

# Kitsap County Clerk's Office (Superior Court Matters)

Office Hours: 8:00 AM - 12:15 PM and 1:15 PM - 4:30 PM, Monday – Friday.

Closed on all Court Holidays.

## PRO SE LITIGANT INFORMATION (civil cases)

It is not easy to understand and make your way through the court process. It can be especially frustrating for those who do not have an attorney to represent them (pro se litigants). There are many state and local court rules and procedures. Everyone appearing before the Superior Court is expected to follow the rules and procedures. A brief handout can never tell you everything you need to know, but we hope this information is helpful to people who represent themselves:

### GENERAL INFORMATION ABOUT PAPERWORK

Many do-it-yourself forms can be found on-line. You can also buy forms from the Clerk's Office, a stationery store or a bookstore. Store-bought forms should say they are for use in Washington only. **Do-it-yourself forms do not exist for every kind of case**, so you may need to create your own forms or hire an attorney or paralegal to create forms for you.

You must complete your forms in ink (typed or written with a black pen - no pencils). You do NOT need to sign your documents in front of the Clerk. You may sign them ahead of time. A notary is not required for signing most forms. If it is required, the form will have a place for a notary to sign. The Clerk's Office does not provide notary services.

Make at least 3 copies of your completed forms. Keep 1 set of copies for your own records, and 1 set for when you have a hearing—you will provide them to the judge as "bench copies". You must also have at least 1 set of copies for serving on the other party.

The Clerk's Office only accepts original documents with original signatures for filing in your court file. Be sure to bring the copies of what you are filing to conform them (stamp them with the date of filing). **Always remember and keep a record of your case number (example: 11-2-00123-4).**

Once you give the Clerk's Office any papers to file in your case, they are required by law to charge you for copies made from your file. Copy fees are:

<b>Non-certified copies</b>	\$0.25 per page from imaged (electronic) records, or \$0.50 per page from paper records
<b>Certified copies</b>	\$5.00 for the first page, plus \$1.00 per page thereafter for each document copied

## **STARTING AN ACTION AGAINST SOMEONE ELSE:**

If you are starting an action, you are the “petitioner” or “plaintiff” or “moving party”. Before anything can happen in court, you must:

- fill out your forms,
- file your case, and
- pay the filing fee (cash or money order only).

The first forms you fill out are a “Petition” or a “Complaint”. You must also fill out a “Summons” if your case is contested. Filing these forms and serving copies on the other party (“defendant” or “respondent”) starts your case.

You must arrange to have someone else (like law enforcement, a process server, or an adult who is NOT involved in your case) serve copies of your forms to the other party. That person must complete a Declaration of Service or Return of Service form, to prove that the other party has been served. You must file the Declaration of Service or Return of Service form in your court file.

You then wait to see if the other party responds to your petition or complaint. If they do NOT respond within the time indicated on the summons, you need to obtain a court order stating that the other party is in default. A default order allows you to finish your case without further notice to the other party. The final orders you enter in court must be consistent with the petition or complaint that you filed.

If the other party responds in time, then additional hearings (such as motion hearings, a settlement conference, and/or a trial) are necessary, unless you and the other party can reach an agreement and enter agreed orders to resolve the case.

For most court hearings in Kitsap County, bench copies are required. You must also confirm in advance that you will be present for the court hearing. Call Superior Court at 360-337-7140 for additional information about bench copies and confirmation.

## **DEFENDING YOURSELF FROM AN ACTION STARTED BY SOMEONE ELSE:**

If someone has started an action against you, you are the “defendant” or “respondent” or “responding party”.

You must file a document called an “Answer” or “Response” to the complaint or petition filed against you in the Clerk’s Office within the time indicated on the summons. Be SURE to serve a copy on the other party (the “plaintiff” or “petitioner”).

If you do NOT file and serve your answer or response in a timely manner, you may be found in default and lose the right to have your side of the case heard by a judge.

After you have answered the petition or complaint, each party must notify the other of any further court hearings. Each party must give a copy of any forms they file to the other party.

