

February 1, 2021

- TO: Judges, Commissioners, County Clerks, Court Administrators, Court Facilitators, Libraries, Attorneys, and the Public
- FROM: Ashley Tam, AOC Senior Legal Analyst
- RE: Summary of Changes for Family Law Forms (February 2021)

The Washington Pattern Forms Committee has updated some of the family law forms to incorporate changes based on the <u>Laws of 2020, ch. 227 (SHB 2302)</u>, Child Support – Various Provisions. These forms were also updated for other reasons, including to address user feedback, improve form language clarity and accuracy, use more inclusive terms, and remove some of the more complex table structures contained in our forms.

The following forms have been updated and are effective February 1, 2021.

Form No.	Title
FL All Family 130	Child Support Order
FL All Family 140	Parenting Plan
FL All Family 150	Restraining Order
FL Modify 501	Petition to Modify Child Support Order
FL Modify 502	Response to Petition to Modify Child Support Order
FL Modify 510	Final Order and Findings on Petition to Modify Child Support Order
FL Parentage 303	Residential Schedule
FL Parentage 340	Summons: Notice about Petition for De Facto Parentage
FL Parentage 341	Petition for De Facto Parentage
FL Parentage 344	Order After Review of Petition for De Facto Parentage
FL Parentage 345	Findings and Conclusions about De Facto Parentage

The family law forms are located on our <u>List of All Forms</u> webpage at: <u>http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14#FamLawForms</u>.

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We have also removed two family law forms in response to the repeal of most sections of chapter 26.10 RCW, as noted in the <u>Laws of 2020, ch. 312 (ESSB 6287</u>), Guardianships and Conservatorships – Various Provisions.

The following forms have been removed from the Washington Courts Forms website.

Form No.	Title
FL Non-Parent 400	Summons: Notice about Non-Parent Custody Petition
FL Non-Parent 401	Non-Parent Custody Petition

The Washington Governor's Proclamations that impact the repeal of chapter 26.10 RCW can be found at <u>https://www.governor.wa.gov/office-governor/official-actions/proclamations</u>.

#### Customizing the Summary of Changes

We create the Summary of Changes using Adobe Acrobat Pro's Compare Tool. (Depending on your PDF reader and software version, you may have different options to customize the Summary of Changes.)

- 1. Download the Summary of Changes from your web browser. Then, open the file with Adobe Acrobat Reader DC.
- 2. Use the Bookmarks in the left pane (look for the icon) to locate the form changes you would like to review, and then click on the name of the form. Then, click "Go to First Change (page 1)."
- 3. Hover over icons (*e.g.*, a message bubble or white "x" enclosed in red circle) in the document to see changes appear in a pop-up text box, or click on the icons to see a description of the changes in the right pane.
- 4. To filter the types of changes you would like to see:
  - a. Click the filter icon V in the right pane. If you do not see the filter icon, go to View>Tools>Comment>Open.
  - b. Select the type of changes (comments) you would like to see, such as "text replaced" or "text deleted," or "text inserted." Click to "select" or "unselect." Then, click "apply."
  - c. Select "clear all" to reset the filters, as necessary.

Feedback or questions about the Summary of Changes or court forms can be provided to the Washington Pattern Forms Committee at: <a href="http://www.courts.wa.gov/forms/?fa=forms.formsComments">http://www.courts.wa.gov/forms/?fa=forms.formsComments</a>.

1/25/2021 1:51:15 PM

# **Compare Results**

Old File:		New File:
FL All Family 130 Child Support ( 06.pdf		Versus 02.pdf
<b>16 pages (680 KB)</b> 6/10/2020 1:55:51 PM		<b>17 pages (689 KB)</b> 1/25/2021 10:22:45 AM
Total Changes	Content	Styling and Annotations
131	56Replace43Insertion29Deletion	0 Annotations

Go to First Change (page 1)

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

In re:

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

And Respondent/s (other party/parties):

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

Child Support Order [] Temporary (TMORS) [] Final (ORS)

Clerk's action required: WSSR, 1

# **Child Support Order**

# **1.** Money Judgment Summary

- [] No money judgment is ordered.
- [] Summarize any money judgments from section **23** in the table below.

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
Past due child support from to	_		\$	\$
Past due medical support from to	_		\$	\$
Past due children's exp. from to	_		\$	\$
Other amounts (describe):			\$	\$
Yearly Interest Rate for child For other judgments:			enses: 12%.	
Lawyer (name):	Represents (name):			
Lawyer (name):	Represents (name):			

# > Findings and Orders

- The court orders child support as part of this family law case. This is a *(check one):*[] temporary order.
  [] final order.
- **3.** The *Child Support Schedule Worksheets* attached or filed separately are approved by the court and made part of this Order.

# 4. Parents' contact and employment information

Each parent must fill out and file with the court a *Confidential Information* form (FL All Family 001) including personal identifying information, mailing address, home address, and employer contact information.

Important! If you move or get a new job any time while support is still owed, you must:

- Notify the Support Registry, and
- Fill out and file an updated Confidential Information form with the court.

**Warning!** Any notice of a child support action delivered to the last address you provided on the *Confidential Information* form will be considered adequate notice, if the party trying to serve you has shown diligent efforts to locate you.

## 5. Parents' Income

Parent (name):	Parent (name):	
Net monthly income \$ (line 3 of the Worksheets)	Net monthly income \$ (line 3 of the Worksheets)	
This income is (check one):	This income is (check one):	
[] imputed to this parent. (Skip to 6.)	[] imputed to this parent. (Skip to 6.)	
[] this parent's actual income (after any exclusions approved below).	[ ] this parent's actual income (after any exclusions approved below).	
Does this parent have income from overtime or a second job?	Does this parent have income from overtime or a second job?	
[] No. (Skip to <b>6</b> .)	[] No. (Skip to <b>6</b> .)	
[] Yes. (Fill out below.)	[] Yes. (Fill out below.)	
Should this income be excluded? (check one):	Should this income be excluded? (check one):	
[] No. The court has <b>included</b> this income in this parent's gross monthly income on line 1 of the <i>Worksheets</i> .	[] No. The court has <b>included</b> this income in this parent's gross monthly income on line 1 of the <i>Worksheets</i> .	
<ul> <li>[] Yes. This income should be excluded because:</li> <li>This parent worked over 40 hours per week averaged over 12 months, and</li> <li>That income was earned to pay for <ul> <li>[] current family needs</li> <li>[] debts from a past relationship</li> <li>[] child support debt, and</li> </ul> </li> <li>This parent will stop earning this extra income after paying these debts.</li> </ul>	<ul> <li>[] Yes. This income should be excluded because:</li> <li>This parent worked over 40 hours per week averaged over 12 months, and</li> <li>That income was earned to pay for <ul> <li>[] current family needs</li> <li>[] debts from a past relationship</li> <li>[] child support debt, and</li> </ul> </li> <li>This parent will stop earning this extra income after paying these debts.</li> </ul>	

Parent (name):	Parent (name):
The court has <b>excluded \$</b>	The court has <b>excluded \$</b>
from this parent's gross monthly income on	from this parent's gross monthly income on
line 1 of the <i>Worksheets</i> . [] Other findings:	line 1 of the <i>Worksheets</i> . [] Other findings:

# 6. Imputed Income

To calculate child support, the court may **impute** income to a parent:

- whose income is unknown, or
- who the court finds is unemployed or under-employed by choice.

Imputed income is not actual income. It is an assigned amount the court finds a parent could or should be earning. (RCW 26.19.071(6))

Parent (name):	Parent (name):	
[] Does not apply. This parent's actual income is used. (Skip to 7.)	[] Does not apply. This parent's actual income is used. (Skip to 7.)	
<ul> <li>[] This parent's monthly net income is imputed because (check one):</li> <li>[] this parent's income is unknown.</li> <li>[] this parent is voluntarily unemployed.</li> <li>[] this parent is voluntarily under-employed.</li> <li>[] this parent works full-time but is purposely under-employed to reduce child support.</li> <li>[] this parent is currently enrolled in high school full-time and is voluntarily unemployed or under-employed.</li> </ul>	<ul> <li>[] This parent's monthly net income is imputed because (check one):</li> <li>[] this parent's income is unknown.</li> <li>[] this parent is voluntarily unemployed.</li> <li>[] this parent is voluntarily under-employed.</li> <li>[] this parent works full-time but is purposely under-employed to reduce child support.</li> <li>[] this parent is currently enrolled in high school full-time and is voluntarily unemployed or under-employed.</li> </ul>	
<ul> <li>The imputed amount is based on the information below: (Options are listed in order of required priority. The Court used the first option possible based on the information it had unless a presumed option was rebutted.)</li> <li>[] Pay for 20 hours per week at the minimum wage where this parent lives because this parent is enrolled in high school full-time and is voluntarily unemployed or underemployed.</li> <li>[] Full-time pay at current pay rate.</li> <li>[] Full-time pay based on reliable information about past earnings.</li> </ul>	<ul> <li>The imputed amount is based on the information below: (Options are listed in order of required priority. The Court used the first option possible based on the information it had unless a presumed option was rebutted.)</li> <li>[] Pay for 20 hours per week at the minimum wage where this parent lives because this parent is enrolled in high school full-time and is voluntarily unemployed or underemployed.</li> <li>[] Full-time pay at current pay rate.</li> <li>[] Full-time pay based on reliable information about past earnings.</li> </ul>	

Parent (name):	Parent (name):	
[] Full-time pay based on incomplete or irregular information about past earnings.	[] Full-time pay based on incomplete or irregular information about past earnings.	
[] Pay for 32 hours per week at the minimum wage where this parent lives because this parent:	[] Pay for 32 hours per week at the minimum wage where this parent lives because this parent:	
[] recently graduated from high school.	[] recently graduated from high school.	
<ul> <li>is on TANF now, or recently came off TANF, public assistance, SSI, or disability.</li> </ul>	[ ] is on TANF now, or recently came off TANF, public assistance, SSI, or disability.	
[] was recently incarcerated.	[] was recently incarcerated.	
[] Full-time pay at the minimum wage where the parent lives because this parent (check all that apply):	[] Full-time pay at the minimum wage where the parent lives because this parent (check all that apply):	
[] recently worked at minimum wage jobs.	[] recently worked at minimum wage jobs	
[] has never been employed.	[] has never been employed.	
[ ] does not have information about past earnings.	[ ] does not have information about past earnings.	
[] Table of Median Net Monthly Income.	[] Table of Median Net Monthly Income.	
[] Other (specify):	[] Other (specify):	

# 7. Limits affecting the monthly child support amount

- [] Does not apply. The monthly amount was not affected by the upper or lower limits in RCW 26.19.065.
- [] The monthly amount has been affected by (check all that apply):
  - [] **Low-income limits.** The self-support reserve and presumptive minimum payment have been calculated in the *Worksheets*, lines 8.a. c.
  - [] **The 45% net income limit.** The court finds that the paying parent's child support obligations for his/her biological and legal children are more than 45% of his/her net income (*Worksheets*, line 18). Based on the children's best interests and the parents' circumstances, it is (*check one*): [] fair. [] **not** fair to apply the 45% limit. (*Describe both parents' situations*):
  - [] **Combined Monthly Net Income over \$12,000.** Together, the parents earn more than \$12,000 per month (*Worksheets* line 4). The child support amount (*check one*):
    - [] is the presumptive amount from the economic table.
    - [] is more than the presumptive amount from the economic table because (specify):

# 8. Standard Calculation

Parent Name	Standard calculation worksheets line 17
	\$
	\$

# [] **Check here if there is a residential split** – (each parent has at least one of the children from this relationship living with them most of the time.)

These children (names and ages):	These children (names and ages):
Live with (parent's name):	Live with (parent's name):

The standard calculation for the parent paying support is \$\_\_\_\_\_ This is from *(check one):* 

- [] The Attachment for Residential Split Adjustment (Arvey calculation), line G (form WSCSS–Attachment for RSA). This Attachment to the Child Support Schedule Worksheets is approved by the court and made part of this Order.
- [] Other calculation (specify method and attach Worksheet/s):

# **9.** Deviation from standard calculation

Should the monthly child support amount be different from the standard calculation?

- [] **No** The monthly child support amount ordered in section **10** is the **same** as the standard calculation listed in section **8** because (*check one*):
  - [] No one asked for a deviation from the standard calculation. (Skip to **10**.)
  - [] There is not a good reason to approve the deviation requested by (name/s):

The facts supporting this decision are (check all that apply):

- [] detailed in the *Worksheets*, Part VIII, lines 20 through 26.
- [] the parent asking for a deviation:
  - [] has a new spouse or domestic partner with income of \$\_\_\_\_\_.
  - [] lives in a household where other adults have income of \$\_\_\_\_\_
  - [] has income from overtime or a second job that was excluded in section **5** above.
- [] other (specify):
- [] Yes The monthly child support amount ordered in section 10 is different from the

#### standard calculation listed in section **8** because (check all that apply):

- [] A parent or parents in this case has:
  - [] children from other relationships.
  - [] paid or received child support for children from other relationships.
  - [] gifts, prizes, or other assets.
  - [] income that is not regular (non-recurring income) such as bonuses, overtime, etc.
  - [] unusual unplanned debt (extraordinary debt not voluntarily incurred).
  - [] tax planning considerations that will not reduce the economic benefit to the children.
  - [] very different living costs, which are beyond their control.
- [] The children in this case:
  - [] spend significant time with the parent who owes support. The non-standard amount still gives the other parent's household enough money for the children's basic needs. The children do not get public assistance (TANF).
  - [] have extraordinary income.
  - [] have special needs because of a disability.
  - [] have special medical, educational, or psychological needs.
- [] There are (or will be) costs for court-ordered reunification or a voluntary placement agreement.
- [] The parent who owes support has shown it is not fair to have to pay the \$50 per child presumptive minimum payment.
- [] The parent who is owed support has shown it is not fair to apply the self-support reserve (calculated on lines 8.a. c. of the *Worksheets*).
- [] Other reasons:

The facts that support the reasons checked above are (check all that apply):

- [] detailed in the Worksheets, Part VIII, lines 20 through 26.
- [] the parent asking for a deviation:
  - [] has a new spouse or domestic partner with income of \$\_\_\_\_\_
  - [] lives in a household where other adults have income of \$\_\_\_\_\_.
  - [ ] has income from overtime or a second job that was excluded in section **5** above.
- [] as follows: \_\_\_\_\_

-0

# **10.** Monthly child support amount (transfer payment)

After considering the standard calculation in section **8**, and whether or not to apply a deviation in section **9**, the court orders the following monthly child support amount (transfer payment).

# [] (Name):

must pay child

support to (name):	each month as follows for the children
listed below (add lines for additional children if	needed):

	Child's Name	Age	Amount
1.			\$
2.			\$
3.			\$
4.			\$
5.			\$
	Total monthly child	support amount:	\$

[] **Residential Split** – Each parent has at least one of the children from this relationship living with them most of the time. (*Name*): \_\_\_\_\_\_ must pay child support to (*name*): \_\_\_\_\_\_ each month as follows:

# Total monthly child support amount: \$

## **11.** Starting date and payment schedule

The monthly child support amount must be paid starting *(month, year)*: \_\_\_\_\_\_ on the following payment schedule:

- [] in one payment each month by the \_\_\_\_\_ day of the month.
- [] in two payments each month: 1/2 by the \_\_\_\_\_ and 1/2 by the \_\_\_\_\_ day of the month.
- [] other (specify):

# **12.** Step Increase (for modifications or adjustments only)

- [] Does not apply.
- [] **Approved** The court is changing a final child support order. The monthly child support amount is increasing by more than 30% from the last final child support order. This causes significant financial hardship to the parent who owes support, so the increase will be applied in two equal steps:
  - For six months from the Starting Date in section **11** above, the monthly child support amount will be the old monthly amount plus ½ of the increase, for a total of <u>\$\_\_\_\_\_</u>each month.
  - On *(date):* \_\_\_\_\_, six months after the Starting Date in section **11**, the monthly child support amount will be the full amount listed in section **10**.
- [] Denied The court is changing a final child support order (check one):
  - [] but the monthly payment increased by less than 30%.
  - [] and the monthly payment increased by more than 30%, but this does not cause a significant hardship to the parent who owes support.

#### **13.** Periodic Adjustment

- [] Child support may be changed according to state law. The court is not ordering a specific periodic adjustment schedule below.
- [] Any party may ask the court to adjust child support periodically on the following schedule **without** showing a substantial change of circumstances:

The Motion to Adjust Child Support Order may be filed:

- [] every \_\_\_\_\_ months.
- [ ] on (date/s): \_\_\_\_\_
- [] other (describe condition or event):

*Important!* A party must file a Motion to Adjust Child Support Order (form FL Modify 521), and the court must approve a new Child Support Order for any adjustment to take effect.

[] Deadlines, if any (for example, deadline to exchange financial information, deadline to file the motion):

#### **14.** Payment Method (check either Registry or Direct Pay)

[] **Registry** – Send payment to the Washington State Support Registry. The Division of Child Support (DCS) will forward payments to the person owed support and keep records of all payments.

Address for payment:	Washington State Support Registry
	PO Box 45868, Olympia, WA 98504

Phone number/s: 1 (800) 922-4306 or 1 (800) 442-5437

*Important!* If you are ordered to send your support payments to the Washington State Support Registry, and you pay some other person or organization, you will **not** get credit for your payment.

DCS Enforcement (if Registry is checked above):

- [] DCS will enforce this order because (check all that apply):
  - [] this is a public assistance case.
  - [] one of the parties has already asked DCS for services.
  - [] one of the parties has asked for DCS services by signing the application statement at the end of this order (above the *Warnings*).
- [] DCS will **not** enforce this order unless one of the parties applies for DCS services or the children go on public assistance.
- [] **Direct Pay** Send payment to the other parent or non-parent custodian by:
- city

zip

state

or any new address the person owed support provides to the parent who owes support. (*This does not have to be a home address.*)

[] other method:

#### **15.** Enforcement through income withholding (garnishment)

DCS or the person owed support can collect the support owed from the wages, earnings, assets, or benefits of the parent who owes support, and can enforce liens against real or personal property as allowed by any state's child support laws without notice to the parent who owes the support.

If this order is **not** being enforced by DCS and the person owed support wants to have support paid directly from the employer, the person owed support must ask the court to sign a separate wage assignment order requiring the employer to withhold wages and make payments. (Chapter 26.18 RCW.)

Income withholding may be delayed until a payment becomes past due if the court finds good reason to delay.

- [] Does not apply. There is no good reason to delay income withholding.
- [] Income withholding will be **delayed** until a payment becomes past due because *(check one):* 
  - [] the child support payments are enforced by DCS, and there are good reasons in the children's best interest **not** to withhold income at this time. If this is a case about changing child support, previously ordered child support has been paid on time.

List the good reasons here:

[] the child support payments are **not** enforced by DCS and there are good reasons **not** to withhold income at this time.

