared *Residential Care*, the financially stronger parent will be ordered to pay *Child Support* to the financially weaker parent.

To estimate your support level, you can use the online Quick Child Support Estimator provided by the Washington State Department of Social and Health Services, Division of Child Support. You can also use the worksheets on which the fixed formula for *Child Support* is based (see **Resources** for links).

However, the estimate you will get from both the estimator and the worksheets can only be as accurate as the information you provide. Determining what constitutes gross income, what deductions are allowed, and what constitutes net income can be complex. Many factors need to be considered, for example: health care costs, day care expenses, spousal maintenance, education costs, other children in the home, and other child support obligations. This is best done with the help of an experienced attorney.

The court can only make exceptions to the formula in special situations, but generally, the amount is dictated by the worksheet calculations. It is crucial that the information in the worksheets is accurate and precise, and that opportunities for deviation are used to your advantage.

Many parents will need help in understanding what counts as income and what exceptions are allowed for deviation from the support schedule. Morris – Sockle can help you prepare the child support schedule and make sure your income is properly documented and reported.

*Child Support* is one of the longest lasting financial consequences of a divorce or separation and one that has a significant impact on both parents' households.

Once issued by the court, an order of *Child Support* can only be changed after it has been in place for one year or more, and, only if there has been a substantial change in circumstances. Changing the order requires filing a Petition for Modification with the court, which usually also requires appearing in court.

*Child Support* is strictly enforced. The consequences for evading *Child Support* are substantial and can range from freezing bank accounts to seizure and sale of property.





## Dividing Assets and Debts

### Asset protection

Few financial transactions expose your assets to as much risk as divorce, and none are performed during such an emotional upheaval. When feeling guilty for wanting out of the marriage, or in an attempt to save the marriage at all cost, many *parties* are inclined to surrender far too much asset value to their spouse. Angry parties will over-reach to financially punish their spouse. Financially weaker or dependent spouses may see the division of assets as their last chance to secure a solid financial future.

One of the primary duties of a good divorce lawyer is to protect their client's assets during the divorce process. The attorney must know, and use, all of the appropriate legal tools available. The attorney must be able to evaluate and analyze the assets to design a balanced property division.

Many high value asset divorces will need to have a financial team created to assist in the process. Your attorney should have a good working relationship with business and real estate appraisers, Certified Public Accountants, and financial

advisers, in order to create the team necessary for successfully navigating complex litigation.

Asset protection incorporates a proper calculation and negotiation of *Child Support*, expenses for special needs children, *Spousal Support*, and personal debt division. Though, technically, these are not part of the high value asset division, they are financial issues that will become intertwined. The overall goal is to agree to reasonable support combined with fair asset and debt division.

It is important that the client and attorney work together as a team and stay level headed during the divorce process. Unreasonable or reactionary attitudes will only undermine a good financial plan. Though the divorce process is often emotionally charged, the best approach to protecting property and assets is to treat the financial aspects of divorce or separation as a business transaction. Morris – Sockle will help you to protect your assets and develop a plan for your future.

### **Property and debt division**

There is a common fear that one spouse will take everything and leave the other with nothing after a divorce. This should not happen. Washington is a Community Property state. This means that, at the time of divorce, all of the couple's property and debts are before the court to be equitably divided between the individuals.

If there is no property *Settlement Agreement* in place, it is the court's job to "equitably" divide all the family assets. Equitably does not always mean "equally". The court will often award a greater share of the property and fewer debts to the lower wage earning spouse. Even property you owned separately before the marriage can potentially be divided by the court.

### **Community Property vs. Separate Property**

Generally, Washington law regards *Community Property* as assets and debts acquired during the marriage, and *Separate Property* as assets and debts acquired and owned *before* the marriage. Usually each party is awarded their own separate property, along with a portion of the community property. However, when dividing property, the court considers several factors; including the length of the marriage and the financial differences between the spouses. When a marriage has lasted a long time, or if one spouse is financially weaker than the other, the court may award a portion of one person's separate property to the other person in order to make the division of property more equitable.

