

Finishing a Modification of Your Child Support Court Order

**Instructions and Forms
November 2009**

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This publication provides general information concerning your rights and responsibilities. It’s not intended as a substitute for specific legal advice. This information is current as of the date of its printing, November 2009.

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Section 1: Introduction and Important Information

A. Should I use this packet?

This packet will help you finish a modification of your Washington State Child Support court order.

- ◆ Use this packet only if you already have a child support modification case that has been filed in court.

You can use this packet whether you filed a modification or responded to one.

If you need to start a modification, get our packet called [Filing a Petition to Modify a Child Support Court Order](#). If you must respond to a modification, get our packet called [Responding to a Modification of Your Child Support Court Order](#).

Before using this packet, you should talk with a family law attorney. See below for resources. **You should also** visit the Washington LawHelp website (www.washingtonlawhelp.org) and read our legal information publication called [Changing Your Child Support Court Order](#). And check with your county's Superior Court: many counties have a Family Law Facilitator who can help you.

This packet doesn't describe in detail the procedures for a trial with oral testimony. Most child support modification cases are decided by trial with affidavit.

B. What if I have questions that aren't answered in this packet?

It's always a good idea to talk with an attorney familiar with family law before you file anything with the court. Many counties have family law facilitators who can help you fill out forms, or have free legal clinics where you may get specific legal advice about your case. If you're low-income and don't live in King County, call CLEAR at 1-888-201-1014. If you live in King County, call the King County Bar Association's Neighborhood Legal Clinics at (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday, to schedule a free half-hour of legal advice (ask for a family law clinic). Or go to the website (www.washingtonlawhelp.org) to read our legal information publications about your particular family law case and information about legal aid programs in your area.

- ◆ **Note on reading this packet:** You'll see footnotes in this packet. Footnotes will tell you the law or court case that supports the statement that comes before the footnote, or will give you special tips, links to relevant websites, or other additional information. Use the legal references in the footnotes to look up the law at your local law library, or to tell the court when you're trying to make a legal argument. CR is the Civil Rules of Washington. GR stands for General Rules. RCW stands for Revised Code of Washington, which is the law of Washington State. Court cases have names, such as *In re Custody of Child*. The references to the law are up to date as of the date this packet is published. The law sometimes changes before the packet can be updated.

Section 2: Words You May Need to Know

Affidavit: A written statement made under oath and notarized by a Notary Public. Affidavits are no longer required in Washington. Instead, the courts use Declarations. (See definition of Declaration, below.)

Appearance: Informing the court and the parties of your whereabouts and your desire to participate in your case, either in person at a Court hearing, or in writing, usually by filing and serving a Notice of Appearance. Certain informal actions, such as negotiating, telephoning about the case, or writing a letter, that show a knowledge of the claims in the case and an intent to defend, might also be considered an appearance.

Attachment: A document stapled to a court form and referred to in the form. Attachments should follow any format rules for court forms. (Basic information about the format rules is in the General Instructions section of this packet.)

Bailiff: A member of the judge's staff, in charge of courtroom procedure and security. The bailiff may sometimes be the same person as the clerk.

Calendar: The court's schedule of cases to be heard. Also called a Docket.

Caption: The heading of each legal document, which contains the name of the court, the names of the parties, the case number, the name of the document itself, and, sometimes, the type of case.

Case Schedule: A printed schedule issued by the court in some counties showing major dates and deadlines in your case

Certified Copy: A copy of a document from the court file made by the court clerk that has an official stamp on it stating it is a true copy. Usually, you pay for a certified copy.

Clerk of the Court: An officer of the court who handles clerical matters like keeping records, entering judgments and providing certified copies. Each courthouse, has a Superior Court Clerk's Office. Someone from the clerk's office staff is also usually in the courtroom during hearings.

Commissioner/Court Commissioner: Similar to a judge, but only makes decisions relating to a specific subject matter. Many counties have family law commissioners who decide only family law cases¹.

Confirm a Hearing or Trial: Notifying the court that you still plan to have the hearing or trial scheduled in your case. The way to confirm your hearing or trial differs from county to county, and it's not required in all counties. Often a phone call to the court a few days before the hearing or trial is required. Local rules explain each county's requirements. If notice is required and not given, the hearing or trial may be cancelled.

Conformed Copy: A copy of any court document that has been filed with the clerk. It must be stamped with the date filed. If the document is an order, it must also have the name of the judge who signed it written or stamped on it.

¹ Many decisions in family law cases are made by court commissioners instead of judges. However, to make this packet simpler, in most places we just use "judge."