List the good reasons here: \_\_\_\_\_

[] the court has approved the parents' written agreement for a different payment arrangement.

#### **16.** Temporary reduction if incarcerated (abatement)

#### Important! Read Support Abatement Warnings at the end of this order.

If the person who owes support is incarcerated:

- The total monthly child support amount may be temporarily reduced to \$10 while the person who owes support is in jail, prison, or a correctional facility for at least six months (or serving a sentence of more than six months), and has no income or assets available to pay the support.
- If reduced, the support amount will be \$10 a month.
- Beginning the fourth month after the person who owes support is released, support will be 50% of the original amount, or \$50 per child, whichever is more.
- One year after release, support will return to the original amount in section 10.

- Reinstatement of the support amount at 50% does not automatically apply, if a *Petition to Modify Child Support Order* is filed during the period of abatement.
- [] The person who owes support qualifies for abatement. Monthly child support is temporarily reduced (abated) to \$10 and will be reinstated as described above.

### 17. End date for support

Support must be paid for each child until (check one):

- [] the court signs a different order, if this is a temporary order.
- [] the child turns 18 or is no longer enrolled in high school, whichever happens last, unless the court makes a different order in section **18**.
- [] the child turns 18 or is otherwise emancipated, unless the court makes a different order in section **18**.
- [] after (*child's name*): \_\_\_\_\_\_\_turns 18. Based on information available to the court, it is expected that this child will be unable to support themself and will remain dependent past the age of 18. Support must be paid until (*check one*);

[] this child is able to support themself and is no longer dependent on the parents.

- [ ] other: \_\_\_\_\_\_
- [] other (specify):

# **18**. Post-secondary educational support (for college or vocational school)

- [] **Reserved** A parent or non-parent custodian may ask the court for post-secondary educational support at a later date without showing a substantial change of circumstances by filing a *Petition to Modify Child Support Order* (form FL Modify 501). The *Petition* must be filed *before* child support ends as listed in section **17**.
- [] **Granted** The parents must pay for the children's post-secondary educational support. Post-secondary educational support may include support for the period after high school and before college or vocational school begins. The amount or percentage each person must pay *(check one):* 
  - [] will be decided later. The parties may make a written agreement or ask the court to set the amount or percentage by filing a *Petition to Modify Child Support Order* (form FL Modify 501).
  - [] is as follows (specify):

[] **Denied** – The request for post-secondary educational support is denied.

[] Other (specify):

Child Support Order

#### 19. Tax Issues

*Important!* Although personal tax exemptions are currently suspended under federal law through tax year 2025, other tax benefits may flow from claiming a child as dependent.

- [] Does not apply.
- [] The parties have the right to claim the children as their dependents for purposes of personal tax exemptions and associated tax credits on their tax forms as follows *(check one):* 
  - [] Every year (name):

has the right to claim (children's names):

and	(name): _	

has the right to claim (children's names):

- [] Other (specify):

For tax years when a non-custodial parent has the right to claim the children, the parents **must** cooperate to fill out and submit IRS Form 8332 in a timely manner

#### **20.** Medical Support

*Important!* Read the Medical Support Warnings at the end of this order. Medical Support includes health insurance (both public and private) and cash payments towards premiums and uninsured medical expenses.

- [] The court is not ordering how health care coverage must be provided for the children because the court does not have enough information to determine the availability of accessible health care coverage for the children (coverage that could be used for the children's primary care). The law requires every parent to provide or pay for medical support. The Division of Child Support (DCS) or any parent can enforce this requirement. (*Skip to* **21**.)
- [] **Private health insurance ordered**. (*Name*): \_\_\_\_\_\_ must pay the premium to provide health insurance coverage for the children. The court has considered the needs of the children, the cost and extent of coverage, and the accessibility of coverage.
  - [] The other parent must pay his/her proportional share\* of the premium paid. Health insurance premiums (*check one*):
    - [] are included on the Worksheets (line 14). No separate payment is needed.
    - [] are **not** included on the *Worksheets*. Separate payment is needed. A parent or non-parent custodian may ask DCS or the court to enforce payment for the proportional share.
    - \* Proportional share is each parent's percentage share of the combined net income from line 6 of the Child Support Schedule Worksheets.

[] The other parent is **not** ordered to pay for any part of the children's insurance because *(explain):* \_\_\_\_\_\_

A parent cannot be excused from providing health insurance coverage through an employer or union solely because the child receives public health care coverage.

[] A parent has been ordered to pay an amount that is more than 25% of his/her basic support obligation (*Worksheets,* line 19). The court finds this is in the children's best interest because:

A parent cannot be ordered to pay an amount towards health care coverage premiums that is more than 25% of his/her basic support obligation (Worksheets, line 19) unless the court finds it is in the best interest of the children.

- [] **Public health care coverage**. (Name): \_\_\_\_\_\_\_ has enrolled the child in public health care coverage and does not have available at no cost, accessible health insurance coverage through an employer or union.
  - [] The other parent must enroll the child in accessible health insurance coverage through their employer or union up to 25% of their basic support obligation.
  - [] The other parent must pay his/her proportional share\* of the premium for public health care coverage for the child. Public health care premiums (check one):
    - [] are included on the Worksheets (line 14). No separate payment is needed.
    - [] are **not** included on the *Worksheets*. Separate payment is needed. A parent or non-parent custodian may ask DCS or the court to enforce payment for the proportional share.
    - Proportional share is each parent's percentage share of the combined net income from line 6 of the Child Support Schedule Worksheets.
  - [] The other parent is **not** ordered to pay for any part of the children's health care coverage because (*explain*):

A parent cannot be excused from providing health insurance coverage through an employer or union solely because the child receives public health care coverage.

- [] A parent has been ordered to pay an amount that is more than 25% of his/her basic support obligation (*Worksheets*, line 19). The court finds this is in the children's best interest because:
- [] Other (specify):

Ξ

#### 21. Health care coverage if circumstances change or court has not ordered

If the parties' circumstances change, or if the court is not ordering how health care coverage must be provided for the children in section **20**:

• A parent, non-parent custodian, or DCS can enforce the medical support requirement.

- If a parent does not provide proof of accessible health care coverage (coverage that can be used for the children's primary care), that parent must:
  - Get (or keep) insurance through his/her work or union, unless the insurance costs more than 25% of his/her basic support obligation (line 19 of the *Worksheets*),
  - Pay his/her share of the other parent's monthly premium up to 25% of his/her basic support obligation (line 19 of the *Worksheets*), or
  - Pay his/her share of the monthly cost of any public health care coverage, such as Apple Health or Medicaid, which is assigned to the state.

## 22. Children's expenses nogencluded in the monthly child support amount

**Uninsured medical expenses** – Each parent is responsible for a share of uninsured medical expenses as ordered below. Uninsured medical expenses include premiums, copays, deductibles, and other health care costs not paid by health care coverage.

	Parant (nama):	Parant (nama):	Make payments to:		
Children's	Parent (name):	Parent (name):	Person who pays the	Service	
Expenses for:	pays monthly	pays monthly	expense	Provider	
Uninsured medical expenses	[] Proportional Share* []%**	[] Proportional Share* []%**	[]	[]	

\* Proportional Share is each parent's percentage share of the combined net income from line 6 of the Child Support Schedule Worksheets.

\*\* If the percentages ordered are different from the Proportional Share, explain why:

# Other shared expenses (check one):

- [] Does not apply. The monthly amount covers all expenses, except health care expenses.
- [] The parents will share the cost of the expenses listed below (check all that apply):

	Derent (nome):	Derent (name):	Make payments to:	
Children's	Parent (name):	Parent (name):	Person who pays the	Service Provider
Expenses for:	paysmontiny	paysmonthly	expense	
[ ] Day care:	[] Proportional Share* [] \$%**	[ ] Proportional Share* [ ] \$%**	[]	[]
[]Education: 	[] Proportional Share* []\$%**	[ ] Proportional Share* [ ] \$%**	[]	[]

	Parent (name):	Parent (name):	Make pay	ments to:
Children's Expenses for:	pays monthly	pays monthly	Person who pays the expense	Service Provider
[] Long-distance transportation:	[ ] Proportional Share* [ ] \$%**	[ ] Proportional Share* [ ] \$%**	[]	[]
[] Other (specify):	[] Proportional Share* []\$%**	[ ] Proportional Share* [ ] \$%**	[]	[]

<sup>t</sup> Proportional Share is each parent's percentage share of the combined net income from line 6 of the Child Support Schedule Worksheets.

\*\* If any percentages ordered are different from the Proportional Share, explain why:

[] Other (give more detail about covered expenses here, if needed):

#### A person receiving support can ask DCS to collect:

- expenses owed directly to them.
- reimbursement for expenses the person providing support was ordered to pay.
- an order for a money judgmen<sup>org</sup>rom the court.

#### **23.** <u>Past due</u> child support, medical support and other expenses

- [] This order does not address any past due amounts or interest owed.
- [] As of (date): \_\_\_\_\_\_, no parent owes (check all that apply):
  - [] past due child support
- [] interest on past due child support
- [] past due medical support
- [ ] interest on past due medical support
- [] past due other expenses
- [] interest on past due other expenses
- to (check all that apply): [] the other parent or non-parent custodian. [] the state.

[] The court orders the following money judgments (summarized in section 1 above):

Judgment for	Debtor's name (person who must pay money)	<b>Creditor's name</b> (person who must be paid)	Amount	Interest
[ ] Past due child support from to			\$	\$
[] Past due medical support (health insurance & health care costs not covered by insurance) fromto			\$	\$
[ ] Past due expenses for: [ ] day care [ ] education [ ] long-distance transp. fromto			\$	\$
[] Other (describe):			\$	\$

The interest rate for child support judgments is 12%.

[] Other (specify):

# **24.** Overpayment caused by change

[] (Name):			shall repay this amount
to (Name):			by (date):
		d against the monthly su each month until paid	ipport amount owed each d off.
[] Other (spec	sify):		

# **<sup>oo</sup>25.** Other Orders

All of the Warnings below are required by law and are incorporated and made part of this order.

[] Other (specify):			
Ordered.			
Date	Judge or Comn	nissioner	
Petitioner and Respondent or	their lawvers fi	II out below:	
This document <i>(check any that app</i> [] is an agreement of the parties [] is presented by me [] may be signed by the court without Petitioner signs here <b>or</b> lawyer signs here	ly): This []is []is notice to me []m	a document <i>(check)</i> an agreement of the presented by me hay be signed by the	e parties
Print Name	Date Print	Name	Date
	[] medical support [] other (specify): Print name a odian applies for S) to enforce this ord 0, unless I ask to be	or DCS enforcen ler. I understand that D excused from paying th	DCS will keep \$35 each year his fee in advance. <i>(You ma</i> )
Parent or Non-Parent Custodian si (lawyer cannot sign for party)	gns here Print n	ame	Date
All the warnings below are <b>Do not remove.</b>	e required by	law and are p	part of the order. $_{\varphi}$
<ul> <li>Warnings!</li> <li>If you don't follow this child support ord</li> <li>DOL or other licensing agencies may deny, business or professional licenses, and</li> <li>Dept. of Fish and Wildlife may suspend or repermits. (RCW 74.20A.320)</li> </ul>	suspend, or refuse to r		

#### If you receive child support...

You may have to:

- Document how that support and any cash received for the children's health care was spent.
- Repay the other parent for any day care or special expenses included in the support if you didn't actually have those expenses. (RCW 26.19.080)

#### Support Abatement Warnings!

The Division of Child Support (DCS), the person required to pay support, the payee under this order, or the person entitled to receive support **may ask the court or DCS to temporarily reduce** child support to \$10 per month when the person required to pay support is in jail, prison, or a correctional facility for at least six months, or serving a sentence of more than six months.

There is a rebuttable presumption that an incarcerated person cannot pay child support. DCS, the payee under this order, or the person receiving the support may overcome the presumption by showing that the person required to pay support has income or other assets available to pay support.

When a request for abatement is made, DCS will review its records and other available information, and decide if abatement is appropriate. DCS will send notice of the decision to the person required to pay support, and to the payee under this order or the person entitled to receive support. Any of those persons may object to DCS's decision.

If at any point during the period of incarceration, a person or DCS later learns of income or other assets available to pay support, a request to terminate or reverse the abatement may be made through DCS or the Office of Administrative Hearings.

#### Medical Support Warnings!

The parents must keep the Support Registry informed about whether they have access to health care coverage for the children at a reasonable cost and to provide the policy information for any such coverage.

#### If you are ordered to provide children's health care coverage...

You have 20 days from the date of this order to send:

- proof that the children are covered , or
- proof that health care coverage is not available as ordered.

Send your proof to the other parent or to the Support Registry (if your payments go there).

If you do not provide proof of health care coverage:

- The other parent or the support agency may contact your employer or union, without notifying you, to ask for direct enforcement of this order (*RCW 26.18.170*), and
- The other parent may:
  - Ask the Division of Child Support (DCS) for help,
  - Ask the court for a contempt order, or
  - File a Petition in court.

**Don't** cancel your employer or union health insurance for your children unless the court approves or your job ends, and you no longer qualify for insurance as ordered in section **20**.

If an insurer sends you payment for a medical provider's service:

- you must send it to the medical provider if the provider has not been paid; or
- you must send the payment to whoever paid the provider if someone else paid the provider; or
- you may keep the payment if you paid the provider.

If the children have public health care coverage, the state can make you pay for the cost of the monthly premium.

Always inform the Support Registry and any parent if your access to health care coverage changes or ends.

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# **Compare Results**



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Deletions

5 Styling

 $\mathbf{O}$ Annotations

Go to First Change (page 1)

Superior Court of Washington, County of	
· · · · · ·	

In re:

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

No.

And Respondent/s (other party/parties):

Parenting Plan (PPP / PPT / PP) <sup>P</sup>Clerk's action required: **1** 

# **Parenting Plan**

- **1.** This parenting plan is a (check one):
  - [] **Proposal** (request) by a parent (name/s): \_ It is not a signed court order. (PPP)
  - [] Court order signed by a judge or commissioner. This is a (check one):
    - [] Temporary order. (PPT)
    - [] Final order. (PP)
      - [] This final parenting plan changes the last final parenting plan.
- **2.** Children This parenting plan is for the following children:

Child's name	Age	Child's name	Age
1.		4.	
2.		5.	
3.		6.	

# 3. Reasons for putting limitations on a parent (under RCW 26.09.191)

a. Abandonment, neglect, child abuse, domestic violence, assault, or sex offense. (If a parent has any of these problems, the court **must** limit that parent's contact with the children and that parent's right to make decisions for the children, and may not require dispute resolution other than court.)

- [] Neither parent has any of these problems. (Skip to 3.b.)
- [] A parent has one or more of these problems as follows (check all that apply):

  - [9] Domestic Violence (Parent's name): \_\_\_\_\_\_ (or someone living in that parent's home) has a history of domestic violence as defined in RCW 26.50.010.
  - Assault (Parent's name): (or someone living in that parent's home) has assaulted or sexually assaulted someone causing grievous physical harm, causing fear of such harm, or resulting in a pregnancy.
  - [] Sex Offense
    - [] (Parent's name): has been convicted of a sex offense as an adult.
    - [] Someone living in *(parent's name):* \_\_\_\_\_\_''s home has been convicted as an adult or adjudicated as a juvenile of a sex offense.
- **b.** Other problems that may harm the children's best interests. (If a parent has any of these problems, the court **may** limit that parent's contact with the children and that parent's right to make decisions for the children.)
  - [] Neither parent has any of these problems. (Skip to 4.)
  - [] A parent has one or more of these problems as follows (check all that apply):

    - [] **Emotional or physical problem** (*Parent's name*): \_\_\_\_\_\_\_ has a long-term emotional or physical problem that gets in the way of his/her ability to parent.

- [] Lack of emotional ties (Parent's name): \_\_\_\_\_\_\_\_\_ has few or no emotional ties with a child listed in 2.

good reason.

Other (specify):

#### 4. Limitations on a parent

- [] Does not apply. There are no reasons for limitations checked in **3.a. or 3.b.** above. (Skip to **5**.)
- [] No limitations despite reasons (explain why there are no limitations on a parent even though there are reasons for limitations checked in **3.a. or 3.b.** above):
- [] The following limits or conditions apply to (parent's name): \_\_\_\_\_ (check all that apply):
  - [] No contact with the children.
  - [] Limited contact as shown in the Parenting Time Schedule (sections 8 11) below.
  - [] Limited contact as follows (specify schedule, list all contact here instead of in the Parenting Time Schedule):
  - [] Supervised contact. All parenting time shall be supervised. Any costs of supervision must be paid by (name):

The supervisor shall be:

- [] a professional supervisor (name): \_\_\_\_\_
- [ ] a non-professional supervisor (name):

The dates and times of supervised contact will be:

- [] as shown in the Parenting Time Schedule (sections 8 11) below.
- [ ] as follows (specify):

(Specific rules for supervision, if any):

[] Other limitations or conditions during parenting time (specify):

[] Evaluation or treatment required. (Name): \_\_\_\_\_\_ must:

- [ ] be evaluated for:
- [] start (or continue) and comply with treatment:
  - [] as recommended by the evaluation.
  - ] as follows (specify kind of treatment and any other details):
- [] provide a copy of the evaluation and compliance reports (specify details):

If this parent does not follow the evaluation or treatment requirements above, then *(what happens):* 

#### 5. Decision-making

When the children are with you, you are responsible for them. You can make day-to-day decisions for the children when they are with you, including decisions about safety and emergency health care. Major decisions must be made as follows:

#### a. Who can make major decisions about the children?

Type of Major Decision	Joint (parents make these decisions together)	Limited (only the parent named below has authority to make these decisions)
School / Educational	[]	[ ] (Name):
Health care (not emergency)	[]	[ ] (Name):
Other:	[]	[ ] (Name):
Other:	[]	[ ] (Name):
Other:	[]	[ ] (Name):

#### b. Reasons for limits on major decision-making, if any:

- [] There are no reasons to limit major decision-making.
- [] Major decision-making **must** be limited because one of the parents has problems as described in **3.a.** above.
- [] Major decision-making **should** be limited because (check all that apply):
  - [] Both parents are against shared decision-making.
  - [] One of the parents does not want to share decision-making and this is reasonable because of:
    - [] problems as described in **3.b.** above.
    - [] the history of each parent's participation in decision-making.
    - [] the parents' ability and desire to cooperate with each other in decisionmaking.
    - [] the distance between the parents' homes makes it hard to make timely decisions together.

#### 6. Dispute Resolution

**Important!** After this parenting plan is signed by a judge or commissioner, if you and the other parent disagree about shared decisions or what parts of this plan mean, the court may require you to use a dispute resolution provider before going back to court. The court may only require a dispute resolution provider if there are **no** limitations in **3.a.** above. If a dispute resolution provider is checked below, the parents may, and sometimes must, use this provider before filing a Petition to Change a Parenting Plan or a Motion for Contempt for not following the plan. Check your county's Local Court Rules.

