

Superior Court of Washington, County of _____

In re:

Petitioner/s (as listed on the Petition):

And Respondent/s (as listed on the Petition):

No. _____

Final Order and Findings on Petition to Change a Parenting Plan, Residential Schedule or Custody Order

(ORMDD / ORDYMT: see **11**)

Clerk's action required: **11**

Final Order and Findings on Petition to Change a Parenting Plan, Residential Schedule or Custody Order

1. This Order is based on:

- The *Petition to Change a Parenting Plan, Residential Schedule or Custody Order*,
- The children's best interest,
- The Court's decision that there were valid reasons to hear the *Petition* in the *Order on Adequate Cause to Change a Parenting/Custody Order* signed on (date): _____,

And (check one):

- the parents' agreement.
- the *Order on Motion for Default* signed on (date): _____.
- the court hearing or trial on (date): _____.

The following people were at the hearing or trial (list parties, lawyers, and any guardians):

➤ **Findings & Conclusions**

2. Jurisdiction (RCW 26.27.201 – .221, .231, .261, .271)

- The court **cannot** decide this case for the children because the court does not have jurisdiction over the children.

- The court **can** decide this case for the children because (*check all that apply; if a box applies to all of the children, you may write "the children" instead of listing names*):
- Exclusive, continuing jurisdiction** – A Washington court has already made a parenting plan, residential schedule or custody order for the children, and the court still has authority to make other orders for (*children's names*): _____.
- Home state jurisdiction** – Washington is the children's home state because (*check all that apply*):
- (*Children's names*): _____ lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if the children were less than 6 months old when the case was filed, they had lived in Washington with a parent or someone acting as a parent since birth.
- There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they were less than 6 months old), but those were temporary absences.
- (*Children's names*): _____ do not live in Washington right now, but Washington was the children's home state some time in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.
- (*Children's names*): _____ do not have another home state.
- No home state or home state declined** – No court of any other state has the jurisdiction to make decisions for (*children's names*): _____, **or** a court in the children's home state decided it is better to have this case in Washington **and**:
- The children and a parent or someone acting as a parent have ties to Washington beyond just living here; **and**
 - There is a lot of information (substantial evidence) about the children's care, protection, education and relationships in this state.
- Other state declined** – The courts in other states that might be (*children's names*): _____'s home state have refused to take this case because it is better to have this case in Washington.
- Temporary emergency jurisdiction** – Washington had temporary emergency jurisdiction over (*children's names*): _____ when the case was filed, and now has jurisdiction to make a final custody decision because:
- When the case was filed, the children were abandoned in this state, or the children were in this state and the children (or children's parent, brother or sister) was abused or threatened with abuse;
 - The court signed a temporary order on (*date*) _____ saying that Washington's jurisdiction will become final if no case is filed in the children's home state by the time the children have been in Washington for 6 months;
 - The children have now lived in Washington for 6 months; **and**
 - No case concerning the children has been started in the children's home state.
- Other reason (*specify*): _____

3. Minor change (RCW 26.09.260(5) (7) and (9))

- Does not apply. No one requested a minor change.
- Denied** – The court denies the request for a minor change because (*check all that apply*):
 - the requested minor change is not in the children’s best interest.
 - the situation of the child/ren or a parent (or non-parent custodian) has not changed substantially.
 - the reasons (factual basis) for the requested minor change do not qualify under the law.
 - the parent requesting more time is limited because of problems listed in the current parenting/custody order. That parent has not shown substantial change in the problems that caused the limitations.
 - the parent requesting more time has not fully completed all evaluations, treatment, or classes required by the current parenting/custody order.
 - other reasons (*specify*): _____

- Approved** – The court approves a minor change to the parenting/custody order. The court signed the new *Parenting Plan* or *Residential Schedule* filed separately today or on (*date*): _____. The minor change is approved because:
 - The requested change is in the children’s best interest and does not change the person the children live with most of the time; and
 - There has been a substantial change in the children’s or a parent’s/custodian’s situation. (*Describe how the situation has changed, or describe a situation that the court did not know about when it made its order*):

Check reason/s for this change:

- The current parenting/custody order, is difficult to follow because the parent who has less residential time with the children has moved.
- The current parenting/custody order is difficult to follow because one parent’s work schedule changed and the change was not by his/her choice.
- The requested change will impact the children’s schedule on fewer than 25 full days a year.
- The requested change will impact the children’s schedule on more than 24 full days, but fewer than 90 overnights a year. This change is needed because the current parenting/custody order does not give the children a reasonable amount of time with one parent. It is in the children’s best interest to have more than 24 full days of increased time with that parent.

Are there any limitations on the parent whose time is being increased?

- No.** The current parenting/custody order does **not** limit that parent's time with the children because of abandonment, abuse, domestic violence, sex offense, or other serious problems.
- Yes.** That parent's time with the children is limited because of problems listed in the current parenting/custody order. That parent's situation has changed substantially. *(Describe how the parent's problems that caused the limitations in the current parenting/custody order have changed.)*

Has the parent whose time would be increased completed any required evaluations, treatment, or classes?

- Does not apply.** The current parenting/custody order does **not** require that parent to complete any evaluations, treatment, or classes.
- Yes.** That parent has completed all court-ordered evaluations, treatment, or classes required by the current parenting/custody order.

