

Superior Court of Washington, County of \_\_\_\_\_

In re custody of:

Children:

\_\_\_\_\_

Petitioner/s (*person/s who started this case*):

\_\_\_\_\_

Respondents (*parents and any guardian or custodian*):

\_\_\_\_\_

\_\_\_\_\_

No. \_\_\_\_\_

Non-Parent Custody Petition  
(PTCUS)

## Non-Parent Custody Petition

### 1. Petitioner's Information

My name is: \_\_\_\_\_

My relationship to the children in this case: \_\_\_\_\_

I live in (*county and state only*): \_\_\_\_\_

*If there is another Petitioner in this case, put the other Petitioner's information below.*

My name is: \_\_\_\_\_

Relationship to the children in this case: \_\_\_\_\_

Lives in (*county and state only*): \_\_\_\_\_

### 2. Children

I ask the court for custody of the following children who can be found or permanently reside in the county and state where this *Petition* is filed:

| Child's Name | Age | Child's Name | Age |
|--------------|-----|--------------|-----|
| 1.           |     | 2.           |     |
| 3.           |     | 4.           |     |
| 5.           |     | 6.           |     |



## 6. Why the children should live with Petitioner/s

It is in the children's best interests for the court to give me custody and approve the other requests in this *Petition* because (*explain*): \_\_\_\_\_

---

---

---

---

---

---

---

---

## 7. Respondents' Visitation

I ask the court to approve my proposed *Residential Schedule* (form FL Non-Parent 405). This schedule may include reasons for limiting one or both parents' visitation. (*Check one*):

I am filing and serving my proposed *Residential Schedule* with this *Petition*.

I will file and serve my proposed *Residential Schedule* later.

I ask the court to give **no visitation** to either parent because the following reasons for limiting visitation apply and are severe enough to justify no visitation (*check at least one reason for each parent and name the parent/s that factor applies to*):

Abandonment – (*name/s*): \_\_\_\_\_  
intentionally abandoned a child listed in **2** for an extended time.

Neglect – (*name/s*): \_\_\_\_\_  
substantially refused to perform his/her parenting duties for a child listed in **2**.

Child Abuse – (*name/s*): \_\_\_\_\_  
(or someone living in that parent's home) abused or threatened to abuse a child. The abuse was (*check all that apply*):  physical  sexual  
 repeated emotional abuse.

Domestic Violence – (*name/s*): \_\_\_\_\_  
(or someone living in that parent's home) has a history of domestic violence as defined in RCW 26.50.010(1).

Assault – (*name/s*): \_\_\_\_\_  
(or someone living in that parent's home) has assaulted or sexually assaulted someone causing grievous physical harm or fear of such harm.

Sex Offense –  
 (*name/s*): \_\_\_\_\_ has been convicted of a sex offense as an adult.

someone living in (*name/s*): \_\_\_\_\_'s home has been convicted as an adult or adjudicated as a juvenile of a sex offense.

Other Reason (*specify*): \_\_\_\_\_

## 8. Support, insurance, and taxes

The children have a right to child support (including medical support) from the legal parents according to state law.

**Support** – I ask the court to order the parents to (*check all that apply*):

- pay child support according to the *Child Support Schedule Worksheets*.
- provide and keep health insurance for the children.
- pay children's day care, uninsured medical or other expenses.
- no request.

**Tax Exemptions** – I ask the court to order:

- Petitioners may claim the children as dependents on tax forms.
- (*other*): \_\_\_\_\_

## 9. Personal jurisdiction over Respondents

Does a Washington state court have personal jurisdiction (authority to make decisions) over (**Respondent's name**): \_\_\_\_\_ ?

- Yes**, because s/he (*check all that apply*):
  - will be personally served in this state with a *Summons* and *Petition* for this case.
  - lives in this state now.
  - lived in this state with the children.
  - lived in this state and paid for pregnancy costs or support for the children.
  - did or said something that caused the children to live in this state.
  - had sex in this state, which may have produced the children.
  - signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.
  - other (*specify*): \_\_\_\_\_
- No**. (None of the reasons listed above apply.)

Does a Washington state court have personal jurisdiction (authority to make decisions) over (**Other Respondent's name**): \_\_\_\_\_ ?

- Yes**, because s/he (*check all that apply*):
  - will be personally served in this state with a *Summons* and *Petition* for this case.
  - lives in this state now.
  - lived in this state with the children.
  - lived in this state and paid for pregnancy costs or support for the children.
  - did or said something that caused the children to live in this state.
  - had sex in this state, which may have produced the children.
  - signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.
  - other (*specify*): \_\_\_\_\_

**No.** (None of the reasons listed above apply.)

Check here if there are **more Respondents**. Give those people's names, say whether or not the court has personal jurisdiction over each person, and why:

---

---

---

### 10. Children's Home/s

During the past 5 years have any of the children lived:

- on an Indian reservation,
- outside Washington state,
- in a foreign country, or
- with anyone other than Petitioners and/or Respondents?

No. (Skip to **11**.)

Yes. (Fill out below to show where each child has lived during the last 5 years.)

| Dates        | Children  | Lived with  | In which state, Indian reservation, or foreign country |
|--------------|---|---|--|
| From:<br>To: | <input type="checkbox"/> All children<br><input type="checkbox"/> (Name/s): | <input type="checkbox"/> Petitioner/s<br><input type="checkbox"/> Resp. (name/s):<br><input type="checkbox"/> Other (name): |  |
| From:<br>To: | <input type="checkbox"/> All children<br><input type="checkbox"/> (Name/s): | <input type="checkbox"/> Petitioner/s<br><input type="checkbox"/> Resp. (name/s):<br><input type="checkbox"/> Other (name): |  |
| From:<br>To: | <input type="checkbox"/> All children<br><input type="checkbox"/> (Name/s): | <input type="checkbox"/> Petitioner/s<br><input type="checkbox"/> Resp. (name/s):<br><input type="checkbox"/> Other (name): |  |
| From:<br>To: | <input type="checkbox"/> All children<br><input type="checkbox"/> (Name/s): | <input type="checkbox"/> Petitioner/s<br><input type="checkbox"/> Resp. (name/s):<br><input type="checkbox"/> Other (name): |  |
| From:<br>To: | <input type="checkbox"/> All children<br><input type="checkbox"/> (Name/s): | <input type="checkbox"/> Petitioner/s<br><input type="checkbox"/> Resp. (name/s):<br><input type="checkbox"/> Other (name): |  |

**11. Other people with a legal right to spend time with a child**

Do you know of anyone besides you and the Respondents who has or claims to have a legal right to spend time with any of these children?

(Check one):  No. (Skip to **12**.)  Yes. (Fill out below.)

| Name of person | Children this person may have the right to spend time with                  |
|----------------|---|
|                | <input type="checkbox"/> All children<br><input type="checkbox"/> (Name/s): |
|                | <input type="checkbox"/> All children<br><input type="checkbox"/> (Name/s): |

**12. Other court cases involving a child**

Do you know of any court cases involving any of these children?

(Check one):  No. (Skip to **13**.)  Yes. (Fill out below.)

| Kind of case<br>(Family Law, Criminal, Protection Order, Juvenile, Dependency, Other) | County and State | Case number and year | Children  |
|---|------------------|----------------------|---|
|   |                  |                      | <input type="checkbox"/> All children<br><input type="checkbox"/> (Name/s): |
|   |                  |                      | <input type="checkbox"/> All children<br><input type="checkbox"/> (Name/s): |
|   |                  |                      | <input type="checkbox"/> All children<br><input type="checkbox"/> (Name/s): |
|   |                  |                      | <input type="checkbox"/> All children<br><input type="checkbox"/> (Name/s): |

**13. Are any of the children Indian children?**

(An **Indian child** is a child who is a member of an Indian tribe, or who is the biological child of an Indian tribe member and eligible for membership. You must try to find out if any child in this case is an Indian child. If so, the federal and state Indian Child Welfare Acts will apply to your case.)

Check all that apply:

- No.**
  - None of the children are Indian children.
  - These children are not Indian children (name/s): \_\_\_\_\_

I know this because: \_\_\_\_\_

- 
- 
- Yes.** These children are Indian children:

| Children                              | Tribe |
|---------------------------------------|-------|
| <input type="checkbox"/> All children |       |
| <input type="checkbox"/> (name/s):    |       |
| <input type="checkbox"/> All children |       |
| <input type="checkbox"/> (name/s):    |       |

I will provide the *Indian Child Welfare Act Notice* (form FL Non-Parent 402) and a copy of this *Petition* to the tribe/s named above and other necessary people or agencies.

- Maybe.** These children may be eligible for membership in these tribes:

| Children                              | Tribe |
|---------------------------------------|-------|
| <input type="checkbox"/> All children |       |
| <input type="checkbox"/> (name/s):    |       |
| <input type="checkbox"/> All children |       |
| <input type="checkbox"/> (name/s):    |       |

I will provide the *Indian Child Welfare Act Notice* (form FL Non-Parent 402) and a copy of this *Petition* to the tribe/s named above (and other necessary people or agencies) to find out whether any of the children are eligible for membership.

- I do not know** if any of the children are Indian children. I have done the following things to try to find out:

---

---

---

#### 14. Jurisdiction over Indian children

- Does not apply. None of the children are Indian children.
- A state court can decide this case for the Indian children because:
- (Children's names): \_\_\_\_\_ are **not** domiciled or living on an Indian reservation, and are not wards of a tribal court. (25 USC §1911)
  - (Children's names): \_\_\_\_\_ **are** domiciled or living on an Indian reservation, and (check all that apply):
    - The children's tribe agrees to Washington State's concurrent jurisdiction.
    - The children's tribe decided not to use its exclusive jurisdiction (expressly declined). (RCW 13.38.060)
    - Washington State should claim emergency jurisdiction for children temporarily located off the reservation to protect the children from immediate physical damage or harm. (RCW 13.38.140)