- a. The parents will go to (check one):
  - [] The dispute resolution provider below (before they may go to court):
    - [] Mediation (mediator or agency name):
    - [] Arbitration (arbitrator or agency name):
    - [] Counseling (counselor or agency name):

If a dispute resolution provider is not named **above** or if the named provider is no longer available, the parents may agree on a provider or ask the court to name one.

*Important!* Unless there is an emergency, the parents must participate in the dispute resolution process listed above in good faith, before going to court for disagreements about joint decisions or what parts of this plan mean. This section does **not** apply to disagreements about money or support.

- [] Court (without having to go to mediation, arbitration, or counseling). (If you check this box, skip to section **7** below and do not fill out **6.b.**)
- **b.** If mediation, arbitration, or counseling is required, one parent must notify the other parent by *(check one):* [] certified mail [] other *(specify):*

The parents will pay for the mediation, arbitration, or counseling services as follows (check one):

[] (Name):	wi	ll pay	_%,
			~ (

- *(Name):*\_\_\_\_\_\_will pay \_\_\_\_\_%.
- [] based on each parents' Proportional Share of Income (percentage) from line 6 of the *Child Support Worksheet*.
- [] as decided through the dispute resolution process.

#### What to expect in the dispute resolution process:

- Preference shall be given to carrying out the parenting plan.
- If you reach an agreement, it must be put into writing, signed, and both parents must get a copy.
- If the court finds that you have used or frustrated the dispute resolution process without a good reason, the court can order you to pay financial sanctions (penalties) including the other parent's legal fees.
- You may go back to court if the dispute resolution process doesn't solve the disagreement or if you disagree with the arbitrator's decision.

# 7. Custodian

The custodian is *(name)*: \_\_\_\_\_\_\_\_\_ solely for the purpose of all state and federal statutes which require a designation or determination of custody. Even though one parent is called the custodian, this does not change the parenting rights and responsibilities described in this plan.

(Washington law generally refers to parenting time and decision-making, rather than custody. However, some state and federal laws require that one person be named the custodian. The custodian is the person with whom the children are scheduled to reside a majority of their time.)

# Parenting Time Schedule (Residential Provisions)

Check one:

[] Limited schedule only - The children live with (name): \_\_\_\_\_

and have no contact with the other parent except as described in section 4.

(You may **skip** the parenting time schedule in sections 8 - 11, unless you want a different Summer or Holiday schedule, including to give uninterrupted time for vacation and holidays to the parent **not** subject to limitations.)

[] **Complete** the parenting time schedule in sections **8** – **11**.

#### 8. School Schedule

#### a. Children under school-age

- [] Does not apply. All children are school-age.
- [] The schedule for children under school-age is the same as for school-age children.

(	[] Children under school-age are scheduled to live with (name): except when they are scheduled to live with (name): (check all that apply):						, on	
	[]	WEEKENDS: [] every	v week	[]eve	ery other week [] other	(specify	y):	
		from (day)	at	<u>:</u>	m. to (day)	_at	_:	m.
		from (day)	at	<u>    :                                </u>	.m. to (day)	_at	<u>:</u>	m.
	[]	WEEKDAYS: [] every	v week	[]eve	ry other week [] other	(specify	/):	
		from (day)	at	<u>:</u>	.m. to (day)	_at	_:	m.
		from (day)	at	<u> :                                   </u>	.m. to (day)	_ at	_:	m.
	[]	OTHER (specify):						
[]	Otł	ner (specify):						
-								
-								
Sch	00	l-age children						
This	s so	chedule will apply (check	k one):					
[]i	imr	nediately.						
[] when the youngest child enters (check one): [] Kindergarten [] 1st grade								
[] when the oldest child enters (check one): [] Kindergarten [] 1st grade								
[]	Oth	ner:						
The	ch	ildren are scheduled to	live wit	h <i>(nam</i>	e):			,
except when they are scheduled to live with (name):						on		
(cne	зCК	all that apply):						
00.04	<u>^</u>	101 107 104	<b>()</b>	antina Dia	-			

b.

	from (day)	<u>at</u> :	m. to (day)	at:_	nn
	9 from (day)	at:	m. to (day)	at:_	m
[	] WEEKDAYS: [ ]	every week [	] every other week []	other (specify):	
	from (day)	at:	m. to (day)	at:_	m
	from (day)	at:	m. to (day)	at:_	m
[	] OTHER (specify):				
[]0	ther (specify):				
[] •					
Summer	Schedule				
Summer	begins and ends [	1 according to	the school calendar.	] as follows:	
		]			
[] The S	Summer Schedule is	s the <b>same</b> as	the School Schedule. the School Schedule <b>e</b> rupted vacation time wit	xcept that each	
[ ] The S shall sumn <u>(date</u> [ ] The S	Summer Schedule is spend we her. The parents sh J Summer Schedule is	the <b>same</b> as eks of uninter all confirm the eac <b>different</b> tha	the School Schedule e	<b>xcept</b> that each th the children each n writing by the e The Summer S	ach end of
[ ] The S shall sumn <u>(date</u> [ ] The S will be	Summer Schedule is spend we her. The parents sh  Summer Schedule is egin the summer be	the <b>same</b> as eks of uninter all confirm the eac eac different tha fore <u>(check</u> of	the School Schedule <b>e</b> rupted vacation time wit eir vacation schedules ir h year. <i>(Skip to <b>10</b>.)</i> in the School Schedule. <i>ne):</i> [] the youngest chi [] the oldest child	<b>xcept</b> that each th the children each n writing by the each The Summer S ild	ach end of
[ ] The S shall sumn (date [ ] The S will be begin Durin excep	Summer Schedule is spend we her. The parents sh J Summer Schedule is egin the summer be s <i>(check one):</i> []I g the summer the cl	the <b>same</b> as eks of uninter all confirm the eac <b>different</b> that fore (check of Kindergarten hildren are sc	the School Schedule <b>e</b> rupted vacation time wit eir vacation schedules in h year. <i>(Skip to <b>10</b>.)</i> in the School Schedule. <i>ne):</i> [] the youngest chi [] the oldest child [] each child	xcept that each the children each writing by the e The Summer S ild er:	ach end of Schedule
[ ] The S shall sumn (date [ ] The S will be begin Durin excep (chec	Summer Schedule is spend we her. The parents sh J Summer Schedule is egin the summer be s <i>(check one):</i> []I g the summer the cl of when they are sch k all that apply):	the <b>same</b> as eks of uninter all confirm the eac <b>different</b> tha fore <i>(check of</i> Kindergarten hildren are sc neduled to live	the School Schedule <b>e</b> rupted vacation time wit eir vacation schedules ir h year. <i>(Skip to <b>10</b>.)</i> in the School Schedule. ne): [] the youngest chi [] the oldest child [] each child [] 1st grade [] Othe heduled to live with <i>(nal</i>	xcept that each the children each writing by the each The Summer S ild	ach end of Schedule
[ ] The S shall sumn (date [ ] The S will be begin Durin excep (chec	Summer Schedule is spend we her. The parents sh J Summer Schedule is egin the summer be s <i>(check one):</i> []I g the summer the cl of when they are sch k all that apply): ] WEEKENDS: []	the <b>same</b> as eks of uninter all confirm the eac <b>different</b> tha fore <i>(check of</i> Kindergarten hildren are sc neduled to live	the School Schedule <b>e</b> rupted vacation time wit eir vacation schedules in h year. <i>(Skip to <b>10</b>.)</i> in the School Schedule. <i>ne):</i> [] the youngest chi [] the oldest child [] each child [] 1st grade [] Othe heduled to live with <i>(nai</i> e with <i>(name)</i> :	xcept that each th the children each m writing by the each The Summer S ild er:	ach end of Schedule
[ ] The S shall sumn (date [ ] The S will be begin Durin excep (chec	Summer Schedule is spend we her. The parents sh J Summer Schedule is egin the summer be s <i>(check one):</i> []I g the summer the cl ot when they are sch k all that apply): ] WEEKENDS: [] from (day)	the <b>same</b> as eks of uninter all confirm the eac <b>different</b> that fore <i>(check of</i> Kindergarten hildren are sc neduled to live every week [ at:	the School Schedule <b>e</b> rupted vacation time wit eir vacation schedules ir h year. <i>(Skip to <b>10</b>.)</i> in the School Schedule. <i>ne):</i> [] the youngest chi [] the oldest child [] each child [] 1st grade [] Othe heduled to live with <i>(nai</i> e with <i>(name):</i>	xcept that each th the children each m writing by the each The Summer S ild er:	ach end of Schedule
[ ] The S shall sumn (date [ ] The S will be begin Durin excep (chec	Summer Schedule is spend we her. The parents sh Summer Schedule is egin the summer be s <i>(check one):</i> []I g the summer the cl ot when they are sch k all that apply): ] WEEKENDS: [] from (day) from (day)	the <b>same</b> as eks of uninter all confirm the eac <b>different</b> that fore <i>(check of</i> Kindergarten hildren are scheduled to live every week [ at; at;	the School Schedule <b>e</b> rupted vacation time wit eir vacation schedules ir h year. ( <i>Skip to</i> <b>10</b> .) in the School Schedule. <i>ne):</i> [] the youngest chi [] the oldest child [] each child [] 1st grade [] Othe heduled to live with ( <i>nai</i> e with ( <i>name</i> ):	xcept that each th the children each m writing by the each The Summer S ild er:	ach end of Schedule
[ ] The S shall sumn (date [ ] The S will be begin Durin excep (chec	Summer Schedule is spend wee her. The parents sh Summer Schedule is egin the summer be s <i>(check one):</i> []I g the summer the cl ot when they are sch <i>k all that apply):</i> ] WEEKENDS: [] from (day) from (day)	the <b>same</b> as eks of uninter all confirm the eac <b>different</b> tha fore <i>(check of</i> Kindergarten hildren are sc heduled to live every week [ at: every week [	the School Schedule <b>e</b> rupted vacation time wit eir vacation schedules ir h year. <i>(Skip to <b>10</b>.)</i> in the School Schedule. <i>ne):</i> [] the youngest chi [] the oldest child [] each child [] 1st grade [] Othe heduled to live with <i>(nai</i> e with <i>(name):</i>	xcept that each th the children each m writing by the each The Summer S ild er:	ach end of Schedule
[ ] The S shall sumn (date [ ] The S will be begin Durin excep (chec	Summer Schedule is spend wee ner. The parents sh Summer Schedule is egin the summer be s <i>(check one):</i> []I g the summer the cl ot when they are sch <i>k all that apply):</i> ] WEEKENDS: [] from (day) from (day) ] WEEKDAYS: [] from (day)	the same as eks of uninter all confirm the eac different that fore (check of Kindergarten hildren are scheduled to live every week [ at; every week [ at;	the School Schedule <b>e</b> rupted vacation time with eir vacation schedules in h year. <i>(Skip to <b>10</b>.)</i> in the School Schedule. <i>ne):</i> [] the youngest chi [] the oldest child [] each child [] 1st grade [] Othe heduled to live with <i>(nai</i> e with <i>(name):</i>	xcept that each th the children each m writing by the each The Summer S ild er:	ach end of Schedule on 

10.	Holiday Schedule (includes school breaks and special occasions)
	[] The Holiday Schedule is the <b>same</b> as the School and Summer Schedules above for al holidays, school breaks, and special occasions. (Skip to <b>11</b> .)
	[ ] The children are scheduled to spend holidays, school breaks, and special occasions as follows:
	(Check all that apply. Note any differences for children who have not yet started school.)
	[] Martin Luther King Jr. Day – Begins and ends (day/time):
	[] Odd years with (name):; Even years with the other parent
	Every year with (name):
	[] With the parent who has the children for the attached weekend
	Other plan:
	[ ] Presidents' Day – Begins and ends (day/time):
	[] Odd years with (name):; Even years with the other parent
	[] Every year with (name):
	[] With the parent who has the children for the attached weekend
	Other plan:
	[ ] Mid-winter Break – Begins and ends (day/time):
	[ ] Odd years with (name):; Even years with the other parent
	[ ] Every year with (name):
	[ ] Each parent has the children for the half of break attached to his/her weekend. The children must be exchanged on Wednesday at (time):
	Other plan:
	[ ] Spring Break – Begins and ends (day/time):
	[] Odd years with (name):; Even years with the other parent
	[ ] Every year with <i>(name)</i> :
	[] Each parent has the children for the half of break attached to his/her weekend.
	The children must be exchanged on Wednesday at (time):           Other plan:
	Mother's Day – Begins and ends (day/time):         Image: Description of the sector parameter
	<ul> <li>[] Odd years with (name):; Even years with the other parent</li> <li>[] Every year with (name):</li> </ul>
	Other plan:
	<ul> <li>[] Memorial Day – Begins and ends (day/time):</li> <li>[] Odd years with (name):; Even years with the other parent</li> </ul>
	[] Every year with (name):
	With the parent who has the children for the attached weekend
	Other plan:
	[ ] Father's Day – Begins and ends (day/time):

	dd years with (name):			
[ ] E'	very year with (name):			
[]0	ther plan:			
[ ] Fourth	<mark>of July –</mark> Begins and	ends (day/time):		
[]0	dd years with (name):		; Even years	with the other parent
[ ] E	very year with (name):		_	
[] F	ollow the Summer Sch	edule in section 9.		
[]0	ther plan:			
[] Labor	Day - Begins and end	ls (day/time):		
	dd years with (name):			
	very year with (name):			
	ith the parent who has			
	ther plan:			
[] Thank	sgiving Day / Break -	- Begins and ends (	day/time):	
[]0	dd years with (name):		; Even years	with the other parent
[] E <sup>v</sup>	very year with (name):			
	ther plan:			
_				
[] Winte	r Break – Begins and e	ends (dav/time)		
	dd years with (name):			
	very year with <i>(name)</i> :			
	ther plan:			
_				
	mee Fre / Deri Deri			
	mas Eve / Day – Begi			
	dd years with (name):			
	very year with (name):			
	ollow the Winter Break			
[]0	ther plan:			
_				
_				
	<b>'ear's Eve / Day</b> – Beg		time):	
•	en is based on New Year's	,		with the other servert
	dd years with (name):			
	very year with (name):			
26.09.016 1.81	187 194	Parenting Plan		

Other plan:

[] All three-day weekends not listed els (Federal holidays, school in-service days, etc.)	sewhere
	ecified holiday or non-school day with the
parent who has them for the attach	· · · · ·
[ ] Other plan:	
· · · · · · · · · · · · · · · · · ·	
Important Families in Washington observe a bro	ad range of religions and traditions. Your Parenting
	n other significant days. (Examples: Eid, Passover,
Easter, Chinese New Year, birthdays, etc.) Add line	
[] Other occasion important to the fam	itza
••	
Begins and ends <i>(day/time)</i> :	
	; Even years with the other parent
[] Every year with <i>(name)</i> :	
[ ] Other plan:	
[] Other occasion important to the fami	ly:
Begins and ends (day/time):	
[] Odd years with (name):	; Even years with the other parent
[ ] Every year with <i>(name)</i> :	
[ ] Other plan:	
[] Other occasion important to the fami	ily:
Begins and ends (day/time):	
[] Odd years with <i>(name)</i> :	
	, Even years with the state parent
[] Every year with (name):	

#### **oooot**. Conflicts in Scheduling

The Holiday Schedule must be observed over all other schedules. If there are conflicts within the Holiday Schedule *(check all that apply):* 

- [] Named holidays shall be followed before school breaks.
- [] Children's birthdays shall be followed before named holidays and school breaks.
- [] Other (specify):

# **12.** Transportation Arrangements

The children will be exchanged for parenting time (picked up and dropped off) at:

- [] each parent's home
- [] school or daycare, when in session
- [] other location (specify):

Who is responsible for arranging transportation?

- [] The **picking up** parent The parent who is about to **start** parenting time with the children must arrange to have the children picked up.
- [] The **dropping off** parent The parent whose parenting time is **ending** must arrange to have the children dropped off.

Other details (if any):

# **13.** Moving with the Children (Relocation)

Anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the children must notify every other person who has court-ordered time with the children.

#### Move to a different school district

If the move is to a different school district, the relocating person must complete the form Notice of Intent to Move with Children (FL Relocate 701) and deliver it at least 60 days before the intended move.

Exceptions:

- If the relocating person could not reasonably have known enough information to complete the form in time to give 60 days' notice, s/he must give notice within five days after learning the information.
- If the relocating person is relocating to a domestic violence shelter or moving to avoid a clear, immediate, and unreasonable risk to health or safety, notice may be delayed 21 days.
- If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.
- A relocating person who believes that giving notice would put her/himself or a child at unreasonable risk of harm, may ask the court for permission to leave things out of
- the notice or to be allowed to move without giving notice. Use form Motion to Limit Notice of Intent to Move with Children (Ex Parte) (FL Relocate 702).

The Notice of Intent to Move with Children can be delivered by having someone personally serve the other party or by any form of mail that requires a return receipt.

If the relocating person wants to change the Parenting Plan because of the move, s/he must deliver a proposed Parenting Plan together with the Notice.

## Move within the same school district

If the move is within the *same* school district, the relocating person still has to let the other parent know. However, the notice does not have to be served personally or by mail with a return receipt. Notice to the other party can be made in any reasonable way. No specific form is required.

## Warning! If you do not notify ...

A relocating person who does not give the required notice may be found in contempt of court. If that happens, the court can impose sanctions. Sanctions can include requiring the relocating person to bring the children back if the move has already happened, and ordering the relocating person to pay the other side's costs and lawyer's fees.

## Right to object

A person who has court-ordered time with the children can object to a move to a different school district and/or to the relocating person's proposed *Parenting Plan*. If the move is within the same school district, the other party doesn't have the right to object to the move, but s/he may ask to change the *Parenting Plan* if there are adequate reasons under the modification law (RCW 26.09.260).

An objection is made by filing the *Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721). File your *Objection* with the court and serve a copy on the relocating person and anyone else who has court-ordered time with the children. Service of the *Objection* must be by personal service or by mailing a copy to each person by any form of mail that requires a return receipt. The *Objection* must be filed and served no later than **30 days** after the *Notice of Intent to Move with Children* was received.

# Right to move

During the 30 days after the *Notice* was served, the relocating person may not move to a different school district with the children unless s/he has a court order allowing the move.

After the 30 days, if no *Objection* is filed, the relocating person may move with the children without getting a court order allowing the move.

After the 30 days, if an *Objection* has been filed, the relocating person may move with the children **pending** the final hearing on the *Objection* **unless**:

- The other party gets a court order saying the children cannot move, or
- The other party has scheduled a hearing to take place no more than 15 days after the date the *Objection* was served on the relocating person. (However, the relocating person may ask the court for an order allowing the move even though a hearing is pending if the relocating person believes that s/he or a child is at unreasonable risk of harm.)

The court may make a different decision about the move at a final hearing on the Objection.

