

Superior Court of Washington, County of _____

In re visits with:

Child/ren:

Petitioner/s (person/s, legal custodian and who started this case):

Respondent/s (parent/s, legal custodian and anyone with court-ordered residential time):

No. _____

Summons: Notice about Petition for Visits
(SM)

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Important! Petitioner **must** complete the address boxes below. If Petitioner does not give a service address and the court's address, **this Summons will be invalid.**

☐ Petitioner ☐ Petitioner's Lawyer (name):

Petitioner's Address for Service: (This does **not** have to be a home address.)

You may **only** serve Petitioner by email if an email address is provided below or Petitioner otherwise agrees in writing. See *All Civil 006 Agreement re: Service by Email*.

☐ Email (optional) – Petitioner agrees to accept service of legal papers for this case by email at this address: _____

Superior Court of Washington, County of:

Court's Address:

To Respondent/s: Petitioner/s started a case asking for visits with the child/ren listed on page 1 of the Petition. There is a two-step process.

Step 1: The court will decide if the Petitioner has met the requirements for the case to go forward to a hearing. The case will end at Step 1 unless the court finds the Petitioner is more likely than not to succeed at the hearing and be granted visitation.

Step 2: The court will hold a hearing to decide whether or not to order visits.

Under Washington law, a court cannot grant visits to a non-parent unless:

- The petitioner is a relative of the child or a relative of the child's parent.
- The petitioner has an ongoing and substantial relationship with the child.
- The child is likely to suffer harm or a substantial risk of harm if visitation is denied.
- The petitioner has not filed a *Petition for Visits* before this petition.

Read chapter 26.11 RCW for more information about the visit law.

You will have two chances to respond:

- You *may* respond in writing if you want to provide information to the court for Step 1 *before* the court decides whether to hold a hearing.
- If the court sets a hearing (Step 2), you will be given notice of that hearing and another chance to respond, whether or not you already submitted information for Step 1.

If you choose not to respond at Step 1, the court sets a hearing, **and** you again do not respond at Step 2:

- 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*).

Deadline! If you choose to respond at **Step 1**, your *Response* must be served on the Petitioner within **20 days** of the date you were served this *Summons* (60 days if you were served outside of Washington State, by publication, or in a jail, detention, or prison facility; 90 days if you were served by mail).

If the case has been filed, you must also file your *Response* by the same deadline.

Lawyer not required. It is a good idea to talk to a lawyer, but you may file and serve your *Response* without one.

To respond at **Step 1**:

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 Visits* (form FL Visit 478) and use the *Declaration* (form FL All Family 135) for any statements from you or other witnesses. Attach any documents you want the court to see. You can get the *Response* and blank forms at:
 - The Washington State Courts' website: www.courts.wa.gov/forms
 - Washington Law Help: www.washingtonlawhelp.org, or
 - The 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 for service listed on page 1, and to any other Respondent.
4. **File** your original *Response* with the clerk of the court at the court's address for filing listed on page 1.

5. **Right to request lawyer fees.** You can ask the court to make the Petitioner pay you money for lawyer fees and costs *before* any hearing takes place. To make this request, fill out the *Motion for Advance Lawyer Fees and Costs* (FL Visits 481) and follow your local court rules to schedule a hearing.



Signature of Petitioner or lawyer

Date

Print name of Petitioner or lawyer and WSBA No.

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 or check www.courts.wa.gov 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 their 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 listed on page 1.*

This summons is issued pursuant to RCW 4.28.180 and Superior Court Civil Rule 4.1 of the State of Washington.