

August 16, 2012

TO: Judges, Commissioners, County Clerks, Court Administrators,

Libraries, and Public

FROM: Merrie Gough, AOC Sr. Legal Analyst

RE: 2012 SUMMARY OF CHANGES TO DOMESTIC RELATIONS

FORMS

The Pattern Forms Committee updated the mandatory Domestic Relations pattern forms to implement:

 Laws of 2012, ch. 24, Service Members Civil Relief Act, effective on June 7, 2012,

- Improvements relating to the Uniform Parentage Act, Laws of 2011, ch. 283,
- Improvements recommended by the legal community.

Following are detailed descriptions of the changes:

AII C	All Cases			
1.	WPF All Cases 01.0200	Declaration re: Service Members Civil Relief Act In paragraph 1.B., update the web site URL for military service status report as follows: See the attached Department of Defense Manp-Power Data Center Status Report Pursuant to Servicemembers Civil Relief Act (SCRA) obtained from https://www.dmdc.osd.mil/scra/owa/home https://www.dmdc.osd.mil/appi/scra/. (You must have the person's social security number to search in this site.)		
Diss	Dissolution (Divorce)			
2.	WPF DR 01.0100	Petition for Dissolution of Marriage		
		In paragraph 1.13 Pregnancy, change "two years" to "four years."		

3.	WPF DR 01.0110	Petition for Legal Separation (Marriage)	0 Pet	
		In paragraph 1.13 Pregnancy, change "two years" to "four years."		
4.	WPF DR 01.0120	Petition for Declaration Concerning Validity (Marriage)	20 Pet	
		In paragraph 1.13 Pregnancy, change "two years" to "four years."	In p	
5.	WPF DR 04.0250	Temporary Order		
		In the caption, below the name of the form "Temporary Order," and in the footer, in the parentheses, delete "/" and the docket code "TMRO."	in t	
		Change the first section heading from "I. Judgment/Order Summaries" to "I. Money Judgment Summary."		
		Delete paragraph 1.1. Restraining Order Summary.	Del	
		Also, Delete the paragraph heading "1.2 Money Judgment Summary."		
		In section III. Order, delete the entire text of paragraph 3.1, Restraining Order, and replace it with:		
		"3.1 Restraining Order		
		[] There are no restraining orders in effect under this cause number and the court is not entering one now.		
		[] The prior temporary restraining order restraining (name) dated remains in full force and effect.		
		[] All prior Restraining Order(s) that restrain (name) signed by the court under this cause number are terminated. <i>Clerk's Action</i> . The clerk of the court shall forward a copy of this order, on or before the next judicial day to: law enforcement agency where <i>the protected person</i> resides which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.		
		[] The parties shall comply with the Restraining Order		

			restraining (name court on this date under this cause r	or dated	signed by the,
6.	WPF DR 04.0300		Fact and Conclusion 2.16 Pregnancy, ch		O ,
7.	WPF DR 04.0400		rissolution/Decree Validity (Marriage)	•	aration/Declaration
			first section heading to "I. Judgment Sun		ment/Order
		Delete paraç	graph 1.1, Restrainir	ng Order Sumi	mary.
		Summary. I the row with	"Assessor's propert row, split the row in	I, in the table, y tax parcel o	add a new row above account number." In
			olumn 1		for Column 2
		"Name	of Grantor:"	"N	ame of Grantee:"
		Renumber p	aragraph 1.3 as 1.2	, Money Judgı	ment Summary.
		Restraining		ng Order." De	ng from "Continuing lete the entire text of
		"[]	No temporary per entered under this		ng orders have been er.
		[]	court under this can clerk's Action. The copy of this order day to:	ause number a The clerk of the er, on or before	e court shall forward e the next judicial law
			enforcement ager resides which sha computer-based of available in this st agencies to list ou	II enter this ore criminal intellig ate used by la	ence system w enforcement
		[]	The parties shall on Order signed by the		•