# Parenting Plan after move

If the relocating person served a proposed *Parenting Plan* with the *Notice*, **and** if no *Objection* is filed within 30 days after the *Notice* was served (or if the parties agree):

- Both parties may follow that proposed plan without being held in contempt of the *Parenting Plan* that was in place before the move. However, the proposed plan cannot be enforced by contempt unless it has been approved by a court.
- Either party may ask the court to approve the proposed plan. Use form *Ex Parte*

Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children (FL Relocate 706).

## Forms

You can find forms about moving with children at:

- The Washington State Courts' website: www.courts.wa.gov/forms,
- The Administrative Office of the Courts call: (360) 705-5328,
- Washington LawHelp: www.washingtonlawhelp.org, or
- The Superior Court Clerk's office or county law library (for a fee).

(This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.)

# 14. Other

# <sup>9</sup>15. Proposal

- [] Does not apply. This is a court order.
- [] This is a **proposed** (requested) parenting plan. (*The parent/s requesting this plan must read and sign below.*)

I declare under penalty of perjury under the laws of the state of Washington that this plan was proposed in good faith and that the information in section **3** above is true.

Parent requesting plan signs here

Signed at (city and state)

Other parent requesting plan (if agreed) signs here Signed at (city and state)

# 16. Court Order

- [] Does not apply. This is a proposal.
- [] This is a court order (if signed by a judge or commissioner below).

Findings of Fact – Based on the pleadings and any other evidence considered:

The Court adopts the statements in section  ${\bf 3}$  (Reasons for putting limitations on a parent) as its findings.

- [] The Court makes additional findings which are:
  - [] contained in an order or findings of fact entered at the same time as this Parenting Plan.
  - [] attached as Exhibit A as part of this *Parenting Plan*.
  - [] other:

Conclusions of Law – This Parenting Plan is in the best interest of the children.

[] Other: 0

**Order** – The parties must follow this *Parenting Plan*.

 Date
 Judge or Commissioner signs here

 RCW 26.09.016, .181, .187, .194
 Parenting Plan

 Mandatory Form (02/2021)
 Holiday Chart Attachment

 FL All Family 140
 p. 13 of 14

*Warning!* If you do not follow this *Parenting Plan*, the court may find you in contempt (RCW 26.09.160). You still have to follow this *Parenting Plan* even if the other parent doesn't. Violation of **residential** provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

#### If this is a court order, the parties and/or their lawyers (and any GAL) sign below.

<ul><li>This order (check any that apply):</li><li>[] is an agreement of the parties.</li><li>[] is presented by me.</li><li>[] may be signed by the court without n</li></ul>	otice to me.	<ul> <li>This order <i>(check any that apply):</i></li> <li>[] is an agreement of the parties.</li> <li>[] is presented by me.</li> <li>[] may be signed by the court without no</li> </ul>	tice to me.
Petitione <b>pr</b> lawyer signs here + WSBA #		Responden <b>pr</b> lawyer signs here + WSBA #	
Print Name	Date	Print Name	Date
This order <i>(check any that apply):</i> [] is an agreement of the parties. [] is presented by me. [] may be signed by the court without n	otice to me.	This order <i>(check any that apply):</i> [] is an agreement of the parties. [] is presented by me. [] may be signed by the court without no	tice to me.
Other party <b>pr</b> lawyer signs here + WSBA #		Other party <b>or</b> Guardian ad Litem signs here	
Print Name	Date	Print Name	Date

1/25/2021 2:00:26 PM

# **Compare Results**

versus

Old File:

FL All Family 150 Restraining Order\_2019 07.pdf 4 pages (415 KB)

7/22/2019 3:22:45 PM

New File:

FL All Family 150 Restraining Order\_2021 02.pdf 4 pages (412 KB)

1/25/2021 10:57:48 AM

**Total Changes** 

Content



14 Replacements



17 Deletions

Styling and Annotations

15 Styling

()

Annotations

Go to First Change (page 1)
## Superior Court of Washington, County of

In re:

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

And Respondent/s (other party/parties):

No.

Restraining Order [] Temporary (TMRO) [] Final (RSTO) Clerk's action required: **6, 7** 

# **Restraining Order**

This order replaces all earlier Restraining Orders with the same Restrained Person, issued under this case number. Use a separate order for each restrained person.

#### **1.** This Order restrains (name):

Restrained Party's distinguishing feature

\_\_\_\_\_

Restrained Party's Identifiers
--------------------------------

Sex	Race	Hair	
Height	Weight	Eyes	

Caution: Access to weapons: []yes []no []unknown

# 2. This Order protects (name/s):

#### and the following children, who are under 18 (if any)

Child's name	Age	Child's name	Age
1.		4.	
2.		5.	
3.		6.	

## **3.** To the Restrained Person listed in **1**:

This Order starts immediately, and ends in 12 months or on (date): \_\_\_\_

*Warning!* You <u>must</u> obey this order. Violation of this order with actual notice of its terms is a **criminal offense** under Chapter 26.50 RCW and will subject the violator tac

arrest (*RCW 26.09.060*). This order is enforceable in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (*18 U.S.C.* § 2265).

#### 4. Findings

- Authority: The court has jurisdiction over the parties, the children listed in **2**, and the subject matter.
- **Notice:** The Restrained Person had reasonable notice and an opportunity to be heard. S/he was notified of the hearing by [] personal service [] service by mail allowed by the court [] service by publication allowed by the court

The Restrained Person [] was [] was not present at the hearing.

- [] The Restrained Person had actual notice of the hearing.
- [] other (specify):
- [] **Credible Threat:** The Restrained Person represents a credible threat to the physical safety of the Protected Person.
- [] **Intimate Partner:** The Restrained Person and the Protected Person are/were intimate partners because they are (*check all that apply*):
  - [] current or former spouses or domestic partners, or parents of a child-in-common.
  - [] age 16 or older and are/were in a dating relationship, and are currently residing together or resided together in the past.
  - [] age 16 or older and are/were in a dating relationship, but have *never* resided together.
- [] **Military:** The *(check one):* [] Petitioner [] Respondent lives in the state of Washington, but was not able to go to the hearing because s/he is an active-duty member of the National Guard or Reserves (or a dependent of one). A failure to act despite the absence of the service member will result in a manifest injustice to the other party.

#### 5. Court Orders to the Restrained Person listed in 1:

*Warning!* You <u>must</u> obey this order until it ends. If you know about this order but do not obey, you may be arrested and charged with a crime.

#### [] Do not disturb

The Restrained Person must not disturb the peace of the Protected Person or of any child listed in **2**.

#### [] Stay away

The Restrained Person must not go onto the grounds of or enter the Protected Person's home, workplace, or school, or the daycare or school of any child listed in **2**.

[] Also, the Restrained Person must not knowingly go or stay within \_\_\_\_\_ feet of the Protected Person's home, workplaceschool, or the daycare or school of any child listed in 2.

#### [] Do not hurt or threaten

**Warning!** If the court checks this box, 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.

The Restrained Person must not:

- Assault, harass, stalk, or molest the Protected Person or any child listed in **2**; or
- Use, try to use, or threaten to use physical force against the Protected Person or children that would reasonably be expected to cause bodily injury.

#### [] Prohibit weapons and order surrender (separate order required)

The Restrained Person must:

- not access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses; and
- follow the Order to Surrender Weapons (form All Cases 02-050), signed by the court and filed separately.

Findings – The court (check all that apply):

[] must issue the above orders about weapons because:

- [] the "*Do not hurt or threaten*" restraints are ordered above, and the court found in section **4** that the Restrained Person had *actual notice*, represented a *credible threat*, and was an *intimate partner*. RCW 9.41.800.
- [] the court finds by clear and convincing evidence that the restrained person has:
  - [] used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
  - [] previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.
- [] **may** issue the above orders about weapons because the court finds by a preponderance of evidence that the Restrained Party:
  - [] presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
  - [] has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
  - [] previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040.

#### [] Other restraining orders:

#### 6. Service:

Fill out a *Law Enforcement Information Sheet* (form All Cases 01.0400) and give it to the clerk. *(Check one):* 

[] The other party must be served.

You have a right to have law enforcement serve this order free of charge if the "Do not disturb," "Stay away," "Do not hurt or threaten," or "Prohibit weapons and order surrender" boxes are checked above.

[] The clerk of the court shall forward a copy of this order on or before the next judicial day to
 [] County Sheriff's Office [] City Police Department where the restrained person lives which shall personally serve the restrained person with a copy of

this order and shall promptly complete and return proof of service to this court.
 The protected person shall give a copy of this order to law enforcement for

- [] The protected person shall give a copy of this order to law enforcement for service.
- [] (Only if surrender of weapons **not** ordered) The protected person shall make private arrangements for service of this order. Do not serve the *Law Enforcement Information Sheet* on the Restrained person – it is only for law enforcement.

After serving, the server fills out a *Proof of Personal Service* (form FL All Family 101) and gives it to you. File the original *Proof of Personal Service* with the court clerk, and give a copy to the law enforcement agency listed below.

[] **The other party does not have to be served** because the other party or their lawyer signed this order, or was at the hearing when this order was made.

# **7.** To the clerk:

Provide a copy of this Order and the *Law Enforcement Information Sheet* to the agency listed below within one court day. The law enforcement agency must enter this Order into the state's database.

Name of law enforcement agency where the Protected Person lives:

The restrained person's information will be removed from the state's database when this Order ends unless the court signs a new Order or extends the end date of this Order.

#### Ordered.

Date	Time	Judge or (	Commissioner	
Petitioner a	nd Respondent o	r their lawy	ers fill out below.	
[] is an agreer [] is presented		t notice to me	This order <i>(check any</i> ) [ ] is an agreement of the [ ] is presented by me [ ] may be signed by the	
Petitioner signs	here <b>or</b> lawyer signs here	e + WSBA #	Respondent signs here <b>or</b> la	awyer signs here + WSBA #
Print Name		Date	Print Name	Date

1/25/2021 2:03:26 PM

# **Compare Results**

versus

#### Old File:

#### FL Modify 501 Petition to Modify Child Support\_2020 06.pdf

7 pages (561 KB) 6/10/2020 2:01:16 PM New File:

FL Modify 501 Petition to Modify Child Support\_2021 02.pdf

> 8 pages (572 KB) 1/25/2021 11:08:02 AM

**Total Changes** 

Content



35



Replacements

16 Deletions

#### Styling and Annotations

2 Styling

 $\mathbf{O}$ Annotations

Go to First Change (page 1)

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

In re:	
Petitioner/s (see * below):	No
And Respondent/s (other party/parties):	Petition to Modify Child Support Order (PTMD)

\* If you're filing this Petition in:

- the same case number as the current Child Support Order, the person who is listed as the Petitioner in the current order will stay Petitioner, even if s/he is not the person asking to modify the order now.
- a **different** case number or county from where the current Child Support Order was filed, the person asking to modify the order may be the Petitioner.

To modify a Child Support Order from a sealed Parentage case, contact the Superior Court Clerk's office about who to list as Petitioner and if there is a new case number.

# **Petition to Modify Child Support Order**

1. My name is: \_\_\_\_\_\_. I ask the court to modify a *Child Support Order*. I am filing and serving proposed *Child Support Schedule Worksheets* at the same time as this *Petition*.

Important! Check your county's Local Court Rules for other forms and information that must be filed.

## 2. Correct County (Venue)

This is the correct county for this case to be heard because:

- the children live in this county,
- the person who has the care, custody, or control of the children lives in this county,
- the current Child Support Order was issued in this county, or
- The current child support order was issued in another state and
  - the children and the person who has the care, <u>custody</u>, or control of the children do **not** live in Washington or the issuing state; **and**
  - the Respondent lives in this county.

The children live in <i>(county):</i>	, (state):	
The Petitioner (name):		lives in
(county):	, (state):	
The Respondent (name):		lives in
(county):	, (state):	

#### **3.** Jurisdiction to Modify Order

The court has authority to modify the current *Child Support Order* because it was issued by a *(check one):* 

#### [] Washington state court.

[] **Different** state or jurisdiction, but has been registered in a Washington state court **and** *(check one):* 

#### [] All parties live in Washington now.

- All the parties to the current order (other than a State party) now live in this state; and
- The children do not live in the state or jurisdiction where the order was issued.

#### [] No one left in issuing state.

- None of the children or parties to the current order (other than a State party) live in the state or jurisdiction where the order was issued;
- The person asking to modify the order (Petitioner) lives outside of Washington; and
- Washington has personal jurisdiction over the Respondent because Respondent (check all that apply):
  - [] lives in this state now.
  - [] will be personally served in this state with a *Summons* and *Petition* for this case.
  - [] 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):

#### [] Parties have consented.

- At least one child or party to the current order lives in Washington State now; and
- Each party to the current order (other than a State party) has filed a consent with the court that issued the current order agreeing that a Washington court may modify the order and take continuing, exclusive jurisdiction.

## 4. Is the State filing this Petition? (Check one):

- [] No. This *Petition* is filed by a parent, non-parent custodian, or person owing support.
- [] **Yes.** The Washington State Department of Social and Health Services (DSHS) is filing this *Petition* because (check all that apply):

- [] the children receive public assistance.
- [] the children do not receive public assistance, but one of the parties asked DSHS to review the order and DSHS decided the order should be modified.
- [] DSHS has received notice that the person owing support is currently in jail, prison, or a correctional facility for at least six months (or is serving a sentence of more than six months), and the order does not contain necessary abatement language.
- [] another state or jurisdiction asked for this modification.

#### 5. Current Child Support Order

The Child Support Order I want to modify was signed by the court on (date):

in (county): \_\_\_\_\_, (state): \_\_\_\_\_.

That order says <i>(name):</i>
--------------------------------

must pay

(amount): \$\_\_\_\_\_\_ each month for (children's names): \_\_\_\_\_\_

*Important!* Attach or file a certified copy of the current child support order that you want to change **if** it was issued in a different county or state.

#### 6. Should the court modify the monthly child support amount?

- [] No.
- [] **Yes.** I ask the court to order child support based on Washington State law. The monthly child support amount should be changed now because *(check all that apply):* 
  - [] Agreement The parties agree to the changes.
  - [] **1 year or more has passed** The current order was signed at least one year ago **and** (*check all that apply*):
    - [] the current order causes severe financial hardship for me or the children.
    - [] I want to add a Periodic Adjustment provision according to RCW 26.09.100.
    - [] A child is still in high school and there is a need to extend support beyond the 18th birthday to complete high school.
  - [] **2 years or more have passed** The current order was signed at least two full years (24 months) ago **and** *(check all that apply):* 
    - [] the parents' income has changed.
    - [] the economic table or standards in RCW 26.19 have changed.

(Note – You may be able to use a Motion to Adjust Child Support Order (form FL Modify 521) instead of this Petition if 24 months have passed and the only reasons for your requests are that the parents' income has changed, or the economic table or standards have changed.)

- [] Released from incarceration The person who owes support has been released from incarceration, and support has been temporarily reduced (abated) and then reinstated.
- [] **Default or past agreement** The current order was issued by default or agreement, without the court independently examining the evidence to decide a reasonable amount of support according to the law.

	[]	<b>Change of circumstances</b> – There has been a substantial change in circumstances since the current order was signed. ( <i>Describe</i> ):
7.		d the court modify the order to add language allowing for temporary tion due to incarceration? (Abatement)
	[ ] No	).
	on	<b>s.</b> The current order does not provide for a temporary reduction (abatement) based incarceration. The person who owes support is in jail, prison, or a correctional ility for at least six months (or serving a sentence of more than six months).
8.	ls a ten	porary reduction due to incarceration needed now? (Abatement)
	[] No	D.
	[ ] Ye	s. <u>(</u> Check one):
	[]	DCS can administer the temporary reduction due to incarceration (abatement).
	[]	The court should temporarily reduce the total monthly child support amount to \$10 while the person who owes support is in jail, prison, or a correctional facility for at least six months (or serving a sentence of more than 6 months).
	released the origin	<b>nt!</b> The support will remain \$10 a month through the third month after the person who owes support is . Beginning the fourth month after the person who owes support is released, support will be 50% of
		ition for modification is filed during the period of abatement, reinstatement of the support <i>amount at</i> s not automatically apply. Send a copy of this petition to the Division of Child Support.
9.	Shoul	d the court modify the end date for child support?
	[] No	•
	[] Ye	<b>s.</b> The end date should be modified because (check all that apply):
	[]	Agreement – The parties agree to the changes.
	[]	<b>Finish High School</b> – The current order was signed at least one year ago. ( <i>Child's'name</i> ): will still be in high school when s/he turns 18 and will need support until s/he finishes high school. I ask the court to order child support for this child to continue past their 18 <sup>th</sup> birthday until the child finishes high school.
	[]	<b>Dependent Adult Child</b> – The current order says support must be paid for each child until the child turns 18 or is no longer enrolled in high school, whichever

him/herself and will remain dependent past the age of 18. This child's situation has changed substantially since the current order was signed. *(Describe)*:0

Support for this child should continue until (check one):

- [] this child is able to support him/herself and is no longer dependent on the parents.
- [ ] other: \_\_\_\_\_
- [] **Default or Past Agreement** The current order was issued by default or agreement, without the court independently examining the evidence to decide a reasonable end date for support according to the law.

#### 10. Should the court modify post-secondary educational support?

- [] **No**.
- [] Yes. Issue was reserved The current order allows a parent or non-parent custodian to ask the court for post-secondary support at a later date without showing a substantial change of circumstances. I ask the court to order the parents to pay post-secondary support, and to set a specific post-secondary support amount or percentage of expenses for (*Children's names*):

These children depend on the parents for the reasonable necessities of life and will be ready to start a college or vocational program around *(month/year)*:\_\_\_\_\_\_.

[] Yes. Support was granted; need to set an amount – The current order says the parents must pay for the children's post-secondary support, but did not set a payment amount or percentage. I ask the court to order a specific post-secondary support amount or percentage of expenses for *(children's names)*:\_\_\_\_\_

\_\_\_ who will be ready to start a

college or vocational program around (month/year): \_\_\_\_

- [] Yes. Modify I ask the court to (check all that apply):
  - [] **Require** The current order says post-secondary support is not required. I ask the court to change the order so that post-secondary support is required for *(Children's names):*\_\_\_\_\_\_

These children depend on the parents for the reasonable necessities of life and need support for college or vocational school.

- [] **Cancel** The current order says the parents must pay for the children's postsecondary (college or vocational school) support. I ask the court to change the order so that post-secondary support is no longer required.
- [] **Change Amount** The current order requires the parents to pay a specific amount or percentage of expenses for the children's post-secondary (college or vocational school) support. I ask the court to change the amount or percentage.