It can be extremely difficult to categorize property as "separate property" or "community property" after several years of marriage. Spouses often commingle their *Separate Property* with newly acquired *Community Property*. The court has a presumption in favor of *Community Property*; therefore, if a spouse cannot clearly "trace" the property as separate, it will be treated as community. Community and Separate Property is a complex issue that can have a significant financial impact on the division of your assets and debts.

Many people need legal assistance to trace and categorize their *Separate* and *Community Property*, and protect their interests.

It is vital for you and your attorney to be thorough in your valuation of these assets. You may need the assistance of real estate agents and/or accountants to provide accurate appraisals of property or business holdings. Once the divorce is final, the assets and debts division included in the Decree cannot be changed. You only have one opportunity to obtain a fair division of the property and it must happen before the divorce is finalized.

### **Retirement**

Protection and division of retirement benefits is another one of the most heated and contested issues in divorce. The state of Washington considers retirement benefits, deferred compensation, and stock options earned during the marriage as *Community Property*. But, a high wage earner often argues that they earned the money, and that it is their retirement. The financially weaker spouse often argues that they maintained the home, or forfeited their potential career, to support the high wage earning spouse, and that the retirement benefits are *Community Property* to be shared. Defining and dividing these benefits can be very difficult and requires the assistance of an attorney knowledgeable in retirement assets.

A major challenge in apportioning retirement is to establish the current dollar value of the benefit. There are numerous types of retirement systems and programs: some are employer-funded or co-funded by the employer; some are self-funded; some are a combination; some can be divided in cash accounts during the divorce; other programs cannot be accessed and divided until retirement age. Each plan brings with it different problems in establishing an actual dollar value and a reasonable approach to division. Most high income earners will need professional help to properly value, divide, and protect their retirement benefits.



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One of the primary duties of a good divorce lawyer is to **protect their client's assets during the divorce process.**

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## Navigating the Process

### Establishing your priorities

Prioritize your goals and establish your desired outcomes both in the divorce process and in your plans for the future. As you do that, you should consider both short-term and long-term goals and outcomes, and think of the sustainability of your decisions over time, not only for yourself, but also for your children.

Our skilled team can help you: they will listen to you and take the proper action to protect what is important to you. As you work together, your attorney can advise you on what results you can realistically hope for, given your particular and unique circumstances. You must be as clear as possible about what you actually want to accomplish in your divorce. That clarity will help your attorney to identify ways that those goals can best be achieved and implement a strategy for success.

No attorney can guarantee the outcome of your case, but our team at Morris – Sockle will prepare you, negotiate and work on your behalf, and take every appropriate legal action to achieve the best possible results for you.

## Questions to ask yourself

This section is meant to help you organize your thoughts and establish your priorities in relation to your divorce. Write down your answers to these questions, and bring them with you to your initial appointments with your attorney.

1. What is your greatest concern?
2. What do you most want to see happen?
3. What do you believe is your spouse's greatest concern?
4. What do you believe your spouse most wants to see happen?
5. What is the status of the relationship with your spouse?
6. How is the communication between you and your spouse at the moment? (For example on a scale from 1 to 10). Can the two of you have a productive conversation about the divorce issues?
7. Is your spouse represented by an attorney? If so, what is their name?
8. Are there children? Is your spouse pregnant? (*Please provide names and dates of birth.*)
  - a. What is the quality of your relationship with each child?
  - b. What is the quality of your spouse's relationship with each child?
  - c. What parenting tasks do you perform on a daily, weekly or monthly basis?
  - d. What parenting tasks does your spouse perform on a daily, weekly or monthly basis?
  - e. What is your goal for a Parenting Plan?
9. What is your occupation and monthly income?
10. What is your spouse's occupation and monthly income?
11. Is there any reason that your spouse cannot work outside of the household?
12. List your assets (for help see section: *Documents* you will need).
13. List your debts and obligations (for help see section: *Documents* you will need).
14. Are your basic needs handled for the time being? If not, what are options for getting them handled on a temporary basis?
15. Who currently lives in the family home?
16. What issues do you and your spouse agree on?
17. What issues do you and your spouse disagree on?
18. What do you see as the major obstacle in reaching an agreement with your spouse?
19. Describe what you see as the best outcome for your divorce.

