

Superior Court of Washington, County of _____

In re visits with:

Children:

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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To Respondent/s: Petitioner/s started a case asking for visits with the children listed above. There is a two-step process.

Step 1: The court will decide if Petitioner has met the requirements to have the case go forward to a hearing. The case will end at Step 1 unless the court finds 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 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 Petitioner within **20 days** of the date you were served this *Summons* (60 days if you were served outside of Washington State or by publication, 90 days if you were served by mail).

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

To respond at **Step 1**:

1. **Read** the *Petition* and any other documents you receive with this *Notice*. These documents explain what 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
 - The Administrative Office of the Courts – call: (360) 705-5328
 - Washington LawHelp: www.washingtonlawhelp.org, or
 - The Superior Court Clerk’s office or county law library (there may be a fee).
3. **Serve** (give) a copy of your *Response* and other documents to Petitioner at the address below, and to any other Respondent. You may use certified mail with return receipt requested. For more information on how to serve, read Superior Court Civil Rule 5.
4. **File** your original *Response* and other documents with the court clerk at this address:

Superior Court Clerk, _____ County

address *city* *state* *zip*

If there is no “Case No.” listed on page 1, this case may not have been filed with the court. Contact the Superior Court Clerk or check www.courts.wa.gov to find out if a case was filed.

If the case was **not** filed, you must still serve your *Response* on the other parties. You have the right to demand that Petitioner file this case with the court. Your demand must be in writing and must be served on the Petitioner or his/her lawyer (whoever signed this *Notice*). If Petitioner does not file papers for this case within 14 days of being served with your demand, this service on you of the *Notice* and *Petition* will not be valid.

If Petitioner does file, then you must file your original *Response* with the court clerk at the address above, or the court may make a decision without hearing your side.

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

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

Petitioner or his/her lawyer fills out below

▶ _____
Signature of Petitioner **or** lawyer Date

Print name (and WSBA No., if lawyer)

I agree to accept legal papers for this case at (check one):

- my lawyer's address:

lawyer's address city state zip

Email (if applicable): _____

- the following address (this does **not** have to be your home address):

address city state zip

(Optional) email: _____

(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.)

This Summons is issued according to Rule 4.1 of the Superior Court Civil Rules of the State of Washington.