These changes should be made because (check all that apply):

- [] Agreement The parties agree to the changes.
- [] **Default or Past Agreement** The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
- [] Change of Circumstances There has been a substantial change in circumstances since the current order was signed. (*Describe*):

#### **11.** Should the court modify payment for children's expenses or tax issues?

- [] No.
- [] Yes. I ask the court to order or change (check all that apply):
  - [] daycare expenses.
  - [] educational expenses.
  - [] long-distance transportation expenses.
  - [] other expenses.
  - [] tax issues. Order that parties have the right to claim the children as their dependents for purposes of personal tax exemptions and associated tax credits on their tax forms in this way (*specify*):

*Important!* Although personal tax exemptions are currently suspended under federal law through tax year 2025, other tax benefits may flow from claiming a child as dependent.

These changes should be made because (check all that apply):

- [] Agreement The parties agree to the changes.
- [99] 2 years or more have passed It has been at least two full years (24 months) since the order was signed and these requests are based only on changes in the parents' income or the economic table or standards in RCW 26.19.

(Note – You may be able to use a Motion to Adjust Child Support Order (form FL Modify 521) instead of this Petition if 24 months have passed and the only reasons for your requests are that the parents' income has changed, or the economic table or standards have changed.)

- [] **Default or Past Agreement** The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
- [] Change of Circumstances There has been a substantial change in circumstances since the current order was signed. (Describe):

#### **12.** Should the court modify health insurance orders?

- [] **No**.
- [] Yes. I ask the court to change the health insurance orders as follows:
  - [] Order one or both parents to provide or pay for health insurance coverage for the children if it is available through an employer or union for less than 25% of his/her basic support obligation (*Worksheets, line 19*), and order each parent to pay his/her share of the children's healthcare costs that are not covered by insurance.
  - [] Other (specify):

These changes should be made because (check all that apply):

- [] Agreement The parties agree to the changes.
- [] **2 years or more have passed** It has been at least two full years (24 months) since the order was signed and these requests are based only on changes in the parents' income or the economic table or standards in RCW 26.19.

Note – You may be able to use a Motion to Adjust Child Support Order (form FL Modify 521) instead of this Petition if 24 months have passed and the only reasons for your requests are that the parents' income has changed, or the economic table or standards have changed.

- [] **Default or Past Agreement** The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
- [] Change of Circumstances There has been a substantial change in circumstances since the current order was signed. (Describe):

#### 13. When do you want the new order to start?

I want the new Child Support Order to take effect (check one):

- [] on the day this Petition is filed.
- [] on the day on which the person who owes support was confined in a jail, prison, or correctional facility for at least six months, or began serving a sentence of more than six months. (Abatement only.)

If the changes to the *Child Support Order* cause an overpayment or an underpayment of support or other expenses, I ask the court to order payment or give credit for those amounts.

**Exception!** No refund is allowed for a temporary reduction in support due to incarceration (abatement) before the Division of Child Support is notified of the incarceration.

#### **14.** Other Requests

- [] Does not apply.
- [] I ask the court to order payment of lawyer fees and court costs.
- [] Other (specify):

#### Person filing this Petition 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:

Person filing this Petition signs here

## Lawyer (if any) fills out below:

Lawyer signs here

Print name and WSBA No.

Print name

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.

#### The other parent or non-parent custodian fills out below if s/he agrees to join [] this Petition:

\_\_\_\_\_, agree to join this *Petition*. I understand I. (name): 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.
- [] The person who filed this *Petition* must 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.)

street number or P.O. box	city	state	zip
(If this address changes before the case ends, you <b>mus</b> You may use the Notice of Address Change form (FL All Confidential Information Form (FL All Family 001).)	2 1		•

Person joining Petition signs here

Print name

Date

1/25/2021 2:23:03 PM

# **Compare Results**

Old File:			New File:
FL Modify 502 Response to Pt Support_2019 07،	•	versus	FL Modify 502 Response to Pt to Modify Child Support_2021 02.pdf
<b>3 pages (431 KB</b> 7/23/2019 3:40:39			<b>3 pages (435 KB)</b> 1/25/2021 11:19:40 AM
Total Changes	Content		Styling and Annotations
25	16 Repl	acements	<b>3</b> Styling

0 Annotations

Go to First Change (page 1)

Deletions

4

Superior Court of Washington,	County of
In re: Petitioner/s <i>(as listed on the Petition)</i> :	No
And Respondent/s (as listed on the Petition):	Response to Petition to Modify Child Support Order (RSP)

# **Response to Petition to Modify Child Support Order**

#### 1. Your response

Look at each section of the *Petition*. Check below to say if you agree or disagree with what the other party said in each section, or say if you don't know because you don't have enough information. If you disagree with any part of a section, check "I disagree" and list your reasons for disagreeing on page 2.

Se	ction in the Petition	Your response (check one)		
1.	Name of person filing Petition	(no response needed)		
2.	Correct County (Venue)	[] l agree	[] I disagree	[] I don't know
3.	Jurisdiction to Modify Order	[] l agree	[] I disagree	[] I don't know
4.	Is the State filing this Petition?	[] l agree	[] I disagree	[] I don't know
5.	Current Child Support Order	[] l agree	[] I disagree	[] I don't know
6.	Should the court modify the monthly child support amount?	[] l agree	[] I disagree	[] I don't know
7.	Should the court modify the order to add language allowing for temporary reduction due to incarceration? (Abatement)	[]lagree	[] I disagree	[] I don't know
8.	Is a temporary reduction due to incarceration needed now? (Abatement)	[] l agree	[] I disagree	[] I don't know

Section in the Petition	Your response (check one)		
<b>9.</b> Should the court modify the end date for child support?	[] I agree	[] I disagree	[] I don't know
<b>10.</b> Should the court modify post-secondary educational support?	[] l agree	[] I disagree	[] I don't know
<b>11.</b> Should the court modify payment for children's expenses or tax issues?	[] l agree	[] I disagree	[] I don't know
<i>Important!</i> Although personal tax exemptions are currently suspended under federal law through tax year 2025, other tax benefits may flow from claiming a child as dependent.			
<b>12.</b> Should the court modify health insurance orders?	[] l agree	[] I disagree	[] I don't know
<b>13.</b> When do you want the new order to start?	[]lagree	[] I disagree	[] I don't know
14. Other Requests	[] l agree	[]   disagree	[] I don't know
Section #: Reasons:			
Section #: Reasons:			
Section #: Reasons:			
Section #: Reasons:			
Section #: Reasons:			

sign each page that you add.)

#### 2. Requests

I ask the court to (check all that apply):

- [] **Deny** the other parent or non-parent custodian's *Petition to Modify Child Support Order.*
- [] **Modify** the current *Child Support Order* by approving **my** proposed changes. I am filing my proposed *Child Support Worksheets* at the same time as this *Response*.
- [] **Temporarily reduce (abate)** the child support amount to \$10 a month while the person who owes support is in jail, prison, or a correctional facility for at least six months (or is serving a sentence of more than six months).
- [] Other (specify):

## Person filing this *Response* 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 (including any attachments) are true.

[] I have attached (number of): \_\_\_\_\_ pages.

Signed at (city and state):	Date:	

Print name

Person filing Response signs here

I agree to accept legal papers for this case at (check one):

[] my lawyer's address, listed below.

[] the following address (this does **not** have to be your home address):

street address or PO box	city	state	zip

Note: You and the other party/ies may agree to accept legal papers by email under Civil Rule 5 and local court rules.

(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).)

Important! You must fill out and file a Confidential Information form (FL All Family 001) with the court clerk.

#### Lawyer (if any) fills out below:

Lawyer signs here	Print name and WSBA No.	Date
<u></u>		
Lawyer's address	city	state zip
Email ( <i>if applicable):</i>		
Warning! Documents filed with the	court are available for anyone to see unless t	hey are sealed. Financial,
medical, and confidential reports, as	s described in General Rule 22, <b>must</b> be seale	ed so they can only be seen by
the court, the other party, and the la	wyers in your case. Seal those documents by	/ filing them separately, using a
Sealed cover sheet (form FL All Far	nily 011, 012, or 013). You may ask for an or	der to seal other documents.

1/25/2021 2:24:42 PM

# **Compare Results**

versus

- · ·		
Old	File	
Old	1 110.	

FL Modify 510 Final Order and Findings on Petition to Modify\_2019 07.pdf

> 8 pages (568 KB) 7/23/2019 3:46:04 PM

New File:

FL Modify 510 Final Order and Findings on Petition to Modify\_2021 02.pdf

> **9 pages (566 KB)** 1/25/2021 11:28:12 AM

**Total Changes** 

Content



33 Replacements

29 Insertions

25 Deletions

Styling and Annotations

1 Styling

0 Annotations

Go to First Change (page 1)

Superior Court of Washington,	County of
In re:	
Petitioner/s (as listed on the Petition):	No
And Respondent/s (as listed on the Petition):	Final Order and Findings on Petition to Modify Child Support Order (ORMDD) [ ] Clerk's action required: <b>1, 17</b>

# Final Order and Findings on Petition to Modify Child Support Order

## **1.** Money Judgment Summary

- [] No money judgment is ordered.
- [] Summarize any money judgment from section **13** in the table below.

Judgment for	<b>Debtor's name</b> (person who must pay money)	<b>Creditor's name</b> (person who must be paid)	Amount	Interest
Lawyer fees				
Court costs			\$	\$
Other (specify):			\$	\$
Yearly Interest Rate:	% (12% unless otherwise lis	sted)		
Lawyer (name):	rep	resents (name):		
Lawyer (name):	rep	resents (name):		

#### **2.** Court findings based on (check all that apply):

- [] Parents' agreement.
- [] Order on Motion for Default signed on (date):
- [] The court's decision after a hearing on (date): \_\_\_\_\_, at which (check one):

- [] no one testified.
- [] these people testified (name/s): \_

# > Findings & Conclusions

## 3. Jurisdiction

- [] The court has authority to modify the current child support order because it was issued by a *(check one):* 
  - [] Washington state court.
  - [] **Different** state or jurisdiction, but has been registered in a Washington state court and *(check one):*

#### [] All parties live In Washington now.

- All the parties to the current order (other than a State party) now live in this state; and
- The children do not live in the state or jurisdiction where the order was issued.

#### [] No one left In issuing state.

- None of the children or parties to the current order (other than a State party) live in the state or jurisdiction where the order was issued;
- The person asking to modify the order (Petitioner) lives outside of Washington; and
- Washington has personal jurisdiction over the Respondent because s/he (check all that apply):
  - [] lives in this state now.
  - [] will be personally served in this state with a *Summons* and *Petition* for this case.
  - [] 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):

## [] Parties have consented.

- At least one child or party to the current order lives in Washington state now; and
- Each party to the current order (other than a State party) has filed a consent with the court that issued the current order agreeing that a Washington court may modify the order and take continuing, exclusive jurisdiction.
- [] The court does **not** have authority to modify the current child support order because *(explain):*

#### 4. Should the court modify the monthly child support amount?

- [] Does not apply. No change was requested.
- [] **No.** The monthly child support amount should **not** be changed because there are no valid reasons to change it. *(Explain why the reasons in the Petition are not valid)*:
- [] **Yes.** The monthly child support amount should be changed as written in the new *Child Support Order* because *(check all that apply):* 
  - [] Agreement The parties agree to the changes.
  - [] **1 year or more has passed** The current order was signed at least one year ago and *(check all that apply):* 
    - [] the current order causes severe financial hardship for the requesting party or the children.
    - [] the court should add a Periodic Adjustment provision according to RCW 26.09.100. Support may be adjusted periodically as described in the new *Child Support Order*.
    - [] a child is still in high school and there is a need to extend support beyond their 18<sup>th</sup> birthday to complete high school.
  - [] **2 years or more have passed** The current order was signed at least two full years (24 months) ago and *(check all that apply):* 
    - [] the parents' income has changed.
    - [] the economic table or standards in RCW 26.19 have changed.
  - [] **Default or Past Agreement** The current order was issued by default or agreement, without the court independently examining the evidence to decide a reasonable amount of support according to the law.
  - [] Change of Circumstances There has been a substantial change in circumstances since the current order was signed. (Describe):

# 5. Should the court modify the order to add language allowing for a temporary reduction due to incarceration? (Abatement)

- [] Does not apply. No change was requested.
- [] **No.** The person who owes support is not currently incarcerated.

[] Yes. The current order does not provide for a temporary reduction (abatement) based on incarceration, and the person who owes support is in jail, prison, or a correctional facility for at least six months (or serving a sentence of more than six months). Abatement language should be included in the new Child Support Order.

# 6. Should the court order a temporary reduction due to incarceration? (Abatement)

- [] Does not apply. No change was requested.
- [] **No.** DCS can administer the abatement.
- [] Yes. It has not been shown that the person who owes support has, or has access to, income or assets to provide support while incarcerated. The court should temporarily reduce the total monthly child support amount to \$10 while the person who owes support is in jail, prison, or a correctional facility for at least six months (or serving a sentence of more than six months).

The support will remain \$10 a month through the third month after the person who owes support is released. After the third month, the support will be 50% of the original amount stated in the current order or \$50 per child, whichever is more, unless a petition for modification has been filed. One year after release, the support will return to the original amount stated in the current order. This temporary abatement of the child support obligation does not constitute modification or adjustment of the order.

# 7. Should the court change the temporary reduction (abatement) already in effect?

- [] Does not apply. No change was requested.
- [] No. The current temporary reduction (abatement) should remain as previously ordered by the court or as administered by DCS.
- [] Yes. The temporary reduction (abatement) previously ordered by the court or as administered by DCS should be changed because:

The monthly child support amount should be as written in the new *Child Support Order*.

#### 8. Should the court modify the end date for child support?

- [] Does not apply. No change was requested.
- [] **No.** The end date for child support should **not** be changed because there are no valid reasons to change it. *(Explain why the reasons in the Petition are not valid):*

- [] **Yes.** The end date should be changed as written in the new *Child Support Order* because (*check all that apply*):
  - [] Agreement The parties agree to the changes.
  - [] Finish High School The current order was signed at least one year ago. (Child's name): \_\_\_\_\_\_\_ will still be in high school when s/he turns 18 and will need support until s/he finishes high school.

him/herself and will remain dependent past the age of 18. This child's situation has changed substantially since the current order was signed. (*Describe*):

- [] **Default or Past Agreement** The current order was issued by default or agreement, without the court independently examining the evidence to decide a reasonable end date for support according to the law.
- [] Other (Specify):

#### **9.** Should the court modify post-secondary educational support?

- [] Does not apply. No change was requested.
- [] **No.** The court should **not** change or order post-secondary support because there are no valid reasons. (*Explain why the reasons in the Petition are not valid*):
- [] Yes. Issue was reserved The current order allows a parent/custodian to ask the court for post-secondary support at a later date. The children depend on the parents for the reasonable necessities of life. The court has considered the factors in RCW 26.19.090(2) and decided that post-secondary support should be ordered as written in the new *Child Support Order*.
- [] Yes. Support was granted, need to set an amount The current order says the parents must pay for the children's post-secondary support, but did not set a payment amount or percentage. The court has considered the financial resources of the parents and the child, the expenses for post-secondary education, and other relevant information. The court approves the post-secondary support amount or percentage of expenses written on the new *Child Support Order*.
- [] **Yes**. **Modify** The court should change post-secondary support as follows (check all *that apply):* 
  - [] **Require** The current order says post-secondary support is not required. The court should modify the order so that post-secondary support is required for *(Children's names):*

This child depends on the parents for the reasonable necessities of life. The

court has considered the factors in RCW 26.19.090(2) and decided that postsecondary support should be ordered as written on the new *Child Support Order*.

- [] **Cancel** The current order says the parents must pay for the children's postsecondary (college or vocational school) support. The court should change the order so that post-secondary support is no longer required.
- [] **Change Amount** The current order requires the parents to pay a specific amount or percentage of expenses for the children's post-secondary (college or vocational school) support. The court should change the amount or percentage as written on the new *Child Support Order*.

These changes should be made because (check all that apply):

- [] Agreement The parties agree to the changes in the new Child Support Order.
- [] **Default or Past Agreement** The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
- [] **Change of Circumstances** There has been a substantial change in circumstances since the current order was signed.
  - [] See change of circumstances described in section **4** above.
  - [] Other (Describe):

#### **10.** Should the court modify payment for children's expenses or tax issues?

*Important!* Although personal tax exemptions are currently suspended under federal law through tax year 2025, other tax benefits may flow from claiming a child as dependent.

- [] Does not apply. No change was requested.
- [] **No.** The court should **not** change payment for other expense or tax issues because there are no valid reasons for change. *(Explain why the reasons in the Petition are not valid):*
- [] **Yes**. The court should order or modify the following as written in the new *Child Support Order (check all that apply):* 
  - [] day care expenses.
  - [] educational expenses.
  - [] long-distance transportation expenses.
  - [] other expenses.
  - [] tax issues.

These changes should be made because (check all that apply):

- [] Agreement The parties agree to the changes.
- [] 2 years or more have passed It has been at least two full years (24 months) since the order was signed and these requests are based only on changes in the parents' income or the economic table or standards in RCW 26.19.
- [] Default or Past Agreement The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
- [] Change of Circumstances There has been a substantial change in circumstances since the current order was signed.
  - [] See change of circumstances described in section **4** above.
  - [] Other (Describe):

#### **11.** Should the court modify health insurance orders?

- [] Does not apply. No change was requested.
- [] No. The court should not change health insurance orders because there are no valid reasons for change. (Explain why the reasons in the Petition are not valid):
- [] Yes. The court should change health insurance orders as written in the new Child Support Order. These changes should be made because (check all that apply):
  - [] Agreement The parties agree to the changes in the new Child Support Order.
  - [] **2 years or more have passed** It has been at least two full years (24 months) since the order was signed and these changes are based only on changes in the parents' income or the economic table or standards in RCW 26.19.
  - [] Default or Past Agreement The current order was issued by default or agreement, without the court independently examining the evidence to decide these issues.
  - [] Change of Circumstances There has been a substantial change in circumstances since the current order was signed.
    - [] See change of circumstances described in section **4** above.
    - [] Other (Describe):

#### **12.** Overpayment / underpayment caused by modification

[] Does not apply.

- [] **Underpayment** The changes to the *Child Support Order* caused an underpayment of support or other expenses. The underpayment must be paid according to the iudament in section **23** of the new *Child Support Order*.
- [] **Overpayment** The changes to the *Child Support Order* caused an overpayment of support or other expenses. The overpayment must be repaid according to section 24 of the new *Child Support Order*. However, if the changes are because of a temporary reduction in support (abatement) due to the incarceration of the person who owes support, there is **no** credit or refund for payments received **before** the Division of Child Support is notified of the incarceration.

#### **13.** Fees and costs

- [] Does not apply. Neither party asked that the other party pay their lawyer fees and costs.
- should pay court costs, lawyer fees, [ ] (Name): \_\_\_\_\_ and other reasonable costs listed in the Money Judgment in section 16 below because (explain): \_\_\_\_\_
- should **not** have to pay court costs, [ ] (Name): lawver fees, and other reasonable costs because (explain):
- [] Other:

#### **14.** Other findings, if any

# Court Orders

#### 15. Decision

- [] The *Petition* is denied. The current final *Child Support Order* remains in effect.
- [] The final Child Support Order and Worksheets signed by the court today or on (date): \_\_\_\_\_\_ are approved and filed separately.
- **16.** Money judgment for fees and costs (summarized on page 1)
  - [] No money judgment is ordered.