## Documents you will need

You will need to compile a complete list or inventory of all of your *Community* (shared) and *Separate* (individual) assets and debts. Take your time and be thorough. Bring the list with you when you meet with your attorney.

Find the Proof of Ownership of anything that you and/or your spouse own, and the documentation for all debts and obligations owed, such as:

- Titles for homes, rental properties, automobiles, RVs, boats, etc.
- Businesses and business assets and liabilities, employment contracts, partnership agreements, and lease agreements
- Tax returns
- Financial statements
- Bank accounts and bank statements
- Insurance policies including life, auto, health, disability, etc.
- Individual Retirement Account or Deferred Compensation documents
- Inheritances, guarantees, gifts or bequests, personal injury awards
- Tangible assets like musical instruments, furniture, expensive jewelry, etc.
- Proof of enrollment, and related expenses, if you are in school
- Copy of credit histories
- Wills, Trusts, Pre-nuptial agreements, etc.
- An inventory of personal assets (including safe deposit box contents, etc.)
- Brokerage statements (stock, bonds), including mutual funds, annuities, pension and retirement account statements, etc.

## Assembling your support network

It is important to assemble a network of people that will support you and will have your best interests at heart throughout the divorce process. You will probably need both professional guidance and moral support.

When selecting professional assistance, look for professionals with solid knowledge and experience to provide the services that you may need: an attorney who focuses on family law; a Certified Public Accountant or tax adviser who knows the fiscal impact of family restructuring; a financial adviser who can provide business evaluations and oversee the division of assets; and even a good therapist. They can each make a difference in the understanding and presentation your case. Each case and circumstance will need to be individually evaluated for what experts might be needed, if any.

When you are looking for moral support, seek out friends and family you can rely on. Let them know how they can help you, and stay in touch with them. Do not hesitate to seek out counseling or support groups for you and your children.

Your attorney will help you build a team of reputable and skilled professionals to assist in building your case, developing and implementing a strategy for success, and reaching your goals.



## Frequently Asked Questions (FAQs)

For more FAQs go to [www.morris-sockle.com/toolkit/faqs/](http://www.morris-sockle.com/toolkit/faqs/)

### How long will this take?

While it is difficult to estimate exactly how long it will take to finalize a divorce, most divorce cases can be concluded within 3 to 18 months. You can make an estimate about the time frame of your case based on the following factors:

- **The mandatory waiting period** for a divorce in Washington is 90 days after filing the *Petition for Dissolution of Marriage* with the court and serving the opposing party with the initial pleadings.
- **Uncontested divorce:** if the *parties* are able to reach an agreement on all terms of the divorce, after 90 days the court will grant the divorce based upon the agreement.
- **Contested divorce:** if the *parties* have not reached an agreement during the 90-day waiting period, the court will assign a trial date. The *trial* occurs approximately 12 to 18 months after filing the *Petition*. The parties are encouraged to continue to negotiate while waiting for their trial date. If an

agreement is reached, the divorce can be granted before the scheduled trial. Most cases settle within about six months after filing the Petition, without a need for a trial.

### **How much is this going to cost?**

Attorneys charge on an hourly basis for work that they and their staff do on a case. Following an initial consultation with an attorney, you will be expected to pay an *Advance Fee Deposit* of \$3,500 or more to retain the services of the attorney. This deposit will cover the expense of the initial work on the case, but you should not expect it to cover the entire cost of the divorce. You will be required to pay more as more work is done on your case. No one can determine, in advance, exactly how much your divorce will cost. Many variables are involved, and many of those variables generate fees and costs. As a general frame of reference, an attorney should provide you with a range for the fee, based on the amounts incurred in cases similar to yours.

Possible factors contributing to costs and fees include: court costs; attorney's fees; *Guardian Ad Litem* fees (when children are involved in the divorce); and how contentious your case is, including whether or not you and your spouse are able to reach an agreement on key issues. In more complex cases, you might also incur costs for appraiser and accountant fees for complex property issues; special counseling costs, if ordered by the court; and possibly your spouse's attorney fees, if they have very low or no income.

### **Do I need a divorce attorney?**

Being represented by an attorney who is highly experienced in the divorce process, and in Washington law specifically, can be crucial to minimizing your losses and getting the results you want and need.

