

Superior Court of Washington, County of _____

In re parentage:

Petitioner (*person who started this case*):

And Respondents:

(*parent / presumed parent / legal guardian/s*)

No. _____

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 about de 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 or in a jail, detention, or prison facility). 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*).

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,

- Washington LawHelp: www.washingtonlawhelp.org,
- 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 to find 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:

► _____
Signature of Petitioner or Lawyer *Date*

Print name (and WSBA No., if Lawyer)

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

☐ my lawyer's address:

Lawyer's address *city* *state* *zip*

Email (*if applicable*): _____

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

address *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). 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.