				, under this The Restraining Order signed by oved and incorporated as part of
8.	WPF DR 04.0405			of Legal Separation/Declaration ed Domestic Partnership)
			first section heading to "I. Judgment Su	g from "I. Judgment/Order mmaries."
		Delete paraç	graph 1.1, Restraini	ng Order Summary.
		Summary. I the row with the new first following tex	n new paragraph 1. "Assessor's proper row, split the row int:	I, Real Property Judgment 1, in the table, add a new row above ty tax parcel or account number." In to two columns and insert the
		for C	olumn 1	for Column 2
		"Name	of Grantor:"	"Name of Grantee:"
		Renumber p	aragraph 1.3 as 1.2	2, Money Judgment Summary.
		Restraining		aragraph heading from "Continuing ng Order." Delete the entire text of h:
		"[]	No temporary pe entered under thi	rsonal restraining orders have been s cause number.
		[]	court under this of Clerk's Action. a copy of this ord day to: enforcement age resides which sho computer-based available in this side.	estraining Order(s) signed by the cause number are terminated. The clerk of the court shall forward ler, on or before the next judicial law law ncy where the protected person all enter this order into any criminal intelligence system tate used by law enforcement utstanding warrants.
		[]	•	comply with the final Restraining the court on this date or dated, under this
				The Restraining Order signed by oved and incorporated as part of

9.	WPF DR 04.0500	Restraining Order	
		This is a new form. Use this form for a temporary or final Restraining Order. This form replaces the restraining order paragraph previously included in form DR 04.0250, Temporary Order, paragraph 3.1, and in forms DR 04.0400, and DR 04.0405, paragraph 3.8, in the Dissolution Decree.	
Fo	or Use in All Family	Law Cases	
10.	WPF DRPSCU 01.0185	Notice re: Dependent of a Person Military Service Member in Military Service	
		Change the form name as indicated, above.	
		In the first paragraph, in the first sentence, delete "on active duty." Change the second sentence as follows:	
		"This notice enly pertains only to a defendant/respondent who is a dependent of a member of the National Guard or a military reserve component under a call to active service under state or federal authority, for a period of more than thirty (30) consecutive days."	
		In the second paragraph, second sentence, after "call to active service" and before "for a period," insert "under state or federal authority,".	
		In the second paragraph, third sentence, after "National Guard or reserves" and before "and proceed with," insert "under state or federal authority,".	
		In the footer, change the name of the form as follows:	
		"Notice re: Dep. of Person - <u>Military Service Member in Military Service</u> "	
		Also in the footer, delete the Session Law citation and replace it with "RCW 38.42.050."	
11.	WPF DRPSCU 03.0100	Motion and Declaration for Default	
	03.0100	In paragraph 2.6.1.B, update the web site URL for military service status report as follows:	
		See the attached <u>Department of</u> Defense Manp—Power Data Center <u>Status</u> Report <u>Pursuant to Servicemembers Civil Relief</u>	

M-	odification of Child WPF DRPSCU 06.0800	Act (SCRA) obtained from https://www.dmdc.osd.mil/scra/owa/home https://www.dmdc.osd.mil/appj/scra/. (You must have the person's social security number to search in this site.) I Support Motion and Declaration for Adjustment of Child Support
	00.0000	Insert the following new paragraph 2.6 in the Declaration:
		"2.6 Servicemembers Civil Relief Act Statement
		2.6.1 A. Service member status (name of other party)
		[] is not a service member; [] is on active duty in the U.S. armed forces (excluding National Guard and reserves); [] is on active duty and is a National Guard member or a Reservist residing in Washington; [] is not on active duty in the U.S. armed forces (excluding National Guard and reserves); [] is not on active duty and is a National Guard member or a Reservist residing in Washington; [] I am unable to determine whether the other party is or is not on active duty in the U.S. armed forces; [] I am unable to determine whether the other party is or is not on active duty as a National Guard member or a Reservist residing in Washington. B. Factual basis: [] See the attached Department of Defense
		Manpower Data Center Status Report Pursuant to Servicemembers Civil Relief Act (SCRA) obtained from https://www.dmdc.osd.mil/appj/scra/. (You must have the person's social security number to search in this site.)
		[] Other factual basis:
		C. [] As indicated above, the other party is on active duty and (check all that apply): [] The other party is represented by an attorney.