Some people's divorces are not complicated and they have little at risk. But if there are children or valuable assets involved in the divorce, it makes good sense to hire a family law attorney. Here are some points for consideration:

- It is hard to stay objective during your own divorce. Your deep emotional involvement may cloud your judgement. Your future and the future of your family are at risk.
- It can be intimidating to navigate the legal process on your own.
- The cost of mishandling your own case will far exceed the cost of hiring an attorney.
- Your family law attorney has the experience and background to:
  - know what can and cannot be accomplished during a divorce and how to do it;
  - clearly see issues and opportunities;
  - understand the details of your particular situation and objectively discuss them with you;
  - advise you on how to make the right decision at each stage of the process;
  - guide you as to what are realistic expectations.

No attorney can guarantee you a particular outcome, but our Morris–Sockle team, because of their extensive experience in divorce settlements and trials, can help you maximize the probability of the best outcome for you. We can help you protect what is valuable to you and build your future.

### **How do I choose a divorce attorney?**

Do some research to identify attorneys that have the skills and qualifications you need. Interview your potential attorney and make certain you are comfortable with them. Your personal comfort level with the attorney leads to a better working relationship and a better result in your case. Here are some factors you may want to consider.



#### **The attorney should:**

- Have real experience in family law and focus their legal practice on representing family law clients;
- Have a history success in cases similar to yours;
- Listen to you when you speak and understand what you want;
- Have opinions you can trust and rely upon;
- Have the resources and experience for handling complex litigation, when necessary.



## Controlling costs

### Where costs come from

The overall cost of a divorce is based upon a number of elements, which fall into two main categories:

- **Hourly fees**, these are per hour fees billed for the number of hours your legal team spends on your case. They include both contact hours (meetings, telephone conversations, emails and court time) and non-contact hours (research and drafting documents). Many things can impact the number of hours your legal team spends on your case. For example, poor cooperation between you and your spouse or between you and your attorney may require the team to spend additional hours on your case.
- **Costs and expenses**, these are related to parts of the legal process other than the time your legal team spends on your case. They include, for example, filing fees, service of process fees, Guardian Ad Litem fees, mediator fees, travel expenses, and - in more complex cases – fees for expert consultants and witnesses (for example, realtors, financial advisers, etc.).

### How to curb costs

Here are a few things you can do to keep your processing costs under control.

- Work effectively and efficiently with your attorney:
  - ✓ Share all pertinent information;
  - ✓ Be timely;
  - ✓ Prepare for contact time with your attorney (meetings and phone conversations): have your documents and your questions ready.
- Try to maintain a collaborative relationship with your spouse. Adopt a practical, “business-minded” approach. Reaching agreements with your spouse will result in fewer hours worked by your attorney on your case.
- Tackle big issues such as the *Parenting Plan*, *Child and Spousal Support*, and substantial and complex assets. An experienced family law attorney can advise you as to what the court will most likely rule on an issue. If you are not able to reach an agreement with your spouse, consider incorporating your attorney’s advice to make your settlement proposals more viable.

Your financial interests can be effectively managed and reasonably protected in partnership with an experienced family law attorney. Morris–Sockle will work with you to get the best possible results in your case while doing our best to contain costs.

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# Staying on course

## Divorce do's and don'ts

For more tips on how to handle situations that arise during your separation and divorce go to [www.morris-sockle.com/toolkit/dos-and-donts/](http://www.morris-sockle.com/toolkit/dos-and-donts/)



## DO

### Toward the other party:

- ✓ Make a good faith effort to be civil with your spouse.
- ✓ Use common sense. Walk away from fights.

### Toward your children:

- ✓ Make your children and good parenting a high priority.
- ✓ Be reliable and on-time when picking up or dropping off your children.
- ✓ Model civil communication with your spouse in front of the children.

### Toward the court:

- ✓ Follow every court order in detail – even if you disagree with it.

### Toward property:

- ✓ Try to keep possession of, or access to, the important assets you want.
- ✓ If you want the family home, try to stay in it. Once out, it is hard to get back in.

### Toward yourself:

- ✓ Take good care of yourself.
- ✓ Create a support network of both professionals, and family and friends.
- ✓ Change and protect important passwords.