Court orders a money judgment for fees and costs as follow

Judgment for	<b>Debtor's name</b> (person who must pay money)	<b>Creditor's name</b> (person who must be paid)	Amount	Interest
[] Lawyer fees			\$	\$

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
[] Court costs			\$	\$
[] Other fees and expenses (specify):			\$	\$

The interest rate is 12% unless another amount is listed below.

[] The interest rate is \_\_\_\_% because (explain): \_\_\_\_\_

## **17.** Other orders (if any)

Ordered.	
Date Judge or 0	Commissioner
Petitioner and Respondent or their lawy	ers fill out below:
This document <i>(check any that apply)</i> : [] is an agreement of the parties [] is presented by me [] may be signed by the court without notice to me	<ul> <li>This document (check any that apply):</li> <li>[] is an agreement of the parties</li> <li>[] is presented by me</li> <li>[] may be signed by the court without notice to me</li> </ul>
Petitioner signs here <b>or</b> lawyer signs here + WSBA #	Respondent signs here <b>or</b> lawyer signs here + WSBA #
Print Name Date	Print Name Date

1/25/2021 2:30:17 PM

# **Compare Results**

versus

Old File: FL Parentage 303 Residential Schedule\_2019 07.pdf

12 pages (712 KB) 7/25/2019 12:25:58 PM New File:

FL Parentage 303 Residential Schedule\_2021 02.pdf 12 pages (764 KB) 1/25/2021 11:31:35 AM

Total Changes

Content



49

Replacements

74

Deletions

Styling and Annotations

 $40 \ {\rm Styling}$ 

 $\mathbf{O}$ Annotations

Go to First Change (page 1)

Superior Court of Washington,	County of
In re parentage / parenting and support:	
Petitioner (person who started this case):	No
And Respondent/s (other party/parties):	Residential Schedule (PRS / TRS / RS) <sup>©</sup> Clerk's action required: <b>1</b>

# **Residential Schedule**

**Use this form** in parentage cases only (not divorce). This form does <u>not</u> say who can make decisions for the children. If you want the court to specify decision-making authority, use the Parenting Plan, form FL All Family 140.

**1. This residential schedule is** a (check one):

[] Proposal (request) by a parent (name/s): \_\_\_\_\_

. It is not a signed court order. (PRS)

- [] Court order signed by a judge or commissioner. This is a (check one):
  - [] Temporary order. (TRS)
  - [] Final order. (RS)
- [] This final residential schedule changes the last final residential schedule.

#### 2. Children

This residential schedule is for the following children:

Child's name	Age	Child's name	Age
1.		4.	
2.		5.	
3.		6.	

#### **3.** Reasons for putting limitations on a parent (under RCW 26.09.191)

- a. Abandonment, neglect, child abuse, domestic violence, assault, or sex offense. (If a parent has any of these problems, the court **must** limit that parent's contact with the children, that parent's right to make decisions for the children, and may not require dispute resolution other than court.)
  - [] Neither parent has any of these problems. (Skip to 3.b.)
  - [] A parent has one or more of these problems as follows (check all that apply):

    - [] Child Abuse (Parent's name): (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 (Parent's name): \_\_\_\_\_\_ (or someone living in that parent's home) has a history of domestic violence as defined in RCW 26.50.010.
    - [] Assault (Parent's name):
       (or someone living in that parent's home) has assaulted or sexually assaulted someone causing grievous physical harm, causing fear of such harm, or resulting in a pregnancy.
    - [] Sex Offense -
      - [] (Parent's name):
        - has been convicted of a sex offense as an adult.
      - [] Someone living in *(parent's name):* \_\_\_\_\_''s home has been convicted as an adult or adjudicated as a juvenile of a sex offense.
- **b.** Other problems that may harm the children's best interests. (If a parent has any of these problems, the court **may** limit that parent's contact with the children and that parent's right to make decisions for the children, and may not require dispute resolution other than court.)
  - [] Neither parent has any of these problems. (Skip to 4.)
  - [] A parent has one or more of these problems as follows (check all that apply):

- [] Lack of emotional ties (Parent's name): \_\_\_\_\_\_\_ has few or no emotional ties with a child listed in **2**.
- [] Abusive use of conflict (Parent's name): uses conflict in a way that may cause serious damage to the psychological development of a child listed in 200
- [] Other (specify):

## 4. Limitations on a parent

- [] Does not apply. There are no reasons for limitations checked in **3.a. or 3.b.** above. *(Skip to 5.)*
- [] No limitations despite reasons (explain why there are no limitations on a parent even though there are reasons for limitations checked in **3a. or 3.b.** above):

[] No contact with the children.

- [] Limited contact as shown in the Parenting Time Schedule (sections 6 9) below.
- [] Limited contact as follows (specify schedule, list all contact **here** instead of in the Parenting Time Schedule):
- [] **Supervised contact.** All parenting time shall be supervised. Any costs of supervision must be paid by *(name)*:

The supervisor shall be:

- [] a professional supervisor (name):
- [] a non-professional supervisor (name):

The dates and times of supervised contact will be:

- [] as shown in the Parenting Time Schedule (sections 6 9) below.
- [] as follows (specify):

(Specific rules for supervision, if any):

[] Other limitations or conditions during parenting time (specify):

[] Evaluation or treatment required. (	<i>(Name):</i> must:
[] be evaluated for:	
[] start (or continue) and comply with	n treatment:

- [] as recommended by the evaluation.
  - [] as follows (specify kind of treatment and any other details):

[] provide a copy of the evaluation and compliance reports (specify details):

If this parent does not follow the evaluation or treatment requirements above, then *(what happens):* \_\_\_\_\_

#### 5. Custodian

(Washington law generally refers to parenting time and decision-making, rather than custody. However, some state and federal laws require that one person be named the custodian. The custodian is the person with whom the children are scheduled to reside a majority of their time.)

# > **Parenting Time Schedule** (Residential Provisions)

Check one:

[] Limited schedule only – The children live with (name): \_\_\_\_\_\_\_ and have no contact with the other parent except as described in section **4**.

(You may **skip** the parenting time schedule in sections 6 - 9, unless you want a different Summer or Holiday schedule, including to give uninterrupted time for vacation and holidays to the parent **not** subject to limitations.)

[] **Complete** the parenting time schedule in sections 6 - 9.

#### **6.** School Schedules

#### a. Children under school-age

- [] Does not apply. All children are school-age.
- [] The schedule for children under school-age is the same as for school-age children.
- [] Children under school-age are scheduled to live with (name): \_\_\_\_\_\_, except when they are scheduled to live with (name): \_\_\_\_\_\_ on (check all that apply):
  - [] WEEKENDS: [] every week [] every other week [] other (specify):

from (day), at \_\_\_\_\_.m. to (day) \_\_\_\_\_\_ at \_\_\_\_\_m.

	from (day)	at :	m. to (day)	<u>at :</u>	m.
	[ ] WEEKDAYS: [ ]	every week [	every other week []	other (specify):	
	from (day)	at:	m. to (day)	<u>at :</u>	m.
	from (day)	<u>at :</u>	m. to (day)	<u>at :</u>	m.
	[] OTHER (specify):				
(	[] Other <i>(specify)</i> :				
	School-age children				
	This schedule will apply	(check one):			
	[] immediately.	,			
	[] when the youngest cl	nild enters (che	ck one): [] Kindergarte	en []1st grade	
	[] when the oldest child	enters (check o	ne): [] Kindergarten	[] 1st grade	
	[] Other:				
	The children are schedul except when they are sch				
	on (check all that apply):				
	[] WEEKENDS: []	every week [	] every other week [ ]	other (specify):	
	from (day)	at	m. to (day)	at:	m.
	from (day)	at:	m. to (day)	at:	m.
	[ ] WEEKDAYS: [ ]	every week [	every other week []	other (specify):	
	from (day)	at:	m. to (day)	<u>at :</u>	m.
	from (day)	at:	m. to (day)	<u>at :</u>	_ <mark></mark> .m.
	[] OTHER (specify):				•
	[] Other (specify):				
<b>7.</b> Su	mmer Schedule				
	mmer begins and ends [	1 according to t	he school calendar	l as follows:	
Cu				] ao ionono	
[]	The Summer Schedule is	s the <b>same</b> as t	he School Schedules.	(Skip to <b>8</b> .)	
	The Summer Schedule is			,	oarent
. 1	shall spend we	eks of uninterru	pted vacation time wit	h the children eac	sh 🥰
	summer. The parents sh			n writing by the en	d of
	(date)	each	year. (Skip to <b>o</b> .)		

[] The Summer Schedule will begin the summer				chedule
begins (check one): [ ]	Kindergarten [	] 1st grade [] Other		
During the summer the except when they are s				
(check all that apply):				
[] WEEKENDS: [	] every week [	] every other week [	] other (specify):	
from (day)	at:_	m. to (day)	at:	<mark>o</mark> m.
from (day)	at:	.m. to (day)	at:	m.
[] WEEKDAYS: [	] every week [	] every other week [	] other (specify):	
from (day)	at:_	m. to (day)	at:	m.
from (day)	at:_	m. to (day)	at:	m.
م ) OTHER (specify	/):			
[ ] Every year wit [ ] With the parer	is the <b>same</b> as the s, and special occ duled to spend ho <i>e any differences fo</i> <b>g Jr. Day</b> – Begir h (name): h (name): h (name):	ne School and Summe casions. <i>(Skip to 9.)</i> lidays, school breaks, or children who have not ns and ends <i>(day/time</i> ; Even ye ildren for the attached	er Schedules above and special occas yet started school.) ): ears with the other weekend	parent
<ul> <li>Odd years with</li> <li>Every year with</li> <li>With the parent</li> </ul>	h <i>(name)</i> : h <i>(name)</i> : ht who has the ch	ildren for the attached	ears with the other weekend	
[ ] Mid-winter Break	•			
[ ] Every year wit [ ] Each parent h	h <i>(name)</i> : as the children fo	; Even ye or the half of break atta ed on Wednesday at (t	ached to his/her we	ekend.

[] Other plan:

[] Spring Break – Begins and ends (day/time	a).
[] Odd years with (name):	
[] Every year with (name):	
[] Each parent has the children for the ha	alf of break attached to his/her weekend.
[] Other plan:	/ednesday at (time): o
<ul> <li>[ ] Mother's Day – Begins and ends (day/time</li> <li>[ ] Odd years?with (name):</li> </ul>	•
<ul> <li>[ ] Every ye@@with (name):</li> <li>[ ] Other plan:</li> </ul>	
<ul> <li>Memorial Day – Begins and ends (day/time</li> </ul>	
Odd years with (name):         Image: Image	
<ul> <li>Every year with (name):</li> <li>With the parent who has the children for the second secon</li></ul>	
[] Other plan:	
<ul> <li>[] Father's Day – Begins and ends (day/time)</li> <li>[] Odd years with (name):</li> </ul>	
• • • •	
[] Every year with <i>(name)</i> :	
[] Fourth of July – Begins and ends (day/tim	
Odd years with (name):         Image: Image	
[] Every year with <i>(name)</i> :	
[] Follow the Summer Schedule in sectio	
Other plan:	
[] Labor Day – Begins and ends (day/time):	
Odd years with (name):	; Even years with the other parent
Every year with (name) of the second	
With the parent who has the children for	
Other plan:	
[ ] Thanksgiving Day / Break – Begins and e	
Odd years with (name):	
[] Every year with (name):	
ର୍ଦ୍ ] Other plan: <sub>ଡ୍</sub>	
<b>♀</b>	
[] Winter Break – Begins and ends (day/time	
[ ] Odd years with (name):	; Even years with the other parent
RCW 26.26B.020(7) Residential Schedu Mandatory Form (02/2021)	le
FL Parentage 303 p. 7 of 12	

[] Every year with <i>(name)</i> :	
[] Other plan:	
[ ] Christmas Eve / Day – Begins and end	ls (day/time):
	; Even years with the other pare
[] Every year with <i>(name)</i> : <sup> </sup>	
Other plan:	
[ ] New Year's Eve / Day – Begins and en	ds (day/time):
(odd/even is based on New Year's Eve)	
	; Even years with the other pare
[] Every year with (name):	
[] Follow the Winter Break schedule a	
Other plan:	
	ecified holiday or non-school day with the
(Federal holidays, school in-service days, etc.)	ecified holiday or non-school day with the ed weekend.
<ul> <li>(Federal holidays, school in-service days, etc.)</li> <li>[] The children shall spend any unsperiment who has them for the attach</li> </ul>	ecified holiday or non-school day with the ed weekend.
<ul> <li>(Federal holidays, school in-service days, etc.)</li> <li>[] The children shall spend any unsperiment who has them for the attach</li> </ul>	ecified holiday or non-school day with the ed weekend. road range of religions and traditions. Your pend time on other significant days. (Examples:
<ul> <li>(Federal holidays, school in-service days, etc.)         <ul> <li>[] The children shall spend any unsperiment who has them for the attach</li> <li>[] Other plan:</li> <li>[] Other plan:</li> <li>[] Important! Families in Washington observe a bit parenting Plan can provide for how children will s Eid, Passover, Easter, Chinese New Year, birthday</li> </ul> </li> </ul>	ecified holiday or non-school day with the ed weekend. road range of religions and traditions. Your spend time on other significant days. (Examples: ays, etc.) Add lines as needed.
<ul> <li>(Federal holidays, school in-service days, etc.)         <ul> <li>[] The children shall spend any unsperiment who has them for the attach</li> <li>[] Other plan:</li> <li>[] Other plan:</li> <li>[] Other plan:</li> <li>[] Parenting Plan can provide for how children will s Eid, Passover, Easter, Chinese New Year, birthdates</li> <li>[] Other occasion important to the fam Begins and ends (day/time):</li> </ul> </li> </ul>	ecified holiday or non-school day with the ed weekend. road range of religions and traditions. Your spend time on other significant days. (Examples: ays, etc.) Add lines as needed.
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<ul> <li>(Federal holidays, school in-service days, etc.)         <ul> <li>[] The children shall spend any unsperiment who has them for the attach</li> <li>[] Other plan:</li> <li>[] Other plan:</li> <li>[] Other plan:</li> <li>[] Parenting Plan can provide for how children will s Eid, Passover, Easter, Chinese New Year, birthdates</li> <li>[] Other occasion important to the fam Begins and ends (day/time):</li> </ul> </li> </ul>	ecified holiday or non-school day with the ed weekend. road range of religions and traditions. Your spend time on other significant days. (Examples: ays, etc.) Add lines as needed. ily: ; Even years with the other pare
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<ul> <li>(Federal holidays, school in-service days, etc.)         <ul> <li>The children shall spend any unsperparent who has them for the attach</li> <li>Other plan:</li></ul></li></ul>	ecified holiday or non-school day with the ed weekend. road range of religions and traditions. Your spend time on other significant days. (Examples: ays, etc.) Add lines as needed. ily: ; Even years with the other pare
<ul> <li>(Federal holidays, school in-service days, etc.) <ol> <li>The children shall spend any unsperparent who has them for the attach</li> <li>Other plan:</li></ol></li></ul>	ecified holiday or non-school day with the ed weekend.  road range of religions and traditions. Your spend time on other significant days. (Examples: ays, etc.) Add lines as needed.  ily:; Even years with the other pare
<ul> <li>(Federal holidays, school in-service days, etc.) <ol> <li>The children shall spend any unsperparent who has them for the attach</li> <li>Other plan:</li></ol></li></ul>	ecified holiday or non-school day with the ed weekend.  road range of religions and traditions. Your spend time on other significant days. (Examples: ays, etc.) Add lines as needed.  ily:; Even years with the other pare
<ul> <li>(Federal holidays, school in-service days, etc.) <ol> <li>The children shall spend any unsperparent who has them for the attach</li> <li>Other plan:</li></ol></li></ul>	ecified holiday or non-school day with the ed weekend.  road range of religions and traditions. Your spend time on other significant days. (Examples: ays, etc.) Add lines as needed.  ily:; Even years with the other pare; Even years with the other pare; Even years with the other pare
#### [ ] Other occasion important to the family:

Begins and ends *(day/time)*: \_\_\_\_\_

- [] Odd years with (name): \_\_\_\_\_; Even years with the other parent
- Every year with (name):
- Other plan:



# Conflicts in Scheduling

The Holiday Schedule must be observed over all other schedules. If there are conflicts within the Holiday Schedule (check all that apply):

- [] Named holidays shall be followed before school breaks.
- [] Children's birthdays shall be followed before named holidays and school breaks.
- [] Other (specify):

### **10.** Transportation Arrangements

The children will be exchanged for parenting time (picked up and dropped off) at:

- [] each parent's home
- [] school or daycare, when in session
- [] other location (specify):

Who is responsible for arranging transportation?

- [] The **picking up** parent The parent who is about to **start** parenting time with the children must arrange to have the children picked up.
- [] The **dropping off** parent The parent whose parenting time is **ending** must arrange to have the children dropped off.
- [] Other (specify):

Other details (if any):

#### **11.** Moving with the Children (Relocation)

Anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the children **<u>must notify</u>** every other person who has court-ordered time with the children.

#### Move to a <u>different</u> school district

If the move is to a different school district, the relocating person must complete the form *Notice of Intent to Move with Children* (FL Relocate 701) and deliver it at least **60 days** before the intended move.

Exceptions:

 If the relocating person could not reasonably have known enough information to complete the form in time to give 60 days' notice, s/he must give notice within five days after learning the information.

- If the relocating person is relocating to a domestic violence shelter or moving to avoid a clear, immediate, and unreasonable risk to health or safety, notice may be delayed **21 days**.
- If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.
- A relocating person who believes that giving notice would put her/himself or a child at unreasonable risk of harm, may ask the court for permission to leave things out of the notice or to be allowed to move without giving notice. Use form *Motion to Limit Notice of Intent to Move with Children (Ex Parte)* (FL Relocate 702).

The *Notice of Intent to Move with Children* can be delivered by having someone personally serve the other party or by any form of mail that requires a return receipt.

If the relocating person wants to change the *Parenting Plan* because of the move, s/he must deliver a proposed *Parenting Plan* together with the *Notice*.

### Move within the same school district

If the move is within the *same* school district, the relocating person still has to let the other parent know. However, the notice does not have to be served personally or by mail with a return receipt. Notice to the other party can be made in any reasonable way. No specific form is required.

# Warning! If you do not notify...

A relocating person who does not give the required notice may be found in contempt of court. If that happens, the court can impose sanctions. Sanctions can include requiring the relocating person to bring the children back if the move has already happened, and ordering the relocating person to pay the other side's costs and lawyer's fees.