	2.6.2 <i>F</i>	A. De	[] The court has appointed an attorney to represent the other party.[] A stay of these proceedings [] has [] has not been entered by the court.
	2.6.2 <i>F</i>	of []	is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist; is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist; I am unable to determine whether the other party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.
	E	3. Fa	ctual basis:
		[]	The other party failed to respond to a notice to him or her as a dependent of a person in Military Service that was [] served on [] mailed by first class mail on (date)
			therefore he or she should be presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.
		[]	Other factual basis:
	(C. []	As indicated above, the other party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist and (check all that apply):
			[] The other party is represented by an
			attorney. [] The court has appointed an attorney to represent the other party.
			[] A stay of these proceedings [] has [] has not been entered by the court."
	Renumber para	agraph	n 2.6, Other, as paragraph 2.7, Other.

13.	WPF DRPSCU 06.0900	Order re Adjustment of Child Support In section II. Findings, insert the following check box option above the check box option for "other:" "Servicemembers Civil Relief Act Statement [] Service member status It appears the nonrequesting party: [] is not a service member; [] is on active duty in the U.S. armed forces (excluding National Guard and reserves); [] is on active duty and is a National Guard member or a Reservist residing in Washington; [] is not on active duty in the U.S. armed forces (excluding National Guard and reserves); [] is not on active duty and is a National Guard member or a Reservist residing in Washington. [] Dependent of a service member status It appears the nonrequesting party: [] is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;	
		 [] is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist; [] is presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist." 	
Pa	arentage		
14.	WPF PS 01.0100	Petition for Establishment of Parentage In paragraph 1.3, Presumed Parent, change the two check box options that begin with "This person lived in the same household" as follows: "[] This person lived in the same household with the child and openly held out the child as his or her own for the first two years of the child's life, and this petition will be filed or served no later than four years after the birth of this child."	

15.	WPF PS 01.0150	Declaration of a Party to the Action to Establish Parentage
		In paragraph 1.1 H. in the second check box option, after "(Name) and I are" and before "married to each other…" insert "or were."
		Also in paragraph 1.1 H. change the last check box option as follows:
		"[] The petition in this case was or will be filed or served no later than four years after the birth of this child, and for the first two years of this child's life, I resided in the same household with this child and openly held out the this child as my own, as follows by doing the following:
		-
		[] I attached more pages that are part of this declaration."
		In paragraph 1.2, change the first line as follows:
		"I believe <u>the other party</u> (name) is:"
		In paragraph 1.2 C, in the first sub-check box option, after "(Name) and I are" and before "married to each other" insert "or were."
		Also in paragraph 1.2 C, change the last check box option as follows:
		"[] The petition in this case was or will be filed or served no later than four years after the birth of this child, and for the first two years of this child's life, (name) resided in the same household with this child and openly held out thethis child as his or her own, as followsby doing the following:
		1 attached more pages that are part of this declaration."
		In paragraph 1.3, change the primary check box option as follows:
		"[] I am not the presumed parent of the child because:"
		In paragraph 1.3, in the second sub-check box option, change "the

		child" to "this child" in three locations.
		Also in paragraph 1.3, insert a new sub-check box option "[] Other."
		In paragraph 1.4, change the primary check box option as follows:
		"[] I believe (name) is not the presumed parent of the this child because:"
		Also in paragraph 1.4, insert "[] other," as the third sub-check box option.
		In section II. Military Service, in two locations, add a check box in the left margin before "To the best of my knowledge and belief (name):"
16.	WPF PS 03.0250	Motion for Summary Judgment on Parentage
		In section III. Statement of Undisputed Facts, change the fifth check box option as follows:
		"[] The petition in this case was filed or served no later than four years after the birth of the child, and for Fer the first two years of the child's life, (name) resided in the same household with the child and openly held out the child as his or her own."
17.	WPF PS 03.0270	Order Granting Motion for Summary Judgment
		Change the heading for paragraph 2.2 as follows:
		"The Court Heard Argument and Considered the Pleadings Filed in This Action, any Argument, and the Following Evidence"
		In paragraph 2.2, change the second and third check box options as follows:
		"[] Affidavid/declaration regarding chain of custody Affidavit/Declaration Regarding Chain of Custody of samples of blood, buccal cells or other body tissue or fluid.
		[] Affidavit/Declaration of Genetic Test Expert."