## **WHAT DO I WEAR? HOW DO I ACT IN COURT?**

Courts are respectful and formal settings. You are trying to present, and win, your side of the issue. Dress, speak, and act appropriately:

- Wear clean, mended clothing that is not too revealing. Do not wear hats, caps, shorts, bare midriffs, or tank tops. Exceptions may be made for religious attire.
- Turn off and do not use cell phones, beepers, or pagers.
- Speak clearly and respectfully. Do not ramble. Only speak about issues that the Court will decide that day.
- Do not swear, yell, or use improper language or gestures.

## **LEGAL TERMS YOU NEED TO KNOW:**

<b>Pro se</b>	A Latin phrase meaning 'for oneself' (refers to people who represent themselves).
<b>Ex parte</b>	A Latin phrase meaning an action is done for, in behalf of, or at the request of one party only without notice to the other party.
<b>Litigant</b>	A person or party to a legal action.
<b>Motion</b>	A written request made by a party to a court for an order.
<b>Order</b>	A direction or command delivered by a court and entered into the court record.
<b>Petition/ Complaint</b>	A formal written application to the court asking for a remedy or solution available by law.
<b>Summons</b>	Notice to defendants regarding the start of an action (lawsuit). It also tells them how and when to answer or respond to the petition or complaint. A summons and a complaint are filed together to start a civil action. A summons and a petition are filed together to start a family law action.
<b>Note the matter</b>	To schedule a court hearing by completing and filing a form, such as Note for Hearing or Note for Motion Docket. Hearings are always scheduled by filing a document, never over the phone.
<b>Conform</b>	To make a copy of a document match the original.
<b>Calendar</b>	A list of cases arranged for hearing in court, also sometimes called a 'docket'.
<b>Bench Copies</b>	Copies of motions, declarations, proposed orders, and other materials you want the Judge to consider at a scheduled hearing. Bench copies must be turned in the same day your motion(s) or response(s) and supporting documents are filed.
<b>Settlement Conference</b>	A conference of all parties and a Judge for the parties to try and resolve the issues or disagreements in a case.

**ADDITIONAL RESOURCES FOR ASSISTANCE:**

Clerk's Office	360-337-7164	<a href="http://www.kitsapgov.com/clerk">www.kitsapgov.com/clerk</a>
Superior Court Office	360-337-7140	<a href="http://www.kitsapgov.com/sc">www.kitsapgov.com/sc</a>
Administrative Office of the Courts (AOC)	360-753-3360	<a href="http://www.courts.wa.gov/index.cfm">www.courts.wa.gov/index.cfm</a>
Northwest Justice Project/CLEAR	1-888-201-1014	<a href="http://www.nwjustice.org">www.nwjustice.org</a>
CLEAR*Sr (People age 60 and over)	1-888-387-7111	<a href="http://www.nwjustice.org">www.nwjustice.org</a>
Dispute Resolution Center	360-698-0968	<a href="http://www.kitsapdrc.org">www.kitsapdrc.org</a>
On-line Legal Information	<a href="http://www.WashingtonLawHelp.org">www.WashingtonLawHelp.org</a> <a href="http://www.lawforwa.org">www.lawforwa.org</a>	
On-line Washington Pattern Forms	<a href="http://www.courts.wa.gov/forms">www.courts.wa.gov/forms</a>	
Washington State and Local Court Rules	<a href="http://www.courts.wa.gov/court_rules/">www.courts.wa.gov/court_rules/</a>	

**Courthouse Facilitators are available by appointment. They can help pro se litigants with Family Law (dissolutions/divorce, parentage, and non-parental custody) forms and procedures only. There is a fee to meet with a Courthouse Facilitator. Call 360-337-7164 for current fee and appointment information.**

**Court staff, including Courthouse Facilitators, are not attorneys and are restricted by law from giving legal advice.**

**Clerk's Office staff cannot tell you if your paperwork is filled out correctly.**

**You can only see or talk to a judge about your case when you appear before the judge in court.**

AOC Public Trust & Confidence Committee Approved