Contested Case: A case in which opposing parties participate and disagree about the outcome of the case.

Continuance: Delaying your court hearing to a later date. In some counties, the judge must approve any request for a continuance.

Custodian: The person the children live with most of the time.

Custody Decree: A court order, other than a parenting plan or residential schedule, that decides custody of a child. Since the law changed in 1987, most court orders in Washington dissolution and parentage cases are residential schedules or parenting plans, not custody decrees. (Exception: a final order in a nonparental custody case is still called a decree.) Orders from other states may still be called custody decrees, and in some circumstances, a Washington court has the right to modify another state's custody decree.²

DCS: Division of Child Support: The state office (part of DSHS) that establishes, enforces and sometimes modifies child support obligations in many cases. DCS used to be called CSD, OSE and SED.

Declaration: A written statement made to the court under oath.

Decree: One type of final court order.

Default: The failure to respond to court papers within the legal deadline.

Dissolution: The legal word for divorce.

Domestic Partner: A court form that refers to domestic partner usually means a domestic partnership registered with the Secretary of State under [RCW Ch. 26.60](#).

Ex Parte: Going before the court without notifying the other party. Sometimes also refers to the courtroom where you see a judge without notifying the other party.

Exhibit: Documents, records, and photographs introduced into evidence at trial or hearing. Attachments to legal forms might also be called exhibits. If so, they should follow any format rules for court forms. (Basic information about the format rules is in the General Instructions section of this packet.)

Filing: Giving court papers to the Court Clerk to place in the case file.

Hearing: Going before a judge to request a court order or to defend against another party's request. Hearings usually take place before the trial date and concern specific issues. Example: temporary relief. Hearings on important issues (example: motions to dismiss) may end the case altogether. In many counties the court doesn't allow live witness testimony at hearings, but the parties are expected to file and serve materials in advance in writing. In some counties, the outcome of certain types of child support cases may be decided by hearing rather than by trial.

In Forma Pauperis (IFP): A Latin term which means you may file your papers in court without paying the filing fee if you're low income and show you can't afford the fee.

Judgment: One type of final court order.

² Our publication, [Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether or Not a Washington Court Has Jurisdiction](#) gives general information about when Washington has the right to consider modifying another state's custody decree and when it doesn't.

Jurisdiction: The court's authority to make decisions regarding certain people and issues. If a court doesn't have jurisdiction, it doesn't have the authority to make orders over the person or subject affected.

Maintenance: (used to be called "alimony"): The amount one spouse is ordered to pay for the support of the other spouse while the case is pending and/or after it's over. [RCW 26.09.090](#) lists some factors to use when deciding if maintenance is to be ordered and, if so, in what amount and for how long. [RCW 26.09.060](#) authorizes the court to order temporary maintenance where appropriate.

Motion: A formal request to the court for an order.

Motion Docket: The court's schedule of motions to be heard.

Moving Party: The person who files the petition for modification (or the motion for child support adjustment). The moving party can be either a Petitioner or a Respondent in the original dissolution, parentage or nonparental custody case. Some court forms have been changed to say "requesting party" rather than "moving party."

Nonmoving Party: The party who **didn't** file the petition for child support modification or motion for child support adjustment. The nonmoving party can be either a Petitioner or a Respondent in the original case. Often the other parent is the only nonmoving party. However, sometimes there can be more than one nonmoving party, such as the State of Washington or someone with legal custody of a child in the case. Some court forms use "nonrequesting party" rather than "nonmoving party."

Nonrequesting party:

- in modification/adjustment cases, the nonrequesting party is the party who **didn't** file the petition for modification/adjustment.
- in motions, the nonrequesting party is the person who **didn't** file the motion.

The nonrequesting party can be either a Petitioner or the Respondent in the original case. Depending on the case, there could be one or more than one nonrequesting party, such as your spouse, the other parent, the State of Washington, a Guardian ad Litem, or someone with custody of a child in the case. Some court forms use "nonrequesting party" rather than "nonmoving party."

Note/Notice of Hearing/Note for Motion Docket: A form which lets the clerk know to schedule a hearing and tells the other parties the subject of the hearing and when and where the hearing will take place.

Order: A court document signed by a judge that requires someone to do or not do something. Restraining orders, orders re adequate cause, Residential Schedules or decrees, are all examples of orders, if the judge has signed them. If you disobey an order of the court, you may be held in contempt of court. It's important to notice if an order you're served with is only a proposed order or if the judge has actually signed it. An order isn't in effect until a judge has signed it. (See "proposed order" definition.)

Other party: Every party to the case, other than yourself. In court forms, the "other party" can also mean one particular party. Example: when the Motion for Default says "other party," it means the party you believe is in default.

