

Superior Court of Washington, County of _____

In re parentage:

Petitioner (person who started this case):

And Respondents:

(parent / presumed parent / possible genetic parent)

No. _____

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*
 - 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 (<i>check all that apply</i>)	Respondent's Name: _____	Other Respondent's Name: _____
Was 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	[]	[]

Conclusion: The court has personal jurisdiction over all parties to this case,
 except (name/s): _____
 Other findings or conclusions (if any) _____

➤ **De Facto Parentage**

- Findings and conclusions that address the questions in **7 - 13** are attached or filed separately. (Skip to **14**.)
- Findings and conclusions are below in **7 - 13**. (Add lines as needed.)

7. Residence for a significant period

Did Petitioner live with the child as a regular member of the child's household for a significant period?

- No. The petition must be denied.
- Yes.

This conclusion is based on the following facts:

8. Caretaking/Parenting responsibilities

Did Petitioner provide consistent caretaking for the child and undertake full and permanent parenting responsibilities without expectation of being paid?

- No. The petition must be denied.
- Yes.

This conclusion is based on the following facts:

9. Holding out

Did Petitioner hold the child out as their own?

No. 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:

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:

13. Conclusion about de facto parentage

The court should:

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

➤ **Parenting Plan**

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.
- The court **cannot** approve 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.
- The court **can** approve 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 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 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 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

- 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 designate a custodian, because no one requested one.
- The parents and child are all living together.
- The court signed the final *Parenting Plan* filed separately today or on *(date)*: _____.
- The plan 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 (*specify*): _____

➤ **Other Requests**

16. Child’s Name

- 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

- The birth record should **not** be changed.

The birth certificate and any other birth record should be changed as listed on the *Final Parentage Order*.

18. Child Support

- Does not apply because the petition should be denied.
- The child should be supported according to state law. The court signed the final *Child 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.
- No one requested an *Order for Protection* in this case.
- (Name): _____ requested an *Order for Protection* in this case.

Conclusion: The court should (*check one*):

- not** approve an *Order for Protection* because: _____

_____.
- approve an *Order for Protection* because: _____

_____.

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 costs.
- (Name): _____ incurred fees and costs.
(Name/s): _____ should be ordered to pay the amount as listed in the *Final Parentage Order*. The court finds that the amount ordered is reasonable.
- Fees for a Guardian ad Litem (GAL) or other court-appointed professional should be paid as listed in the *Final Parentage Order*. The court finds the fees as ordered are reasonable.
- Other findings: _____

22. Other findings or conclusions (if any)

Date ▶ Judge or Commissioner

Petitioner and Respondent/s or their lawyers fill out below.

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

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 or Lawyer signs here + WSBA #

▶ _____
Respondent signs here or 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
 may be signed by the court without notice to me

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

▶ _____
Other Respondent or Lawyer signs here + WSBA #

▶ _____
Other party or Guardian ad Litem signs here

Print Name Date

Print Name Date