### In general:

- ✓ Take steps to demonstrate that you are being reasonable and responsible.
- ✓ Document everything in writing.
- ✓ Contact an experienced family law attorney who will give you good professional advice.



## DON'T

### Toward the other party:

- ✗ Threaten your spouse in any way.
- ✗ Make inappropriate comments, especially in writing (email, texting, social media, etc.) – they can be used as evidence against you.

### Toward your children:

- ✗ Fight with your spouse in front of the children.
- ✗ Speak angrily about your spouse to your children.
- ✗ Use your children as middle-men to communicate messages to your spouse.
- ✗ Leave the state or the country with your children: you may be violating federal law or cause serious complications in your divorce and/or Parenting Plan for the future.

### Toward the court:

- ✗ Violate a Restraining Order, or any other court order.
- ✗ Behave in a hostile or irrational manner, or engage in behaviors that will undermine your credibility with the judge.

### Toward yourself:

- ✗ Isolate yourself.
- ✗ Use intoxicating substances in excess.
- ✗ Use social media as an emotional outlet.

### In general:

- ✗ Don't sign any document from your spouse or their attorney that could constitute an agreement or that you are unsure of. Any document that is presented to you for signature must first be reviewed by and discussed with your divorce attorney.



## Morris – Sockle’s Top Five Divorce Rules

For more on Divorce Rules, watch the video at [www.morris-sockle.com/toolkit/video-divorce-rules/](http://www.morris-sockle.com/toolkit/video-divorce-rules/)

- **Be pro-active, not reactive:**

If your mind is made up, file for divorce first – it will give you an “uphill advantage” with many aspects of the divorce process. Keep control of, or access to, any assets that are important to you, including the marital house.

- **Plan ahead and be prepared:**

Think about the various issues involved in your divorce, prioritize them, and make reasonable demands. Prepare for each interaction with your lawyer, and prepare for the initial court hearing as if it were the final.

- **Watch your words:**

Do not say or write anything you do not want a judge to hear; do not lie – it is wrong, and it will undermine your credibility in front of the judge.

- **Walk the talk:**

If you want more *Parenting Time*, commit to that effort now. If you say you cannot afford all the financial demands of a divorce, do not make expensive purchases that may contradict that, such as exotic vacations, luxury cars, high-end electronics, etc.

- **Take court orders seriously:**

Take any court order very seriously, including Temporary Orders. More often than not, Temporary Orders become permanent. Take them seriously: prepare for the hearing and achieve as much as you can; strictly follow the Temporary Orders, even if you do not like them.

## Your inner compass

Separation and divorce can drain your physical and emotional resources. You may experience different stages of emotions, all completely normal, including:

- **Shock/denial/disbelief:** I cannot believe this is happening to me, This is not happening, etc.
- **Anger:** Why me? It's not fair!, Whose fault is it?, I'm going to make him/her pay, etc.
- **Bargaining:** Maybe, I could change, be a better person, Maybe the she/he could change, etc.
- **Depression:** What's the point?, I'm never going to be OK, etc.
- **Acceptance:** It's going to be OK, I can do this, etc.

While there is no one way to deal with the physical and emotional impacts of a separation or divorce, it is essential that you take good care of yourself. Here are a few quick suggestions for your physical and emotional wellbeing:

- **Give yourself a break:** recognize that it will take you some time to process things and you may not function as you normally do; let others know that.
- **Listen to your body:** observe the signals your body is giving you and respect them – rest, take breaks, talk with people who can listen.
- **Eat and sleep well:** have regular and healthy meals and get the sleep you need.
- **Avoid excessive drugs and alcohol,** as these will only numb your emotions; they will not help you deal with them.
- **Exercise:** it may improve the way you feel. Try to keep your workout routine, if you had one. If not, consider starting.
- **Indulge in activities that you enjoy:** listen to music, take walks, watch movies, read, get a massage.
- **Keep a journal:** specialists say that getting thoughts onto a page helps processing and decreases stress.
- **Spend time with friends and family:** let them know what you are going through and be prepared for a variety of responses. Talk with people who can listen without judging and let them know how they can help.
- **Consider professional help:** if you need it, get it! There is a range of options, from therapists and mental health specialists, to spiritual counselors and support groups.