**15. Jurisdiction over the children** (RCW 26.27.201 – .221, .231, .261, .271)

This 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 custody order or parenting plan 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 are less than 6 months old, they have 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 are 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 (or tribe) has the jurisdiction to make decisions for *(children’s names)*: \_\_\_\_\_, **or** a court in the children’s home state (or tribe) 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 (or tribes) 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** – The court can make decisions for *(children’s names)*: \_\_\_\_\_ because the children are in this state now **and** were abandoned here **or** need emergency protection because the children (or the children’s parent, brother or sister) were abused or threatened with abuse. *(Check one)*:
- A custody case involving the children was filed in the children’s home state *(name of state or tribe)*: \_\_\_\_\_. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children’s home state (or tribe).
  - There is **no** valid custody order or open custody case in the children’s home state *(name of state or tribe)*: \_\_\_\_\_. If no case is filed *in the children’s home state (or tribe)* by the time the children have been in

Washington for 6 months, (date): \_\_\_\_\_, Washington should have final jurisdiction over the children.

Other reason (specify): \_\_\_\_\_

## 16. Protection Order

Do you want the court to issue an Order for Protection as part of the final orders in this case?

- No.** I do not want an Order for Protection.
- Yes.** (You must file a Petition for Order for Protection, form DV-1.015 for domestic violence, or form UHST-02.0200 for harassment. You may file your Petition for Order for Protection using the same case number assigned to this case.)

**Important!** If you need protection **now**, ask the court clerk about getting a Temporary Order for Protection.

**There already is an Order for Protection between (name):** \_\_\_\_\_ **and me.** (Describe):

Court that issued the order: \_\_\_\_\_

Case number: \_\_\_\_\_

Expiration date: \_\_\_\_\_

## 17. Restraining Order

Do you want the court to issue a Restraining Order as part of the final orders in this case?

- No.** (Skip to **18**.)
- Yes.** Check the type of orders you want:

**Do not disturb** – Order (name/s) \_\_\_\_\_ not to disturb my peace or the peace of any child listed in **2**.

**Stay away** – Order (name/s) \_\_\_\_\_ not to go onto the grounds of or enter my home, workplace, or school, and the daycare or school of any child listed in **2**.

Also, not knowingly to go or stay within \_\_\_\_\_ feet of my home, workplace, or school, or the daycare or school of any child listed in **2**.

**Do not hurt or threaten** – Order (name/s) \_\_\_\_\_:

- Not to assault, harass, stalk or molest me or any child listed in **2**; and
- Not to use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.

**Warning!** If the court makes this order, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

**Prohibit weapons and order surrender** – Order (name/s) \_\_\_\_\_:

- Not to possess or obtain any firearms, other dangerous weapons, or concealed pistol license until the Order ends, and

- To surrender any firearms, other dangerous weapons, and any concealed pistol license that he/she possesses to (*check one*):  the police chief or sheriff.  his/her lawyer.  other person (*name*): \_\_\_\_\_.

**Other restraining orders:** \_\_\_\_\_

**Important!** If you want a restraining order **now**, you must file a Motion for Temporary Non-Parent Custody Order and Restraining Order (form FL Non-Parent 423) or a Motion for Immediate Restraining Order (Ex Parte) (form FL Non-Parent 421).

**18. Fees and costs**

- No request.
- Order who should pay for court costs, guardian ad litem fees, lawyer fees, and other reasonable fees.

**19. Other requests, if any**

\_\_\_\_\_  
 \_\_\_\_\_

**Petitioner fills out below:**

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): \_\_\_\_\_ Date: \_\_\_\_\_

▶ \_\_\_\_\_  
*Petitioner signs here* *Print name*

**Other Petitioner (if any) fills out below:**

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): \_\_\_\_\_ Date: \_\_\_\_\_

▶ \_\_\_\_\_  
*Other Petitioner signs here* *Print name*

**Petitioner's lawyer (if any) fills out below:**

▶ \_\_\_\_\_  
*Petitioner's lawyer signs here* *Print name and WSBA No.* *Date*

**Warning!** Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other parties, and the lawyers in your case. Seal those documents by filing them separately, using a *Sealed* cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents.

**Respondent fills out below if s/he agrees to join this Petition:**

I, (name): \_\_\_\_\_, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. (Check one):

- I do not need to be notified about the court's hearings or decisions in this case.
- I ask the Petitioner to notify me about any hearings in this case. (List an address where you agree to accept legal documents. This may be a lawyer's address or any other address.)

\_\_\_\_\_

address city state zip

(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001) if this case involves parentage or child support.)

▶ \_\_\_\_\_

Respondent signs here Print name Date

**Other Respondent fills out below if s/he agrees to join this Petition:**

I, (name): \_\_\_\_\_, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. (Check one):

- I do not need to be notified about the court's hearings or decisions in this case.
- I ask the Petitioner to notify me about any hearings in this case. (List an address where you agree to accept legal documents. This may be a lawyer's address or any other address.)

\_\_\_\_\_

address city state zip

(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001) if this case involves parentage or child support.)

▶ \_\_\_\_\_

Other Respondent signs here Print name Date