# Right to object

A person who has court-ordered time with the children can object to a move to a different school district and/or to the relocating person's proposed *Parenting Plan*. If the move is within the same school district, the other party doesn't have the right to object to the move, but s/he may ask to change the *Parenting Plan* if there are adequate reasons under the modification law (RCW 26.09.260).

An objection is made by filing the *Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721). File your *Objection* with the court and serve a copy on the relocating person and anyone else who has court-ordered time with the children. Service of the *Objection* must be by personal service or by mailing a copy to each person by any form of mail that requires a return receipt. The *Objection* must be filed and served no later than **30 days** after the *Notice of Intent to Move with Children* was received.

# Right to move

During the 30 days after the *Notice* was served, the relocating person may not move to a different school district with the children unless s/he has a court order allowing the move.

After the 30 days, if no *Objection* is filed, the relocating person may move with the children without getting a court order allowing the move.

After the 30 days, if an *Objection* has been filed, the relocating person may move with the children **pending** the final hearing on the *Objection* **unless**:

• The other party gets a court order saying the children cannot move, or

• The other party has scheduled a hearing to take place no more than 15 days after the date the *Objection* was served on the relocating person. (However, the relocating person may ask the court for an order allowing the move even though a hearing is pending if the relocating person believes that s/he or a child is at unreasonable risk of harm.)

The court may make a different decision about the move at a final hearing on the Objection.

### Parenting Plan after move

If the relocating person served a proposed *Parenting Plan* with the *Notice*, **and** if no *Objection* is filed within 30 days after the *Notice* was served (or if the parties agree):

- Both parties may follow that proposed plan without being held in contempt of the Parenting Plan that was in place before the move. However, the proposed plan cannot be enforced by contempt unless it has been approved by a court.
- Either party may ask the court to approve the proposed plan. Use form Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children (FL Relocate 706).

### Forms

You can find forms about moving with children at:

- The Washington State Courts' website: www.courts.wa.gov/forms,
- The Administrative Office of the Courts call: (360) 705-5328,
- Washington LawHelp: www.washingtonlawhelp.org, or
- The Superior Court Clerk's office or county law library (for a fee).

(This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.)

# 12. Other

# 13. Proposal

- [] Does not apply. This is a court order.
- [] This is a **proposed** (requested) residential schedule. (*The parent/s proposing this schedule must read and sign below.*)

I declare under penalty of perjury under the laws of the state of Washington that this schedule was proposed in good faith and the information in section **3** above is true.

Parent proposing schedule signs here	Signed at (city and state)

Other parent proposing sched. (if agreed) signs here Signed at (city and state)

# <sup>oo</sup>14. Court Order

1

- [] Does not apply. This is a proposal.
- [] This is a court order (if signed by a judge or commissioner below).

**Findings of Fact** – Based on the pleadings and any other evidence considered:

The Court adopts the statements in section **3** (Reasons for putting limitations on a parent) as its findings.

- [] The Court makes additional findings which are:
  - [] contained in an order or findings of fact entered at the same time as this *Residential Schedule*.
  - [] attached as Exhibit A as part of this *Residential Schedule*.
  - [ ] other: \_\_\_\_\_

Conclusions of Law – This Residential Schedule is in the best interest of the children.

[ ] Other: \_\_\_\_\_

**Order** – The parties must follow this *Residential Schedule*.

Date

Judge or Commissioner signs here

*Warning!* If you do not follow this *Residential Schedule*, the court may find you in contempt (RCW 26.09.160). You still have to follow this *Residential Schedule* even if the other parent doesn't. Violation of **residential** provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

#### If this is a court order, the parties and/or their lawyers (and any GAL) sign below.

<ul><li>[] is an agreement of the parties.</li><li>[] is presented by me.</li></ul>		<ul> <li>This order (check any that apply):</li> <li>[] is an agreement of the parties.</li> <li>[] is presented by me.</li> <li>[] may be signed by the court without notice to me.</li> </ul>	
Petitioner <b>or</b> lawyer signs here + WSBA #		Respondent <b>or</b> lawyer signs h	nere + WSBA #
Print Name	Date	Print Name	Date
This order <i>(check any that apply):</i> [] is an agreement of the parties. [] is presented by me. [] may be signed by the court without not	tice to me.	This order <i>(check any tha</i> [] is an agreement of the p [] is presented by me. [] may be signed by the co	parties.
•			
Other party <b>or</b> lawyer signs here + WSBA #		Other party <b>or</b> Guardian ad Li	item signs here
Print Name	Date	Print Name	Date

1/25/2021 2:39:14 PM

# **Compare Results**

versus

Old File:

FL Parentage 340 - Summons for De Facto Parentage\_2019 01.pdf

> **3 pages (77 KB)** 12/19/2018 10:55:33 AM

New File:

FL Parentage 340 Summons for De Facto Parentage\_2021 02.pdf

> **3 pages (530 KB)** 1/25/2021 11:43:40 AM

Total Changes

Content

108

15 Replacements

6 Insertions

6 Deletions

Styling and Annotations

80 Styling

Annotation

1

Go to First Change (page 1)

Superior	Court of	Washington,	County of
		······································	

In re parentage:	
Petitioner (person who started this case):	
	No.
And Respondents: (parent / presumed parent / legal guardian/s)	Summons: Notice about Petition for De Facto Parentage (SM)

# Summons: Notice about Petition for De Facto Parentage

**To Respondent/s:** Petitioner started a case to ask the court to order that Petitioner is the de facto parent of the child/ren listed in the petition. A de facto parent is a legal parent with all of the same rights and responsibilities as any other parent. More information abound facto parent law is provided at the bottom of this form.

**Deadline!** Your Response must be served on the Petitioner within **20 days** of the date you were served this *Summons* (or 60 days if you were served outside of Washington State). If the case has been filed, you must also file your *Response* by the same deadline. If you do not serve and file your *Response* or a *Notice of Appearance* by the deadline:

- No one has to notify you about other hearings in this case, and
- The court may approve the Petitioner's requests without hearing your side (called a default judgment).

 $\mathbf{Z}$ 

Follow these steps:

- **1. Read** the *Petition* and any other documents you receive with this *Summons*. These documents explain what the Petitioner is asking for.
- 2. Fill out the Response to Petition for De Facto Parentage (FL Parentage 342).

You can get the Response and other forms at:

Washington State Court Forms: www.courts.wa.gov/forms,

- Administrative Office of the Courts call: (360) 705-5328,
- Washington LawHelp: <u>www.washingtonlawhelp.org</u>,
- Washington State Law Library: www.courts.wa.gov/library, or
- Superior Court Clerk's office or county law library (for a fee).
- **3. Serve** (give) a copy of your *Response* to the Petitioner at the address below and to any other Respondents. You may use certified mail with return receipt requested. For more information on how to serve, read Superior Court Civil Rule 5.

#### 4. File your original *Response* with the court clerk at this address:

Superior Court Clerk,			County
address	city	state	zip

If there is no "Case No." listed on page 1, this case may not have been filed and you will not be able to file a *Response*. Contact the Superior Court Clerk Prind out.

If the case was **not** filed, you must still serve your *Response*, and you may demand that the Petitioner file this case with the court. Your demand must be in writing and must be served on the Petitioner or his/her lawyer (whoever signed this *Summons*). If the Petitioner does not file papers for this case within 14 days of being served with your demand, this service on you of the *Summons* and *Petition* will not be valid. If the Petitioner does file, then you must file your original *Response* with the court clerk at the address above.

# **5. Lawyer not required:** It's a good idea to talk to a lawyer, but you may file and serve your *Response* without one.

#### 6. Information about De Facto Parentage

Under Washington law, to be a de facto parent, the Petitioner must show that:

- Petitioner lived with the child in the child's household for a significant period.
- Petitioner provided consistent caretaking of the child and undertook full and permanent responsibilities of a parent without expectation of financial compensation.
- Petitioner held the child out as his/her child.
- Petitioner established a bonded and dependent relationship with the child which is parental in nature.
- Another parent of the child fostered or supported the Petitioner's bonded, dependent relationship.
- Continuing the Petitioner's relationship with the child is in the child's best interest.

Read RCW 26.26A.440 for more information about the de facto parent law.

There is a two-step process in de facto parentage cases.

Step 1: The court will consider the facts claimed in the Petition, and any Response, to decide if the case should go forward. Either you or the Petitioner may ask for this review using the *Request for Court Review*, FL Parentage 343. The court may decide without a hearing or may set a hearing, if necessary.

The case will end at Step 1 unless the court finds that the Petitioner meets the standard for the case to go forward.

Step 2: The court will hold a trial to decide whether or not the Petitioner is a de facto parent.

### Petitioner or his/her lawyer fills out below:

Signa	ature of Petitioner <b>or</b> Lawyer		Date	
Print	name (and WSBA No., if Lawyer)			
l agr	ee to accept legal papers for this case at (	(check one):		
	ny lawyer's address:	¥		
L	awyer's address	city	state	zip
E	mail <i>(if applicable)</i> ;			
	he following address (this does <b>not</b> have t	to be your home ad	dress):	
a	ddress	city	state	zip
Ν	lote: You and the other party/ies may agree to acc	ept legal papers by ema	ail under Civil Rule 5	and local court
r	ules.			

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.

This Summons is issued according to Rule 4.1 of the Superior Court Civil Rules of the State of Washington.

1/25/2021 2:43:40 PM

# **Compare Results**

versus

Old File:

#### FL Parentage 341 Petition for De Facto Parentage\_2019 07.pdf

10 pages (663 KB) 7/25/2019 4:10:30 PM New File:

FL Parentage 341 Petition for De Facto Parentage\_2021 02.pdf

> 11 pages (671 KB) 1/25/2021 11:58:20 AM

Total Changes

Content



39 Replacements

27

Deletions

Styling and Annotations

0 Styling

()Annotations

Go to First Change (page 1)

#### 

# **Petition for De Facto Parentage**

Use this form to ask the court to find you to be a de facto parent only if <u>all</u> of these statements are true:

- You lived with the child as a regular member of the child's household for a significant period;
- You engaged in consistent caretaking of the child and undertook full and permanent responsibilities of a
  parent of the child without expectation of financial compensation;
- You held the child out as your child;
- You established a bonded and dependent relationship with the child which is parental in nature;
- Another parent of the child fostered or supported the bonded and dependent relationship; and
- Continuing the relationship between you and the child is in the best interest of the child.

# > Parties, Jurisdiction, and Venue

#### 1. Child

Petitioner asks the court to order that Petitioner is the de facto parent of:

Child's name (first, middle, last)	Born (month/day/year)	Lives in (county and state)

**Important!** Don't list more than one child unless they have all the same parents or possible parents. If they have (or may have) different parents, fill out a separate Petition for each child. If multiple children are listed, change "child" to "children" in this form as needed.

# 2. Petitioner's Information

My name is:

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:

I live in (county and state only):

# **3.** Respondent/s' Information

*Important!* You must name all parents and legal guardians/non-parent custodians. Parents include a person who:

- gave birth to the child (except as a surrogate)
- is a parent by court order (from a parentage, adoption, or divorce case)
- is presumed to be a parent by marriage or state registered domestic partnership
- is presumed to be a parent because s/he lived in the same household with the child for the first four years of the child's life, including any period of temporary absence, and openly held out the child as his/her child. (See RCW 26.26A.204(b).)
- signed an Acknowledgment of Parentage

Parents do **not** include any person who a court has ordered is not a parent.

Respondent's Name (first, middle, last)	Relationship	Lives in (county and state)

# 4. Child's Home/s

During the past 5 years has the child lived:

- on an Indian reservation,
- outside Washington State,
- in a foreign country, or
- with anyone other than Petitioner/s and/or Respondent/s?

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

Dates	Lived with	In which state, Indian reservation, or foreign country
From:	[] Petitioner/s	
To	[] Resp. <i>(name/s):</i>	
10.	[] Other <i>(name):</i>	

<sup>[]</sup> No. (Skip to **5**.)

	Dates	Lived with	In which state, Indian reservation, or foreign country
Ş	From: To:	[ ] Petitioner/s [ ] Resp. <i>(name/s):</i> [ ] Other <i>(name):</i> ♀	
	From: To:	[ ] Petitioner/s �� ] Resp. <i>(name/s):</i> [ ] Other <i>(name):</i>	
	From: To:	[ ] Petitioner/s [ ] Resp. <i>(name/s):</i> [ ] Other <i>(name):</i>	

# 5. Other people with a legal right to spend time with the child

Do you know of anyone besides yourself and Respondent/s who has or claims to have a legal right to spend time with the child?

- [] No.
- [] Yes. (Name/s) \_\_\_\_\_\_ has or claims to have a legal right to spend time with this child because:

# 6. Other court cases involving the child

Do you know of any court cases involving the child?

(Check one): [] No. (Skip to **7**.) [] Yes. (Fill out below.)

County and State	Case number and year

# 7. Is the child an Indian child?

(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 is 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.)

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<b>U</b>	100			

[] No. I know the child is not an Indian child because:
---------------------------------------------------------

	[] <b>Yes.</b> The child is a member of (or may be eligible for membership in) these tribe/s:
	I will provide the <i>Indian Child Welfare Act Notice</i> (form GDN M 401) and a copy of this <i>Petition</i> to the tribe/s named above and other necessary people or agencies.
	[] <b>Maybe.</b> The child is eligible for membership in these tribes:
	I will provide the Indian Child Welfare Act Notice (form GDN M 401) 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 the child is an Indian child. I have done the following things to try to find out:
8.	Jurisdiction over Indian child
	[ ] Does not apply. The child is not an Indian child.
	[] A state court can decide this case for the Indian child because:
	[] The child is <b>not</b> domiciled or living on an Indian reservation, and is not a ward of a tribal court. (25 USC § 1911)
	<ul> <li>[] The child is domiciled or living on an Indian reservation, and <i>(check all that apply):</i></li> <li>[] The child's tribe agrees to Washington State's concurrent jurisdiction.</li> </ul>
	[] The child's tribe decided not to use its exclusive jurisdiction (expressly declined). (RCW 13.38.060)
	[] Washington State should claim emergency jurisdiction for the child who is temporarily located off the reservation to protect the child from immediate physical damage or harm. (RCW 13.38.140)
9.	Jurisdiction over the child (RCW 26.27.201 – .221, .231, .261, .271)
	[] The court <b>can</b> decide a <i>Parenting Plan</i> or <i>Residential Schedule</i> for the child and decide who the child should live with most of the time because (check all that apply):
	<ul> <li>[] Exclusive, continuing jurisdiction – A Washington court has already made a custody order or parenting plan for the child, and the court still has authority to make other orders for the child.</li> </ul>

- [] **Home state jurisdiction** Washington is the child's home state because *(check all that apply):* 
  - [] The child lived in Washington with a parent or someone acting as a parent for at least the six months just before this case was filed, or if the child is less than six months old, the child has lived in Washington with a parent or someone acting as a parent since birth.
    - [] There were times the child was not in Washington in the six months just before this case was filed (or since birth if they are less than six months old), but those were temporary absences.
  - [] The child does not live in Washington ow, but Washington was the child's home state sometime in the six months just before this case was filed, and a parent or someone acting as a parent of the child still lives in Washington.
  - [] The child does not have another home state.
- [] No home state or home state declined No court of any other state (or tribe) has jurisdiction to make decisions for the child, or a court in the children's home state (or tribe) decided it is better to have this case in Washington and:
  - The child and a parent or someone acting as a parent has ties to Washington beyond just living here; and
  - There is a lot of information (substantial evidence) about the child's care, protection, education, and relationships in this state.
- [] Other state declined The courts in other states (or tribes) that might be the child'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 the child because the child is in this state now **and** was abandoned here **or** needs emergency protection because the child (or the children's parent, brother, or sister) was abused or threatened with abuse. (*Check one*):
  - [] A custody case involving the child was filed in the child's home state (name of state or tribe): \_\_\_\_\_\_. Washington should take temporary emergency jurisdiction over the child until the Petitioner can get a court order from the child's home state (or tribe).
  - [] There is **no** valid custody order or open custody case in the child's home state (name of state or tribe): \_\_\_\_\_\_\_. If no case is filed *in the child's home state (or tribe)* by the time the children have been in Washington for six months, (*date*): \_\_\_\_\_\_ Washington should have final jurisdiction over the children.
- [] Other reason (specify): Q
- [] The court **cannot** decide a *Parenting Plan* or *Residential Schedule* for the child or decide who the child should live with most of the time because the court does not have jurisdiction over the child.

# **10.** Personal Jurisdiction

Fill out below to say if a Washington state court has personal jurisdiction (authority to make decisions) over each Respondent. (Add columns if needed for more Respondents.)

Basis for Personal Jurisdiction (check all that apply)	Respondent's Name:	Other Respondent's Name:
Will be served in Washington	[]	[]
Lives in Washington now	[]	[]
Lived in Washington with child	[]	[]
Lived in Washington and paid pregnancy costs or support for child	[]	[]
Caused child to live in Washington	[]	[]
Had sex in Washington that may have produced the child	[]	[]
Agrees to Washington deciding	[]	[]
None of the above	[]	[]

# **11.** Correct County (Venue)

This is the correct county for this case to be heard because this is where:

- [] The child lives or is located.
- [] The Respondent (name): \_\_\_\_\_\_ lives or is located, if the child lives outside Washington.

# > Petitioner's Statement (Affidavit)

(If you need more space for any section, add lines or use Declaration form FL All Family 135.)

# **12.** Residence for a significant period

I lived with the child as a regular member of the child's household for a significant period. *(List the dates when you lived with the child and who else lived in the household.)* 

# 13. Caretaking/Parenting Responsibilities

I provided consistent caretaking for the child and undertook full and permanent parenting responsibilities without expectation of being paid. *(Describe.)* 

-88

# **14.** Holding Out

I held the child out as my child. (Describe when and how you have told others that you were the child's parent or acted with others as the child's parent.)

#### 15. Bonded Relationship

I have a bonded and dependent parental relationship with the child. (Describe)

### 16. Parent Fostered/Supported Relationship

At least one of the child's parents fostered or supported my relationship with the child. (Describe how the parent/s encouraged your bonded/dependent parental relationship.)

#### **17.** Best Interest

It is in the child's best interest for our relationship to continue because:

# > Other Requests

#### **18.** Parenting Plan or Residential Schedule

It is in the child's best interest for the court to decide with whom the child will live, if the court has jurisdiction over the child.

The child currently live/s with (name/s):

[] I will file and serve my proposed *Parenting Plan* (form FL All Family 140) or *Residential Schedule* (FL Parentage 303) with this *Petition* or in the future.

[] I am not asking the court for a *Parenting Plan* or *Residential Schedule*.

### **19.** Child Support

The child has a right to child support (including medical support) from the legal parents, including any parent determined to be a de facto parent, according to state law. The court will order child support unless all parents are living together with the child or there is already an administrative order set by the Division of Child Support.