## Legal Lingo

**Advance Fee Deposit:** Payment made up front by a client to an attorney to retain the services of the attorney. This deposit covers the initial work on the case (and the attorney will then subtract their hourly fees, and other costs and expenses), but it may not cover the entire cost of the case.

**Best Interest of the Child:** In Washington, the court bases decisions involving children on the criteria of what is determined to be in the best interest of the child. In divorce or separation proceedings, best interests are decided based on evidence presented to the court by parents, family members, counselors, court-appointed *Guardian Ad Litem*, and others who are intimately familiar with the child and their circumstances.

**Child Support (or Child Maintenance):** A periodic (usually monthly) payment made by a parent for the care of a child when the relationship between the parents ends or never existed. It is a long-term legal obligation that generally continues until the child reaches the age of 18, or longer if they go to college. The parent making the payment is often the non-*primary residential parent*.

**Committed Intimate Relationship:** A relationship in which an unmarried couple lives together for a significant period of time; previously known as a “meretricious relationship.” The courts will usually handle the end of these relationships in a similar way as the end of a marriage, particularly if children are involved.

**Community Property:** Income, property, and other assets and debts, acquired by either spouse *during* the marriage and, therefore, jointly owned by both spouses.

**90-Day Mandatory Waiting Period:** In Washington, a divorce cannot be finalized until 90-days after the filing and service of the Petition. This “cooling-off” period gives both spouses time to think about what they are doing. Even if both spouses agree to all the terms of the divorce, they must still wait for at least 90 days to legally finalize their divorce.

**Decree of Dissolution of Marriage:** Court document that states all of the permanent terms and conditions of the divorce, and finalizes the ending of the marriage.

**Deposition:** Out-of-court questioning and oral testimony. The parties in a case are ordered to appear at the attorney’s office and answer questions under oath about themselves and their assets. Depositions and interrogatories are part of a “discovery” process where the parties in a case gather and exchange information to prepare for a trial.

**Dissolution of Marriage:** The technical term for “divorce” or ending a marriage in Washington.



**justice** ► noun 1 /ˈdʒʌstɪs/ (noun) just behaviour or treatment for people. ■ the quality of being fair and reasonable. ■ the administration of the law or authority in maintaining this. ■ a group of people, an organization or institution, in particular a judge or the Supreme Court of a country or state.

**justice** ► noun 2 /ˈdʒʌstɪs/ (noun) the quality of being fair and reasonable. ■ the administration of the law or authority in maintaining this. ■ a group of people, an organization or institution, in particular a judge or the Supreme Court of a country or state.

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**Guardian ad Litem:** A neutral person, usually an attorney, who is ordered by the court to investigate and report to the court on what is in the best interests of the children for Residential Care.

**Hearing:** Going to court and appearing before a judge to argue an issue.

**Interrogatories:** A written question or series of written questions directed to a party about their assets and other aspects of their case. The questions are asked to each party by the other party's attorney and they must be answered formally under oath.

**Irretrievable Breakdown:** An expression meaning that the marriage is no longer working and cannot be fixed. It is the only grounds or basis for the dissolution (ending) of a marriage in Washington.

**Mediation:** A structured process for attempting to resolve a dispute outside of court. During a mediation session, one or two impartial facilitators (mediators) help the parties in a case to problem-solve and possibly reach an agreement to resolve their differences.

**Mediator:** An impartial facilitator that attends the mediation or settlement conference and helps the parties to problem-solve and possibly reach an agreement.

**Motion for Temporary Orders:** A request to the court to establish temporary rules for the relationship during the divorce process. The Orders will temporarily award: Child Residential Care, Parenting Time and Child Support; Spousal Support; use of the home and other assets; and duties to pay bills. The Temporary Orders will remain in effect until amended or replaced by the final Decree.

**Parental Rights:** The rights of parents to parent their children, including residential care, parenting time and decision making.

**Parenting Plan:** A court document that controls all aspects of co-parenting such as residential care, parenting time, school and holiday schedules, transfers, and also decision-making on important matters such as school, religion, medical care, etc.

**Parenting Time (formerly known as visitation):** The time a parent spends with his/her children as defined in the Parenting Plan. The court no longer uses the term visitation.

