

Superior Court of Washington, County of _____

In re:

Petitioner/s (as listed on the Petition):

And Respondent/s (as listed on the Petition):

No. _____

Final Order and Findings on Petition to
Terminate or Change Non-Parent Custody
Order

(ORMDD/ORDYMT)

Clerk's action required: **8**

**Final Order and Findings on Petition to
Terminate or Change Non-Parent Custody Order**

1. This Order is based on:

- The *Petition to Terminate or Change Non-Parent Custody Order*,
- The Court's decision that there were valid reasons to hear the *Petition* in the *Order on Adequate Cause* signed on (date): _____,

And (check one):

the parties' agreement.

the *Order on Motion for Default* signed on (date): _____.

the court hearing or trial on (date): _____.

The following people were at the hearing or trial (list parties, lawyers, and any guardians):

➤ **Findings & Conclusions**

2. Jurisdiction (RCW 26.27.201–.221, .231, .261, .271)

- The court **cannot** decide this case for the children because the court does not have jurisdiction over the children.
- The court **can** decide this case 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 was made by a Washington state court, and the court still has authority to make other orders for *(children’s names)*: _____.
 - Other state’s order** – The non-parent custody order 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 were less than 6 months old when the case was filed, they had 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 were 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 has the jurisdiction to make decisions for *(children’s names)*: _____

_____’
or a court in the children’s home state 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.

Other reason (*specify*): _____

3. Request to terminate non-parent custody order

Does not apply. No one requested termination.

Denied – The court denies the request for termination because (*check all that apply*):

there has been no substantial change to the situation of a parent, child, or non-parent custodian.

the reasons (factual basis) for the requested termination do not qualify under the law.

other reasons (*specify*): _____

Approved – The court approves terminating the non-parent custody order because there has been a substantial change in the situation of a parent, child, or non-parent custodian.

(Describe how the situation has changed, or describe a situation that the court did not know about when it made its order):

Check reason/s for termination:

The parents and the non-parent custodian agree to the termination.

The children are living in a parent’s home with the non-parent custodian’s permission.

The children’s current living situation is harmful to their physical, mental, or emotional health. It would be better for the children to change the order.

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 three years, or guilty of custodial interference in the first or second degree. (*RCW 9A.40.060 or 9A.40.070*)

Transition (*check one*):

No transition period is necessary.

A transition period is in the child’s best interest because:

4. Request to change non-parent custody order (RCW 26.09.260(5), (7), and (9))

- Does not apply. The order is being terminated.
- Denied** – The court denies the request for a change because *(check all that apply)*:
 - the situation of a parent, child, or non-parent custodian has **not** changed substantially.
 - the reasons (factual basis) for the requested change do not qualify under the law.
 - the parent requesting more time is limited because of problems listed in the current orders. That parent has **not** shown substantial change in the problems that caused the limitations.
 - the parent requesting more time has **not** fully completed all evaluations, treatment, or classes required by the current orders.
 - other reasons *(specify)*: _____

- Approved** – The court approves a change to the non-parent custody orders. The court signed the new *Residential Schedule or Non-Parent Custody Order* filed separately today or on *(date)*: _____.

The change is approved because there has been a substantial change in the situation of a parent, child, or non-parent custodian.

(Describe how the situation has changed, or describe a situation that the court did not know about when it made its order):

Check reason/s for this change:

- The current orders are difficult to follow because a parent has moved.
- The current orders are difficult to follow because one parent’s work schedule changed and the change was not by his/her choice.

- This change is needed because the current orders do not give the children a reasonable amount of time with one parent. It is in the children's best interest to have increased time with that parent.

Are there any limitations on the parent whose time is being 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.** That parent's time with the children is limited because of problems listed in the current orders. That parent's situation has changed substantially. *(Describe how the parent's problems that caused the limitations in the current orders have changed.)*

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

- Does not apply.** The current orders do **not** require that parent to complete any evaluations, treatment, or classes.
- Yes.** That parent has completed all court-ordered evaluations, treatment, or classes required by the current orders.

List completed evaluations, treatment, or classes here: _____

5. Other Changes

- Does not apply.
- Because of a substantial change in a parent or child's situation, the court approves changes to the following parts of the order *(check all that apply)*:
- dispute resolution
 - decision-making
 - transportation arrangements
 - other *(specify)*: _____

6. Child Support

- Does not apply. No one asked to change child support.
- Denied** – The request to change child support is denied because:
- the request to terminate or change the non-parent custody order is denied.

the approved change to the non-parent custody order does not change the amount of time the children spend with a parent so much that a child support deviation should be approved or changed.

other: _____

Approved – The court approves a change to child support because the non-parent custody order is (*check one*):

terminated.

changed so much that a child support deviation should be approved or changed.

other: _____

Other findings: _____

7. Other Findings (if any)

➤ **Court Orders**

8. Decision (*check all that apply*):

Denied – The court denies the *Petition to Terminate or Change Non-Parent Custody Order*. All temporary orders are ended. **(ORDYMT)**

Terminated – The court approves the request to terminate non-parent custody orders. The *Non-Parent Custody Order* (or *Nonparental Custody Decree*) and any residential schedule issued by the court are terminated. Any court or administrative order for a parent to pay child support to the non-parent is terminated today or on (*date*): _____
_____. **(ORMDD)**

Return Children

Does not apply because the children are already with a parent.

The children must be returned to (*name/s*): _____
by (*date*): _____ at (*time*): _____
as follows: _____

The court orders these conditions for a transition period (*specify*): _____

Restraining Order

Any *Restraining Order* previously issued in the non-parent custody case protecting the non-parent is terminated.

Name of law enforcement agency where the Protected Person lived when the *Restraining Order* was issued: _____

To the Clerk: Provide a copy of this Order to the agency listed above within 1 court day. The law enforcement agency must remove the *Restraining Order* from the state's database.

Other (*specify*): _____

Changed – The court approves the request to change non-parent custody orders. All temporary orders are ended. The court signed the following orders filed separately today or on (*date*): _____
(ORMDD)

Residential Schedule

Child Support Order

Other orders: _____

The guardian ad litem is discharged.

*Check this box if the court previously signed a temporary Restraining Order and is **not** signing a final Restraining Order in this case. Also check the "Clerk's action required" box in the caption on page 1.*

Name of law enforcement agency where the Protected Person lived when the *Restraining Order* was issued: _____

To the Clerk: Provide a copy of this Order to the agency listed above within 1 court day. The law enforcement agency must remove the temporary *Restraining Order* from the state's database.

9. Other Orders (if any)

Ordered.

Date ▶ _____
Judge or Commissioner

Petitioner and Respondent 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 No.* ▶ _____ *Respondent signs here or lawyer signs here + WSBA No.*

This order (*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 order (*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 Petitioner or lawyer signs here + WSBA No.



Other Respondent or lawyer signs here + WSBA No.

Print Name

Date

Print Name

Date