

Superior Court of Washington, County of _____

In re parentage:

Petitioner *(person who started this case)*:

And Respondents:

(parent / presumed parent / legal guardian/s)

No. _____

Petition for De Facto Parentage
(PTDFP)

Petition for De Facto Parentage

Use this form to ask the court to find you to be a de facto parent **only if all 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 <i>(first, middle, last)</i> | Born <i>(month/day/year)</i> | Lives in <i>(county and state)</i> |
|---|------------------------------|------------------------------------|
| | | |
| | | |

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?

[] No. (Skip to **5**.)

[] 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. (name/s): | |
| | [] Other (name): | |

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

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.)

| Kind of case (Family Law such as Divorce, Criminal, Protection Order, Juvenile, Dependency, Other) | 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.)

Check one:

☐ **No.** I know the child is not an Indian child because: _____

☐ **Yes.** The child is a member of (or may be eligible for membership in) these tribe/s:

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.

☐ **Maybe.** 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 **not** domiciled or living on an Indian reservation, and is not a ward of a tribal court. (25 USC § 1911)

☐ The child **is** domiciled or living on an Indian reservation, and (*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)

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

☐ The court **can** decide a *Parenting Plan* 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 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 now, 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): _____
- ☐ The court **cannot** decide a *Parenting Plan* 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 | Respondent's Name: | Other Respondent's Name: |
|---------------------------------|--------------------|--------------------------|
|---------------------------------|--------------------|--------------------------|

| | | |
|---|-----|-----|
| (check all that apply) | | |
| 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.)

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

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) with this *Petition* or in the future.

☐ I am not asking the court for a *Parenting Plan*.

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**.
- ☐ **Stay away** – Order *(name/s)* _____ not to go onto the grounds of or enter my home, workplace, school, or the daycare or school 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

Print name

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



Petitioner's lawyer signs here

Print name and WSBA No.

Date

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

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

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

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

address city state zip

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

▶

 Respondent signs here

 Print name

 Date

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

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

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

address city state zip

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

▶

 Other Respondent signs here

 Print name

 Date