

**Superior Court of Washington  
County of**

In re the Custody of:

and

Child(ren),

Petitioner(s),

Respondent(s).

**No.**

**Findings of Fact and  
Conclusions of Law  
(Nonparental Custody)  
(FNFCL)**

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**I. Basis for Findings**

The findings are based on:

- agreement.
- order(s) of default against \_\_\_\_\_ [Name(s)] entered on \_\_\_\_\_ [Date].

- trial. The following parties and lawyers attended:

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**II. Findings of Fact**

Upon the basis of the court record, the court  ***Finds:***

## **2.1 Children for Whom Custody Is Sought**

The petitioner(s) are seeking custody of the following child(ren):

## **2.2 County Where Children Reside**

The child(ren) named in paragraph 2.1 permanently reside in this county or can be found in this county.

## **2.3 Indian Child Welfare Act**

Indian child status:

The child(ren) are Indian child(ren) as defined by 25 U.S.C. § 1903. The Indian Child Welfare Act does apply to these proceedings; all notice and evidentiary requirements under the Indian Child Welfare Act have been satisfied, as follows:

The child(ren) are not Indian children as defined by 25 U.S.C § 1903 and The Indian Child Welfare Act, 25 U.S.C. § 1901, et seq., does not apply to these proceedings.

Jurisdiction:

The child(ren) are Indian children as defined by the Indian Child Welfare Act, 25 USC § 1903 but are not domiciled or residing within the boundaries of an Indian reservation; and no Tribal Court has continuing jurisdiction over the child(ren); this court has jurisdiction under 25 USC § 1911.

- The child(ren) are Indian children as defined by the Indian Child Welfare Act, 25 USC § 1903 and are domiciled or residing within the boundaries of an Indian reservation; or a Tribal Court has continuing jurisdiction over the child(ren).

## 2.4 Basis of Jurisdiction

- This court has exclusive continuing jurisdiction. The court has previously made a child custody, parenting plan, residential schedule or visitation determination in this matter and: retains jurisdiction under RCW 26.27.211.
- This state is the home state of the children because
  - the children lived in Washington with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of this proceeding.
  - the children are less than six months old and have lived in Washington with a parent or a person acting as parent since birth.
  - any absences from Washington have been only temporary.
  - Washington was the home state of the children within six months before the commencement of this proceeding and the children are absent from the state but a parent or person acting as a parent continues to live in this state.
- The children and the parents or the children and at least one parent or a person acting as a parent, have significant connection with the state other than mere physical presence and substantial evidence is available in this state concerning the children's care, protection, training and personal relationships and:
  - The children have no home state elsewhere.
  - The children's home state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under RCW 26.27.261 or .271.
- All courts in the children's home state have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the children under RCW 26.27.261 or .271.
- No other state has jurisdiction.
- This court has temporary emergency jurisdiction over this proceeding because the children are present in this state and the children have been abandoned or it is necessary in an emergency to protect the children because the children, or a sibling or parent of the children is subjected to or threatened with abuse. RCW 26.27.231.
  - There is a previous custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. The requirements of RCW 26.27.231(3) apply to this matter. This state's jurisdiction over the children shall last until \_\_\_\_\_ [Date].

There is no previous custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. If an action is not filed in \_\_\_\_\_ [potential home state] by the time the child has been in Washington for six months, \_\_\_\_\_ [Date], then Washington's jurisdiction will be final and continuing.

Other:

## 2.5 Background Records Check

The court has consulted the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child. The court has also directed the Department of Social and Health Services to release information as provided under RCW 13.50.100; and has required the petitioner to provide the results of an examination of state criminal identification data provided by the Washington State Patrol criminal identification system as described in chapter 43.43 RCW for the petitioner and adult members of the petitioner's household.

## 2.6 Standing

At the beginning of the case, the child(ren) had not been in the physical custody of either parent since \_\_\_\_\_ [Date].

Neither parent was a suitable custodian at the beginning of the case.

Other:

## 2.7 Best Interest of the Child

It is in the best interest of the child(ren) to be placed in the custody of the petitioner(s), and at this time:

The child(ren) have not been in the physical custody of either parent since \_\_\_\_\_ [Date] because:

Neither parent is a suitable custodian for the child(ren), because:

## 2.8 Adequate Cause

Adequate case for this proceeding has been found  in an order entered on \_\_\_\_\_ [Date]; or  is agreed as evidenced by the signatures on the last page of this document.

## 2.9 Limitations on Visitation

Does not apply.

There are no reasons for limiting visitation of either parent.

The following reasons exist for limiting visitation of the

**Father:**

Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions.

Physical, sexual or a pattern of emotional abuse of a child.

A history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

Other:

**Mother:**

Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions.

Physical, sexual or a pattern of emotional abuse of a child.

A history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

Other:

- Limitations on visitation with the children will not adequately protect the children from the harm that could result if the children has contact with the  father  mother.
- Contact between the  father  mother and the children will not cause physical, sexual, or emotional abuse or harm to the children and the probability that the parent's harmful or abusive conduct will recur is so remote that it would not be in the children's best interest to apply the limitations of RCW 26.10.160(1)(a) and (b).
- The  father's  mother's conduct did not have an impact on the children.
- Other:

## **2.10 Child Support**

- Does not apply.
- There are children in need of support and child support should be set pursuant to the Washington State Child Support Schedule. The Order of Child Support signed by the court on \_\_\_\_\_ [Date] and the child support worksheet which has been approved by the court are incorporated by reference in these findings.
- Other:

## **2.11 Continuing Restraining Order**

- Does not apply.
- A continuing restraining order against the  father  mother  both parties is necessary because:
  
  
  
  
  
  
  
  
  
  
- Other:

## **2.12 Attorney Fees, Other Professions Fees and Costs**

- Does not apply.
- Each of the parties has sufficient property, income or resources available to pay his or her own respective attorney fees, professional fees and costs.

\_\_\_\_\_ [Name] has incurred reasonable attorney's fees, other professional fees and costs in the amount of \$\_\_\_\_\_.  
\_\_\_\_\_ [Name] has the ability to pay these fees and  
\_\_\_\_\_ [Name] has the need for the payment of these fees as follows:

\_\_\_\_\_ [Name] has incurred reasonable attorney's fees, other professional fees and costs in the amount of \$\_\_\_\_\_.  
\_\_\_\_\_ [Name] has the ability to pay these fees and  
\_\_\_\_\_ [Name] has the need for the payment of these fees as follows:

Other:

## 2.13 Other

### III. Conclusions of Law

The court makes the following conclusions of law from the foregoing findings of fact:

#### 3.1 Jurisdiction

The court has jurisdiction over the children.

#### 3.2 Disposition

It is in the best interest of the children to reside with:

#### 3.3 Child Support

Does not apply.

- Child support for the dependent children should be set pursuant to the Washington State Child Support Schedule.
- Other:

### **3.4 Visitation**

**Mother:** Visitation for the mother shall be  as set forth in the Residential Schedule(s) signed by the court on \_\_\_\_\_ [Date] and approved by the court and incorporated as part of these findings; or  as follows:

**Father:** Visitation for the father shall be  as set forth in the Residential Schedule(s) signed by the court on \_\_\_\_\_ [Date] and approved by the court and incorporated as part of these findings; or  as follows:

Other:

### **3.5 Continuing Restraining Order**

- Does not apply.
- A continuing restraining order should be entered.

### **3.6 Attorney Fees, Other Professional Fees and Costs**

- Does not apply.
- Attorney fees, other professional fees and costs should be paid as follows:

