

Superior Court of Washington, County of _____

In re:

Petitioner/s (see * below):

And Respondent/s (other party/parties):

No. _____

Petition to Terminate or Change Non-Parent
Custody Order
(PTMD)

* If you're filing this Petition with:

- the **same** case number as the non-parent custody 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 terminate or change the order now.
- a **different** case number or county from where the non-parent custody order was issued, the person asking to terminate or change the order may be the Petitioner.

Petition to Terminate or Change Non-Parent Custody Order

1. Who is asking to terminate or change the custody order?

Name	Lives in (county and state)	Relation to the children
		<input type="checkbox"/> Parent
		<input type="checkbox"/> Non-Parent Custodian

2. Who are the other parents or custodians involved in this case?

Name	Lives in (county and state)	Relation to the children
		<input type="checkbox"/> Parent
		<input type="checkbox"/> Non-Parent Custodian

Name	Lives in (<i>county and state</i>)	Relation to the children
		<input type="checkbox"/> Parent
		<input type="checkbox"/> Non-Parent Custodian

3. Who are the children involved in this case?

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

4. Describe the non-parent custody order in place now:

The current order that gives custody of the children to a non-parent is a

(*title of order*): _____

signed by a court on _____ in _____
date county and state

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

5. Explain why you are filing your petition with this court:

I am filing this *Petition* in this county court because (*check all that apply*):

I live in this county.

the child/ren live in this county.

the non-parent custodian lives in this county.

the non-parent custody order that I want to change is from this county.

Note – If you need more space to explain in any of the sections below, you may add more pages to this *Petition*. Number, date, and sign each page that you add.

6. Request to terminate non-parent custody order

Does not apply. I am asking the court to change the order, not terminate it.

I ask the court to terminate the non-parent custody order/s and return custody of the children to me. I have valid reasons (adequate cause) to terminate the order.

The situation of a parent, child, or non-parent custodian has changed substantially and one of the following reasons to terminate the custody order applies.

Reason for termination (*check all that apply*):

Note – Your reasons must be based on things that happened or information you learned about **after** the non-parent custody order was issued, OR, if the order was uncontested (issued by default or agreement), your reasons may be based on information that was unknown to the court when the order was issued. A substantial change of circumstances requires more than a temporary period of stability.

The non-parent custodian and I agree to terminate the non-parent custody order.

The children are living in my home now with the non-parent custodian's permission.

Explain: _____

I am now a fit parent and placement of the children with me will not result in harm (detriment) to the children's growth and development. I have dealt with the problems that made the court take custody away from me.

Explain: _____

The children's current living situation with the non-parental custodian is harmful to their physical, mental, or emotional health. It would be better for the children to change the custody order.

Explain: _____

The non-parent custodian has not followed the court's order. A court found him/her in contempt for disobeying the residential schedule more than once in 3 years, or guilty of custodial interference in the first or second degree. (RCW 9A.40.060 or 9A.40.070)

Explain: _____

7. Request to change non-parent custody order

- Does not apply. I am asking the court to terminate the order, not change it.
- I ask the court to change (but **not** terminate) the non-parent custody order/s. The situation of a parent, child, or non-parent custodian has changed substantially.

Reason for change (check all that apply):

Note – Your reasons must be based on things that happened or information that you learned about **after** the non-parent custody order was issued, OR, if the order was uncontested (issued by default or agreement), your reasons may be based on information that was unknown to the court when the order was issued.
 A substantial change of circumstances requires more than a temporary period of stability.

- the current orders are difficult to follow because I have moved.
- the current orders are difficult to follow because my work schedule changed and the change was not by my choice.
- a change is needed because the current orders do not give the children a reasonable amount of time with a parent and it's in the children's best interest to have increased time with that parent.

Are there any limitations on the parent whose time would be increased?

- No.** The current orders do **not** limit that parent's time with the children because of abandonment, abuse, domestic violence, sex offense, or other serious problems.
- Yes.** My time with the children is limited because of problems listed in the current orders. I ask the court to allow me more parenting time with the children because the problems that caused the limitations have changed substantially.

Explain: _____

Has the parent whose time would be increased completed any required evaluations, treatment, or classes?

- Does not apply.** The current orders do **not** require me to complete any evaluations, treatment, or classes.
- Yes.** I have completed all court-ordered evaluations, treatment, or classes.

List completed evaluations, treatment, or classes here: _____

8. Child Support

- Does not apply. I am not asking the court to terminate the child support order.
- I ask the court to terminate all child support orders requiring anyone to pay support to the non-parent custodians for these children.

9. Children’s Home/s (UCCJEA information)

During the past 5 years have any of the children lived:

- on an Indian reservation,
- outside Washington state,
- in a foreign country, or
- with anyone who is not a party to this case?

- No. *(Skip to 10.)*
- Yes. *(Fill out below to show where each child has lived during the last 5 years.)*

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	

10. Other people with a legal right to spend time with a child

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

(Check one): No. (Skip to **0.**) Yes. (Fill out below.)

Name of person	Children this person may have the right to spend time with
	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

11. Other court cases involving a child

Do you know of any court cases involving any of the children?

(Check one): Yes. (Fill out below.) No. (Skip to **02.**)

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year	Children
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

12. Jurisdiction over children (RCW 26.27.201–.221, .231, .261, .271)

The court can change a non-parent custody order for the children because (check all that apply; if a box applies to all of the children, you may write “the children” instead of listing names):

Washington order/exclusive, continuing jurisdiction – The non-parent custody order I want to change was made by a Washington court, and the court still has authority to make orders for (children’s names): _____

Other state's order – The non-parent custody order I want to change was not made by a Washington state court **AND** (*check one*):

A court in the state (or tribe) that made the non-parent custody order has made another order saying that it no longer has jurisdiction **or** that it is better to have this case decided in Washington;

No child, parent or person acting as a parent lives in the state (or tribal reservation) that made the order anymore;

AND (*check one*):

Home state jurisdiction – Washington is the children's home state because (*check all that apply*):

(*Children's names*): _____ lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if the children are less than 6 months old, they have lived in Washington with a parent or someone acting as a parent since birth.

There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they are less than 6 months old), but those were temporary absences.

(*Children's names*): _____ do not live in Washington right now, but Washington was the children's home state sometime in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.

(*Children's names*): _____ do 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 (*children's names*): _____, **or** a court in the children's home state (or tribe) decided it is better to have this case in Washington, **and:**

- The children and a parent or someone acting as a parent have ties to Washington beyond just living here (significant connection); **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education and relationships in this state.

Temporary emergency jurisdiction – The non-parent custody order I want to change was **not** made by a Washington state court. A Washington court can make decisions for (*children's names*): _____ because the children are in this state now **and** were abandoned here **or** need emergency protection because the children (or the children's parent, brother or sister) were abused or threatened with abuse. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the state (or tribe) that made the original non-parent custody order.

Other reason (*specify*): _____

13. Other requests (if any)

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 (including any attachments) are true. I have attached (#): _____ pages.

Signed at (*city and state*): _____ Date: _____

▶ _____
*Person filing *Petition* signs here* *Print name*

Lawyer (if any) for person filing this *Petition* fills out below:

▶ _____
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.

The other parent or non-parent custodian fills out below if he/she agrees to join this *Petition*:

*(If more than one other parent or non-parent custodian agrees to join the *Petition*, each person should copy and fill out the section below.)*

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.

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 **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.)*

▶ _____
*Person joining *Petition* signs here* *Print name* *Date*