18.	WPF PS 04.0350	Findings of Fact and Conclusions of Law (Parentage)
		In paragraph 2.4, Costs and Fees, insert the following as the first check box option:
		"[] Does not apply."
		In paragraph 2.7, revise the formatting so the check boxes below the check box for "This court has jurisdiction over the child for the reasons set forth below," appear as sub-check boxes of the reasons the court has jurisdiction.
19.	WPF PS 11.0100	Petition for Rescission of Paternity Acknowledgment
		In paragraph 1.1, delete the space for a second child's name, birth date and county of residence.
		Change paragraph 1.2, Effective Date of Paternity Acknowledgment, as follows:
		"The effective date of the Paternity Acknowledgment is, because:
		[] there is no presumed father and the Paternity aAcknowledgment was filed with the Washington State Registrar of Vital Statistics on that date. [] there is a presumed father and the Paternity Acknowledgment and the Denial of Paternity were filed with the Washington Registrar of Vital Statistics on that date. [] that was the date of the child was born on that date, and 's birth which is after the date on which the Paternity aAcknowledgment, and the Denial of Paternity, if there is a presumed father, were was filed with the Washington State Registrar of Vital Statistics before the child was born." In paragraph 1.5, in the second check box option, change "A copy of the denial is filed" to "A copy of the Denial of Paternity is filed"
		In paragraph 1.6, change the second sub-check box option as follows:
		[] the petitioner was a minor under 18 when he or she signed the Acknowledgment or Denial of Paternity and this action was commenced petition

		will be filed or served on or before the petitioner's 19 th birthday.		
20.	WPF PS 11.0400	Findings of Fact and Conclusions of Law of Rescission of Paternity Acknowledgment		
		In paragraph 2.4, in the first paragraph, third line, change "acknowledgment" to "Paternity Acknowledgment."		
		In the second paragraph, which begins with a check box option, at the end of the first sentence, change "denial" to "Denial of Paternity."		
		Change the third paragraph in paragraph 2.4 as follows:		
		"[] The petitioner was a minor when he <u>or she</u> signed the <u>Paternity</u> aAcknowledgment or dDenial of paternity Paternity, and and the petition in this case [] was [] was not started or served on or before his the petitioner's 19 th birthday."		
21.	WPF PS 12.0100	Petition for Rescission of Denial of Paternity		
		In paragraph 1.1, delete the space for a second child's name, birth date and county of residence.		
		Also, in paragraph 1.1, change the last paragraph as follows:		
		"This action is brought by (name)		

		In paragraph 1.2, Effective Date of Denial of Paternity, change the text as follows:
		"The effective date of the Denial of Paternity is (date), because:
		 because the Denial of Paternity and the Acknowledgment of Paternity waswere filed with the Washington State Registrar of Vital Statistics on that date. because that was the date of the child's birth which was after the date on whichwas born on that date and the Denial of Paternity and Acknowledgment of Paternity were was filed with the Washington State Registrar of Vital Statistics before the child was born."
22.	WPF PS 13.0100	Petition for Challenge to Paternity Acknowledgment
		In paragraph 1.1, delete the space for a second child's name, birth date and county of residence.
		Also, in paragraph 1.1, change the second paragraph as follows:
		"This action is brought by petitioner (name), the [] mother [] acknowledged father, to challenge the validity of the Paternity Acknowledgment signed by petitioner and filed with the Washington State Registrar of Vital Statistics on (date) The respondent(s) in this action is/are (name)the [] mother (name) [] acknowledged father (name) [] presumed father who filed a Denial of Paternity (name)
		[] alleged father (name)"
		This action is brought pursuant to RCW 26.26.335 and .340. A copy of the Paternity Acknowledgment is filed with this petition under the Sealed Acknowledgment/Denial of Paternity/Birth Certificate Cover Sheet, form WPF PS 15.0150.
		In paragraph 1.2, Effective Date of Paternity Acknowledgment, change the text as follows:
		"The effective date of the Paternity Acknowledgment is, because:

		[] there is no presumed father and the Paternity aAcknowledgment was filed with the Washington State Registrar of Vital Statistics on that date. [] there is a presumed father and the Paternity Acknowledgment and Denial of Paternity were filed with the Washington State Registrar of Vital Statistics on that date. [] that was the date of the child's the child was born on that date, and the birth which is after the date on which the Paternity aAcknowledgment and Denial of Paternity, if there was a presumed father, waswere filed with the Washington State Registrar of Vital Statistics before the child was born." In paragraph 1.3, in the second check box option, change "A copy
		of the denial is filed" to "A copy of the Denial of Paternity is filed"
		"All persons who signed the Paternity Acknowledgment filed on (date)
		but less than four years have passed since the effective date of the Paternity Acknowledgment."
23.	WPF PS 14.0100	Petition for Challenge to Denial of Paternity
		In paragraph 1.1, delete the space for a second child's name, birth date and county of residence.
		In paragraph 1.2, Effective Date of the Denial of Paternity and Paternity Acknowledgment, change the text as follows:

	"The effective date of the Denial of Paternity is, because:
	[] the <u>Denial of Paternity and the Paternity</u> <u>aAcknowledgment -waswere</u> filed with the Washington State Registrar of Vital Statistics on that date.
	[] that was the date of the child's child was birthborn on that date, and the which is after the date on which the Denial of Paternity and the Paternity aAcknowledgment were was filed with the Washington State Registrar of Vital Statistics before the child was born.
	The effective date of the Paternity Acknowledgment is, because:
	[] the acknowledgment was filed with the Washington State Registrar of Vital Statistics on that date. [] that was the date of the child's birth which is after the date on which the acknowledgment was filed with the Washington State Registrar of Vital Statistics.
	A copy of the <u>Denial of Paternity and the Paternity</u> Acknowledgment and the <u>Denial of Paternity</u> are filed with this petition under the Sealed Acknowledgment/Denial of Paternity/Birth Certificate Cover Sheet, form WPF PS 15.0150."
In pa	ragraph 1.3, Jurisdiction, change the text as follows:
	"All persons who signed the Paternity Acknowledgment filed on (date), [] and the Denial of Paternity filed on (date), submitted to the jurisdiction of the court on the filing date pursuant to RCW 26.26.340(2); and more than 60 days
	[] It has been more than 60 days from when the child was born, or the effective date of the Denial of Paternity;
	The petitioner appeared in a court proceeding to adjudicate an issue relating to the child on (date) , less than 60 days from
	the effective date of the Denial of Paternity; The petitioner was under 18 when he signed the Denial of Paternity and that person has now turned
	Denial of Paternity and that person has now turned 19;

		but less than four years have passed since the <u>effective</u> <u>date of the</u> Paternity Acknowledgment and the Denial of Paternity were filed."
24.	WPF PS 17.0100	Petition to Disestablish Parentage Based on Presumption
		In paragraph 1.7, Genetic Testing, in both check box options, change "parentage genetic tests" to "paternity genetic tests."
25.	WPF PS 17.0300	Response to Petition to Disestablish Parentage Based on Presumption
		In paragraph 3, Genetic Tests, in both check box options, change "parentage genetic tests" to "paternity genetic tests."
26.	WPF PS 17.0400	Findings of Fact and Conclusions of Law (Petition to
		Disestablish Parentage Based on Presumption)
		In paragraph 2.5, Genetic Tests, in the second check box option, change "parentage genetic tests" to "paternity genetic tests."