List completed evaluations, treatment, or classes here: _____

4. Major change (RCW 26.09.260(1) and (2))

- Does not apply. No one requested a major change.
- Denied** – The court denies the request for a major change because *(check all that apply)*:
 - the requested major change is not in the children's best interest.
 - there has been no substantial change to the situation of the child/ren or the parent (or non-parent custodian) who did not file the *Petition*.
 - the reasons (factual basis) for the requested major change do not qualify under the law.
 - other reasons *(specify)*: _____

- Approved** – The court approves a major change to the parenting/custody order. The major change is approved because:
 - The requested change is in the children's best interest, and
 - There has been a substantial change in the children's situation or in the situation of the parent (or non-parent custodian) who did not request the major change.*(Describe how the situation has changed, or describe a situation that the court did not know about when it made its order):*

Check reason/s for this change:

- The parents agree to the requested changes.
- The children are living in one parent's home with the other parent's (or non-parent custodian's) permission. This is very different than what was ordered in the previous parenting/custody order.
- The children's current living situation is harmful to their physical, mental, or emotional health. It would be better for the children to change the parenting/custody order.
- The other parent (or non-parent custodian) has not followed the court's parenting/custody order. A court found him/her in contempt for disobeying the parenting schedule more than once in three years, or guilty of custodial interference in the first or second degree. (RCW 9A.40.060 or 9A.40.070)

5. Limitations on one parent's parenting time and decision-making

- Does not apply.
- Limit** – To protect the children, the court will limit the parenting time and participation of the parent who already has less than half of the parenting time with the children. The reasons for this limitation are listed in the new *Parenting Plan* or *Residential Schedule* signed by the court today or on (date): _____. This *Parenting Plan* or *Residential Schedule* is approved and filed separately. (RCW 26.09.191, 26.09.260(4))
- Adjust** – The parent who did not file the *Petition* was allowed some parenting time by the current parenting/custody order. But that parent has chosen not to spend any time with the children for at least one year. The court will adjust the parenting time for that parent as listed in the new *Parenting Plan* or *Residential Schedule* signed by the court today or on (date): _____. This *Parenting Plan* or *Residential Schedule* is approved and filed separately. (RCW 26.09.260(8))
- Other findings: _____

6. Other Changes (RCW 26.09.260(10))

- Does not apply.
- Because of a substantial change in one parent's/child's situation, the court approves changes to the following parts of the *Parenting Plan* or *Residential Schedule* that are in the children's best interest (check all that apply):
 - dispute resolution

- decision-making
 - transportation arrangements
 - other (specify): _____
-

7. Child Support

- Does not apply. No one asked to change child support.
 - Denied** – The request to change child support is denied because:
 - the request to change the parenting/custody order is denied.
 - the approved change to the parenting/custody order (check all that apply):
 - does not change the parent the children live with most of the time.
 - does not change the amount of time the children spend with each parent so much that a child support deviation should be approved or changed.
 - other: _____
 - Approved** – The court approves a change to child support. The changes to the parenting/custody order affect child support by (check one):
 - changing the parent the children live with most of the time.
 - changing the amount of time the children spend with each parent so much that a child support deviation should be approved or changed.
 - other: _____
 - Other findings: _____
-

8. Protection Order

- Does not apply. No one requested an *Order for Protection* in this case.
- Approved** – The request for an *Order for Protection* is approved. The *Order for Protection* is filed separately.
- Denied** – The request for an *Order for Protection* is denied. The *Denial Order* is filed separately.
- Renewed/Changed** – The existing *Order for Protection* filed in or combined with this case is renewed or changed as described in the following order, filed separately (check one):
 - Order on Renewal of Order for Protection*
 - Order Modifying/Terminating Order for Protection*
- Other findings: _____

9. Restraining Order

- Does not apply. No one requested a *Restraining Order* in this case.
- Approved** – The request for a *Restraining Order* is approved. The *Restraining Order* is filed separately.
- Denied** – The request for a *Restraining Order* is denied.

Other findings: _____

10. Other Findings (if any)

➤ **Court Orders**

11. Decision (check all that apply):

Denied – The court denies the *Petition to Change a Parenting Plan, Residential Schedule or Custody Order*. All temporary orders are ended.

Approved – The court approves the *Petition*. All temporary orders are ended. The court signed the following orders filed separately today or on (date): _____

Parenting Plan/Residential Schedule *Order for Protection* (Domestic Violence)

Child Support Order *Order for Protection – Harassment*

Restraining Order Other orders: _____

Termination of Non-Parent Custody Order – The court approves the *Petition*. The *Non-Parent Custody Order* (or *Nonparental Custody Decree*) issued by the court is terminated. Any court or administrative order for a parent to pay child support to the non-parent is terminated today or on (date): _____.

Return Children

Does not apply because the children are already with a parent.

The children must be returned to (name/s): _____
by (date): _____ at (time): _____
as follows: _____

Restraining Order

Any *Restraining Order* previously issued in the non-parent custody case protecting the non-parent is terminated.

Name of law enforcement agency where the Protected Person lived when the *Restraining Order* was issued: _____

To the Clerk: Provide a copy of this Order to the agency listed above within 1 court day. The law enforcement agency must remove the *Restraining Order* from the state's database.

Other (specify): _____

The guardian ad litem is discharged.

Check this box if the court previously signed a temporary *Restraining Order* and is **not** signing a final *Restraining Order* in this case. Also check the "Clerk's action required" box in the caption on page 1.

Name of law enforcement agency where the Protected Person lived when the *Restraining Order* was issued: _____