#### **20.** Past support and repayment of specific expenses

- [] No request.
- [] Past Support The state of Washington or *(name):* has provided support to the children and has the right to receive up to five years of past child support according to the Washington State Child Support Schedule.
- [] Specific Expenses The state of Washington or *(name):* has incurred expenses for the mother's pregnancy and childbirth or provided other services to the children and has the right to be repaid *(check one):*

[] (amount): \$\_\_\_\_\_. [] an amount to be proven later.

### **21.** 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 below. Attach a copy if you have one.):

Court that issued the order:

Case number:

Expiration date:

# **22.** Restraining Order

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

- [] No. (Skip to 23.)
- [] Yes. Check the type of order/s you want:
  - Do not disturb Order (name/s) not to disturb my peace or the peace of any child listed in 1.

- [] 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 **1**.
- [] Do not hurt or threaten Order (name/s)

**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.

- Not to assault, harass, stalk, or molest me or any child listed in 1; 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.
- Prohibit weapons and order surrender Order (name/s) \_\_\_\_\_\_
  - Not to access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses until the Order ends, and
  - To immediately surrender any firearms, other dangerous weapons, and any concealed pistol licenses in their possession to (check one): [] the police chief or sheriff. [] their lawyer. [] other person (name): \_\_\_\_\_\_.

[] Other orders: \_\_\_\_\_

*Important!* If you want a restraining order **now**, you must file a Motion for Temporary Family Law Order and Restraining Order (form FL Parentage 323) or a Motion for Immediate Restraining Order (Ex Parte) (form FL Parentage 321).

#### 23. Name Change

- [] No request for name change.
- [ ] I ask the court to change the children's names to:

The name change should be ordered because of the following good reasons:

#### 24. Birth Record

- [] No request for changes to the listed parents on the birth record.
- [] I ask the court to change the parents listed on the birth certificate and any other birth record as follows:

The birth certificate and any other birth record should be changed because of the following good reasons:

#### **25.** Fees and Costs

- [] Does not apply.
- [] I ask the court to order the Respondent (name/s): \_

to pay filing fees, reasonable lawyer fees, other costs, and necessary travel and other reasonable expenses.

#### 26. Other (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

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

Petitioner's lawyer signs here

Print name and WSBA No.

Print name

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 <u>if</u> 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.) Date Respondent signs here Print name 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 citv 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

[]

1/25/2021 2:46:54 PM

# **Compare Results**

versus

Old File:

FL Parentage 344 - Order After Review of Petition for De Facto Parentage\_2019 01.pdf

> 3 pages (58 KB) 12/19/2018 10:56:36 AM

New File:

FL Parentage 344 Order After Review of Petition for De Facto Parentage\_2021 02.pdf

> 3 pages (327 KB) 1/25/2021 12:02:45 PM

Total Changes

Content

9



Replacements

32

Deletions

Styling and Annotations

 $82 \ {\rm Styling}$ 

()Annotations

Go to First Change (page 1)

# Superior Court of Washington, County of

Petitioner (person who started this case):	
	No
And Respondents: (parent / presumed parent/ legal guardian/s):	Order After Review of Petition for De Facto Parentage (ORH, ORDYMT)
	Clerk's action required: 6
	[] Interpreter needed.

# Order After Review of Petition for De Facto Parentage

**1.** The court has reviewed the Petition for De Facto Parentage and any Response to Petition for De Facto Parentage. Respondent/s **[]** did **[]** did not file a response.

# The Court Finds:

2. Jurisdiction

[]<sup>P</sup>This court has jurisdiction over this case.

This court does not have jurisdiction over this case because: \_\_\_\_\_

# 3. Service and Timing

[] The court review cannot take place yet because:

Petitioner has not provided proof that Respondent/s were served.

The deadline for filing a response has not passed.

- [] Other (specify):
- The court review **can** take place now because all parties were served with the request for court review and (check all that apply):

\_\_\_\_\_

[] Respondent/s have all filed a response.

Respondents' deadline to respond has passed (20, 60, or 90 days depending on the type of service). Proof of service for each Respondent is filed with the court.

#### 4. Basis for Case Proceeding or Dismissal

An expedited hearing is necessary to decide whether the case will go forward.

- Based upon the petition and response, by a preponderance of the evidence (more likely than not):
  - Petitioner has **not** met the standard for the case to go forward. The Petition for De Facto Parentage should be dismissed.

[] Petitioner has met the standard for the case to go forward. A trial should be held.

# 5. Other Findings

# The Court Orders:

#### 6. Decision

[] <sup>9</sup> Expedited hearing.	The court needs a hearing to decide whether the case will go
forward. An expedite	ed hearing will take place on

(date): \_\_\_\_\_\_ at (time): \_\_\_\_\_\_ [ ] a.m. [ ] p.m.

in (Court, Room/Dept.):

[] No Basis to Proceed – The Petition for De Facto Parentage is dismisse

Case will Proceed – The Petition for De Facto Parentage will move on to trial. Trial will take place (check one):

At a later date to be set by the court.

 On (date):
 at (time):
 [] a.m. [] a.m.

in (Court, Room/Dept.):

[] On the date set by the case scheduling order, made when the Petition was filed.9

Other:

*Warning!* Failure to appear at trial may result in the court granting the relief requested in the petition.

# 7. Other

Ordered.	
Date Judge of	Commissioner
Petitioner and Respondent/s or their la	wyers fill out below.
<ul> <li>This document (check any that apply):</li> <li>[] is an agreement of the parties</li> <li>[] is presented by me</li> <li>[] may be signed by the court without notice to me</li> </ul>	This document (check any that apply): [] is an agreement of the parties [] is presented by me [] may be signed by the court without notice to me
•	
Petitioner signs here <b>or</b> lawyer signs here + WSBA #	Respondent signs here <b>or</b> lawyer signs here + WSBA #
Print Name Date	Print Name Date
This document (check any that apply): [] is an agreement of the parties [] is presented by me	This document (check any that apply): [] is an agreement of the parties [] is presented by me [] is presented by the court without notice to me
•	▶
Other Respondent <b>or</b> lawyer signs here + WSBA #	Other party or Guardian ad Litem signs here
Print Name Date	Print Name Date

1/25/2021 2:53:25 PM

# **Compare Results**

versus

#### Old File:

#### FL Parentage 345 - Findings-Conclusions about De Facto Parentage\_2019 01.pdf

8 pages (79 KB) 12/19/2018 10:56:53 AM New File:

FL Parentage 345 Find-Concl De Facto Parentage\_2021 02.pdf

> 9 pages (574 KB) 1/25/2021 12:05:56 PM

**Total Changes** 

Content

510

35 Replacements

139 Insertions

112 Deletions

Styling and Annotations

 $224 \ {\rm Styling}$ 

0

Annotations

Go to First Change (page 1)

### Superior Court of Washington, County of

In re parentage:	
Petitioner (person who started this case):	No.
And Respondents: (parent / presumed parent / possible genetic parent)	Findings and Conclusions about De Facto Parentage (FNFCL)

# **Findings and Conclusions about De Facto Parentage**

**Use this form** together with either a Final Parentage Order (form FL Parentage 316) or a Final Order Denying Parentage Petition (form FL Parentage 317).

# 1. Basis for findings and conclusions (check one):

Parties' agreement	
Default order (date):	and
Order After Review of Petition for De Facto	Parentage (date):
[] Trial for this case on (date):	, with the following people present:
(Names):	

#### 2. Child

This case is about whether Petitioner is the de facto parent of:

Child's name (first, middle, last)	Born (month/day/year)	Lives in (county and state)

(If multiple children are listed, change "child" to "children" in this form as needed.)

# > The court makes the following findings of fact and conclusions of law:

#### 3. Indian child

(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 is eligible for membership.)

- [] The child is **not** an Indian child. The state and federal *Indian Child Welfare Acts* do not apply to this case. The court makes this conclusion because (check all that apply):
  - [] the Petitioner made a good faith effort to find out if the child in this case is an Indian child. (RCW 13.38.050.) The court has received no information showing that this child is or may be an Indian child.
  - [] the Petitioner notified the tribal agent of every tribe the child may have been eligible for membership in. *List tribes notified*:

Each tribe responded that the child was not a tribal member and is not eligible for membership.

[] other (specify):

[] The child **is** an Indian child because the child is a member of or is eligible for membership in *(tribe/s):*\_\_\_\_\_\_

The federal and state Indian Child Welfare Acts apply to this case.

**Notice to tribes** – The Petitioner [] provided [] did **not** provide the required *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of the *Petition* to the agent for the tribe/s named above, the parents, and any Indian custodian.

**Evidence** – The evidentiary requirements of the Acts [] have [] have **not** been met as described below. (RCW 13.38.130)

- Active efforts The following active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family: (Active efforts means "a documented, concerted, and good faith effort to facilitate the parent's or Indian custodian's receipt of and engagement in" those services and programs. RCW 13.38.040. Describe active efforts made.)
- Serious emotional or physical damage The court considered testimony from a qualified expert witness as defined in RCW 13.38.130. The court finds by clear and convincing evidence that the child (check one): [] would [] would not likely suffer serious emotional or physical damage if they lived with either parent or an Indian custodian. The Court makes this conclusion because:

4. Jurisdiction over Indian child

- [ ] Does not apply. The child is not an Indian child.
- [] This court **cannot** decide this case for the Indian child because this court does not have jurisdiction over them. The *Petition* should be dismissed.
- [] This court **can** decide this case for the Indian child because (check one):
  - [] The child is **not** domiciled or living on an Indian reservation, and is not the ward of a tribal court. (25 USC § 1911)
  - [] The child **is** domiciled or living on an Indian reservation, or is the ward of a tribal court, however (*check all that apply*):
    - [] The child's tribe agrees to Washington State's concurrent jurisdiction.
    - [] The child's tribe decided not to use its exclusive jurisdiction (expressly declined). (RCW 13.38.060)
    - [] Washington State should claim emergency jurisdiction for the child who is temporarily located off the reservation to protect the child from immediate physical damage or harm. (RCW 13.38.140)
- [] Other (specify):

#### 5. Guardian ad Litem

[] No Guardian ad Litem (GAL) was appointed.

The Court appointed (name):

Guardian ad Litem (GAL) for the child.

The court has considered the report and recommendations of the GAL about (check all that apply):

- [] Parentage
- Parenting Plan or Residential Schedule
- Other (specify):
- Other (specify):

#### 6. Notice and Personal Jurisdiction

All people with a right to receive notice of this case were served with the *Summons* and *Petition*.

Basis for Personal Jurisdiction (check all that apply)	Respondent's Name:	Other Respondent's Name:	
Was served in Washington	[]] 💡	[]	ø
Lives in Washington now	[] 🖗		ę
Lived in Washington with child	[] 💡	[]	ø

	Lived in Washington and paid pregnancy costs or support for child		Ŷ		ę
	Caused child to live in Washington	[]	Ŷ	[]]	Ŷ
	Had sex in Washington that may have produced the child		Ŷ		ę
	Agrees to Washington deciding		Ŷ		Ŷ
	None of the above		<b>S</b>		Ŷ
		personal jurisdiction <i>(name/s):</i> s (if any) <sub>p</sub>			
<b>De 1</b>	Facto Parentage Findings and conclusions that ac separately. (Skip to <b>14</b> .)	ddress the questions	s in <b>7 - 13</b> are	attached or filed	
[].	Findings and conclusions are be	elow in <b>7 - 13</b> . <i>(Add</i>	lines as neede	ed.)	
[] <sub>o</sub>			<mark>lines as neede</mark>	əd.) <mark>ç</mark>	
	Findings and conclusions are be Residence for a significant Did Petitioner live with the child a significant period?	period		•	
	Residence for a significant Did Petitioner live with the child a	<b>period</b> as a regular membe		•	
	Residence for a significant Did Petitioner live with the child a significant period?	<b>period</b> as a regular membe		household for a	
	Residence for a significant Did Petitioner live with the child a significant period? [] No. The petition must be de	<b>period</b> as a regular membe enied.		household for a	
7.	Residence for a significant Did Petitioner live with the child a significant period? [] No. The petition must be de [] Yes. This conclusion is based on the	<b>period</b> as a regular membe enied. following facts:		household for a	
	Residence for a significant Did Petitioner live with the child a significant period? [ ] No. The petition must be de [ ] Yes.	<b>period</b> as a regular membe enied. following facts: <b>onsibilities</b> t caretaking for the c	r of the child's	household for a	
7.	Residence for a significant Did Petitioner live with the child a significant period? [1] No. The petition must be de [2] Yes. This conclusion is based on the Caretaking/Parenting respondent	as a regular membe enied. following facts: onsibilities t caretaking for the c it expectation of bein	r of the child's	household for a	nent
7.	Residence for a significant Did Petitioner live with the child a significant period? [] No. The petition must be de [] Yes. This conclusion is based on the Caretaking/Parenting responsibilities without	as a regular membe enied. following facts: onsibilities t caretaking for the c it expectation of bein	r of the child's	household for a	

#### 9. Holding out

Did Petitioner hold the child out as their own?

[]<sup>No.</sup> The petition must be denied.

[ ] Yes.

This conclusion is based on the following facts:

.

#### **10.** Bonded Relationship

Did Petitioner have a bonded and dependent parental relationship with the child?

[] No. The petition must be denied.

[ ] Yes.

This conclusion is based on the following facts:

#### **11.** Parent Fostered/Supported Relationship

Did at least one of the child's parents foster or support Petitioner's bonded and dependent relationship with the child?

[] No. The petition must be denied.

[] Yes.

This conclusion is based on the following facts:

ę

# **12.** Best interest

Is it in the child's best interest for the relationship with Petitioner to continue?

[] No. The petition must be denied.

[ ] Yes.

This conclusion is based on the following facts:

Q0

#### **13.** Conclusion about de facto parentage

The court should: 2

- [ ] **Deny** the petition.
- [] Order that the Petitioner is a legal parent.

### Parenting Plan / Residential Schedule

# 14. Jurisdiction over the child (RCW 26.27.201 – .221, .231, .261, .271)

- Does not apply because the petition should be denied or no one has requested a parenting plan or residential schedule.
- The court cannot approve a Parenting Plan or Residential Schedule for the child or decide who the child should live with most of the time because the court does not have jurisdiction over the child.
- The court can approve a Parenting Plan or Residential Schedule for the child and decide who the child should live with most of the time because (check all that apply):
  - Exclusive, continuing jurisdiction A Washington court has already made a custody order or parenting plan for the child, and the court still has authority to make other orders for the child.
  - [] Home state jurisdiction Washington is the child's home state because (check all that apply):
    - The child lived in Washington with a parent or someone acting as a parent for at least the six months just before this case was filed, or if the child was less than six months old when the case was filed, the child had lived in Washington with a parent or someone acting as a parent since birth.
      - There were times the child was not in Washington in the six months just before this case was filed (or since birth if they were less than six months old), but those were temporary absences.
    - The child does not live in Washington ow, but Washington was the child's home state sometime in the six months just before this case was filed, and a parent or someone acting as a parent of the child still lives in Washington.
    - [] The child does 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 the child, or a court in the child's home state (or tribe) decided it is better to have this case in Washington and:
    - The child 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 child's care, protection, education and relationships in this state.
  - Other state declined The courts in other states (or tribes) that might be the child'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 the child when the case was filed, and now has jurisdiction to make a final custody decision because:
  - When the case was filed, the child was abandoned in this state, or the child was in this state and the child (or the child'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 child's home state (or tribe) by the time the child has been in Washington for six months;
  - The child has now lived in Washington for six months; and
  - No case concerning the child has been started in the child's home state (or tribe).

Other reason (specify):

### **15.** Parenting Plan or Residential Schedule

- Does not apply because the petition should be denied or the court does not have jurisdiction over the child.
- [] The court should **not** enter a parenting plan or residential schedule, or designate a custodian, because no one requested one.

[]<sup>Y</sup>The parents and child are all living together.

The court signed the final Parenting Plan or Residential Schedule filed separately today or on (date)

The plan or schedule is approved (check one):

- by default. The court considered the court record.
- by agreement of both parents without a contested hearing. The court considered the parties' agreement and the following evidence, if any:
- [] after a summary judgment hearing. The court considered the evidence listed in the Summary Judgment Order.
- [] after trial. The court considered all of the evidence admitted at trial.

# Other Requests

#### 16. Child's Name

[]<sup>P</sup>The child's name should **not** be changed.

[] The child's name should be changed as listed on the Final Parentage Order.

#### **17.** Birth Record

[]<sup>P</sup>The birth record should **not** be changed.

<sup>[]</sup> Other (specify):

[] The birth certificate and any	other birth record	should be changed	as listed on the Fina	I
Parentage Order.		-		

# 18. Child Support

Does not apply because the petition should be denied.

Support Order and Worksheets filed separately today or on (date):

The court is not making a decision about child support now because:

Other (specify):

### **19.** Protection Order

Does not apply because the petition should be denied.

Solution one requested an Order for Protection in this case.

requested an Order for Protection in this case.

Conclusion: The court should (check one):

[] not approve an Order for Protection because:

Papprove an Order for Protection because:
 a

# **20.** Restraining Order

Does not apply because the petition should be denied.

[] No one requested a Restraining Order in this case.

[] (Name): requested a Restraining Order.

Conclusion: The court should:

[] not approve a Restraining Order because:

approve a Restraining Order because:

# 21. Fees and costs

Each party should pay his or her own	fees and cost
	and a second
[ ] <sup>(</sup> (Name): (Name/s):	incurred fees and costs. should be
ordered to pay the amount as listed in	the Final Parentage Order. The court finds that
the amount ordered is reasonable.	The Final Falenage of del. The court indo that
<sup>19</sup> Fees for a Guardian ad Litem (GAL) of	or other court-appointed professional should be
	<i>Order.</i> The court finds the fees as ordered are
reasonable.	
Dther findings:	
22. Other findings or conclusions (if an	עו)
Date Judge or	Commissioner
Petitioner and Respondent/s or their law	vyers fill out below.
This document (check any that apply):	This document (check any that apply):
] is an agreement of the parties	Lis an agreement of the parties
] is presented by me	is an agreement of the parties
[] may be signed by the court without notice to me	Parage is a signed by the court without notice to mee
Petitioner signs here or Lawyer signs here + WSBA #	Respondent signs here <b>or</b> Lawyer signs here + WSBA #
Print Name Date	Print Name Date
This document (check any that apply):	This document (check any that apply):
] is an agreement of the parties	[] is an agreement of the parties
] is presented by me	[] is presented by me
[] may be signed by the court without notice to me	[ ] anay be signed by the court without notice to me
Other Respondent or Lawyer signs here + WSBA #	Other party or Guardian ad Litem signs here
Print Name Date	Print Name Date

# FORMS REMOVED FROM THE WASHINGTON COURT FORMS WEBSITE

- 1. FL Non-Parent 400, Summons: Notice about Non-Parent Custody Petition
- 2. FL Non-Parent 401, Non-Parent Custody Petition