

## COWLITZ COUNTY CLERK'S OFFICE

### Habeas Corpus

#### *Procedural Checklist*

Prepared by the Cowlitz County Clerk's Office

This checklist is *not* a substitute for legal advice. Before starting any legal action, it is always wise to consult an attorney regarding your rights and responsibilities. Many attorneys offer low-cost consultations. Only an attorney can give legal advice.

***You may purchase forms for this action at the Cowlitz County Clerk's Office. Our fees must be paid by cash, money order or cashier's check. We do not accept personal checks.***

Fill out the following forms (with the exception of the Judge's signature and Deputy Clerk's signature page on the Writ) and file with the Clerk's Office. After the Judge reviews the paperwork, the Clerk will inform you if you need to pay the \$240.00 (cash) filing fee or if the Judge waived the fee:

- *CIVIL Case Cover Sheet – with Writ of Habeas Corpus selected* **CIVIL CASE COVER SHEET (12/2020)\***
- *Petition for Writ of Habeas Corpus* (CF 5/2022)
- *Order to Issue Writ of Habeas Corpus* (CF 5/2022)
- *Writ of Habeas Corpus* (CF 5/2022)
- *Warrant in aid of Writ of Habeas Corpus* (CF 5/2022)
- *Law Enforcement Information Sheet* **WPF ALL CASES 01 0400 – CLERK MODIFIED (5/2022)**
- *Motion and Declaration For Waiver of Civil Fees and Surcharges* **WPF GR 34.0100 (07/2019)**
- *Financial Statement* **WPF GR 34.0300 (02/2011)\***
- *Order re Civil Fee Waiver* **WPF GR 34.0500 (05/2014)\***
- A copy of whatever document/order you feel gives you custody of the child(ren). This can be a copy.

The Clerk will immediately take the forms back for the Judge to review.

If the Judge signs the order, an additional fee of \$20.00 will need to be paid to the Clerk to issue the Writs. The Clerk will provide you with two copies of your documents. One copy is for your records, the other copy you will need to take directly to the appropriate law enforcement agency to have them served on the respondent. The Clerk will let you know which law enforcement agency to go to.

The law enforcement agency serving the warrant should immediately notify Department of Children, Youth and Families of the potential pick up of the child. The Law Enforcement agency will give you instructions as to what you need to do prior to the child(ren) arriving at the Hall of Justice. As soon as you are notified that they have custody of the child, you should contact the Clerk's Office at 360-577-3016 to let them know the parties are on their way to the building. Law Enforcement or DCYF will transport the child(ren) to the Hall of Justice for the hearing.

If the child(ren) is picked up during regular court hours, law enforcement (or DCYF) will bring the child(ren) directly to the Superior Court Judge who issued the order for a hearing. The parents or other adults involved will be notified of that hearing by the agency who is taking custody of the child(ren).

Should the child(ren) be picked up outside of court hours, they will remain in the custody of DCYF. A hearing will be conducted at 8:30 am the following business day unless other arrangements are made by the Judge signing the order.

**Documents to be filed with:** **COWLITZ COUNTY CLERK'S OFFICE**  
**312 SW FIRST AVE., ROOM 233**  
**KELSO, WA 98626**

**\*THESE DOCUMENTS CAN BE FOUND AT [WWW.COURTS.WA.GOV/FORMS](http://WWW.COURTS.WA.GOV/FORMS).**  
Checklist HABEAS CORPUS 5/2022