**Parties:** The people involved in a law suit. In a divorce case, the parties are the Petitioner and the Respondent.

**Petition (for Dissolution of Marriage):** The document that starts the divorce process. It is created by the spouse who initiates the process, often with the assistance of an attorney. It is a statement of what that person wants and believes is fair. The Petition is filed with the court and served with the Summons on the other spouse.

**Petitioner:** The spouse who first files the Petition for Dissolution of Marriage with the court, and starts the divorce process.

**Primary Residential Parent:** The parent with whom the children reside most of the time, as defined in the *Parenting Plan*.

**Residential Care (formerly known as custody):** A parent's right to have the children physically with them. The court no longer uses the terms *child custody*.

**Residential Placement (formerly known as custody):** The primary residence of the children in a separation/divorce case. The court no longer uses the terms *child custody*.

**Residential Schedule:** The specific days and times each parent will have the children. It is part of the *Parenting Plan*.

**Respondent:** The spouse that must respond (answer) to the Petition filed by the other party.

**Response (to the Petition for Dissolution of Marriage):** The served spouse's answer to the Petition. It states what the Respondent wants and believes is fair

**Separate Property:** Assets and debts owned by each spouse before the marriage or acquired separately during the marriage, usually as an inheritance or personal injury settlement. To remain "separate", the assets cannot be intermingled with "community" assets.

**Service of Process:** The process of providing official notification of the legal proceeding on the other party.

**Settlement Agreement:** A resolution agreed to by the parties to a legal dispute. It often involves a document that controls the terms to which the parties have voluntarily agreed. The settlement agreement is like a contract and it is intended to be legally binding.

**Settlement Conference:** A formal meeting at which the spouses try to reach an agreement on the terms and conditions of their divorce with the assistance of a facilitator - a judge or other neutral party.

**Spousal Support or Spousal Maintenance (formerly known as Alimony):** A periodic (usually monthly) payment made by the financially stronger spouse for the benefit of the financially weaker spouse during and/or after divorce. It is a legal obligation and it may be temporary or permanent.

**Summons:** A legal document that is served with the Petition and tells the served spouse that they must formally respond within 20 days.

**Trial:** The final court appearance before a judge, where testimony is given for the court to determine the factual basis for the terms and conditions of the Divorce Decree. Trials only occur in cases where the parties cannot reach an agreement, on their own, through mediation, or with the assistance of their attorneys.





# Resources

## Other Morris - Sockle Guides

- Divorce Guide for First Responders
- Military Divorce Guide

## Literature

- Hay, Louise and Kessler, David (2014). *You Can Heal Your Heart*.
- Paris, Wendy (2016). *Splitopia: Dispatches from Today's Good Divorce and How to Part Well*. Simon & Schuster.
- Rosenberg, Marshall B. (2000a). *Getting Past the Pain Between Us: Healing and Reconciliation Without Compromise*. Encinitas CA: Puddledancer Press.
- Woodward Thomas, Katherine (2015). *Conscious Uncoupling: 5 Steps to Living Happily Even After*. Harmony Books.

## Literature for children and teens

- Petersen, Christine (2016). *The Smart Kid's Guide to Divorce*. Child's World.

## Classes

- Consider the Children (offered by Family Education and Support Services)
- Winning at Parenting (offered by Family Education and Support Services)

## State Agencies

- Family Court: [www.co.thurston.wa.us/fjc/index.asp](http://www.co.thurston.wa.us/fjc/index.asp)
- Washington State Department of Social and Health Services Division of Child Support: [www.dshs.wa.gov/child-support](http://www.dshs.wa.gov/child-support)

## Community-based organizations

- Dispute Resolution Center of Thurston County: [www.mediatethurston.org](http://www.mediatethurston.org)
- Family Education and Support Services: [www.familyess.org](http://www.familyess.org)
- SafePlace: [www.safeplaceolympia.org](http://www.safeplaceolympia.org)

## Useful links

- The Center for Nonviolent Communication: [www.cnvc.org](http://www.cnvc.org)
- Quick Child Support Estimator: : <https://fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator>
- Washington State Court Forms (including Child Support Worksheets & WSCSS Schedule): [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)







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