Parentage Case: A court case to determine parentage (paternity) of a child of unmarried parents, or a court case to establish a parenting plan/residential schedule for a child whose paternity was established by paternity affidavit, or a modification/adjustment of an order in one of these types of cases.

Parenting Plan: A proposal or, if signed by a judge, a court order which states when the child will be with each party, who'll make major decisions about the child, and how future disputes about the child will be resolved. In parentage cases, the parties may ask the court for either a parenting plan or a residential schedule. (The residential schedule form doesn't include the dispute resolution or decision-making parts of a parenting plan form).

Party: Any Petitioner or Respondent. GALs and the State of Washington may also be parties.

Petitioner: The person who first files a legal case. The petitioner in the caption of a form doesn't change, even when motions are filed later by the other party.

Pro Se: Acting without the aid of an attorney. Representing yourself in court.

Process: Written notice to appear in court.

Proposed Order: A document one party will be asking the judge to sign. It won't yet have the judge's signature on it. Many counties require the parties to file and serve proposed orders with motions or responses to motions to show how that party wants the court to decide the motion. Even where proposed orders aren't required, we recommend that you prepare and serve them and deliver copies to the court. A proposed order becomes an order if the judge signs it.

Requesting Party:

- in modification/adjustment cases, the requesting party is the person who files the petition for modification/adjustment.
- in motions, the requesting party is the person who filed the motion.

The requesting party can be either a Petitioner or the Respondent in the original case. Some court forms have been changed to say "requesting party" rather than "moving party."

Respondent(s): The party/parties against whom the case was originally filed.

Response: A formal written answer to a Petition filed with the court. The term can also be used to describe the papers a person files in response to a motion, so it can be confusing. We'll use the word "Response" with a capital "R" to refer to the Response form. We'll say "response" with a small "r" to refer to all types of responses (example: responses to motions as well as to petitions).

Ruling: A decision by the court.

Service: Giving court papers to the other party in a legally correct way.

Transfer Payment: The amount of money one parent is ordered to pay as that parent's share of basic child support.

Trial: Usually, the final proceeding in a case, in which the judge considers evidence properly introduced, hears argument, and decides the outcome of the case. Child support modifications and adjustments are often decided without a full trial. See "hearing" and "trial by affidavit."

Trial by Affidavit: The kind of trial, common in child support modifications, in which the court hears no live testimony of the parties but instead reads the "affidavits" or written declarations of

the parties, considers documentary evidence, hears argument, and decides the outcome of the case. In some counties, these trials are held before court commissioners. In other counties, they're held before judges.

Venue: The county where the case should be filed. Proper venue depends upon the type of case.

Working Papers: A copy of papers filed with the court that is delivered in advance of the hearing for the judge to review. Local rules differ as to whether working papers are required or, if they are required, when and where they're delivered. Some counties require working papers to be delivered at or near the time you file a motion or response.

Section 3: Steps to Take to Finish Your Child Support Modification

There are several steps to take and many forms to fill out before the court will modify your child support order. Following is a general description of the steps involved. Many of the steps listed in the paragraphs below are explained in more detail later in this packet.

Many counties have special rules you must follow in addition to these steps. Call your Family Law Facilitator or court clerk to find out about case schedules and local court rules for modification cases.

◆ If you have a case schedule in your county, you must meet the deadlines on the case schedule. If you don't, your case may be dismissed! Some counties will require you to go through arbitration. You can only ask for a trial if you disagree with the arbitrator's decision.³ This packet doesn't tell you how to follow a case schedule or go through mandatory arbitration. Contact the Family Law Facilitator or the Court Clerk in the court where your modification has been filed.

- ❑ **1. Check for Special Local Rules and Forms.** Contact the county clerk or family law facilitator in the county where the modification/adjustment case is filed, or read the local court rules, to find out about local rules.

◆ Many local court rules are available online. See http://www.courts.wa.gov/court_rules/?fa=court_rules.local&group=superior

- ❑ **2. If you filed a Petition for Modification of Support,** make sure you completed all the Steps in the Filing a Modification of a Child Support Order packet.
- ❑ **3. If you filed a Petition for Modification,** wait until the Deadline for the Other Party's Response. The non-requesting party has a certain amount of time to send you a Response to your petition for support modification.
 - **If you served the other party at an address in Washington by certified mail** (for modification of an in-state Order) **or by personal service, wait 20 days** after the date the other party received the papers. (Or 23 days after the papers were mailed).
 - **If you served the other party at an address in another state by certified mail** (for modification of a Washington Order) **or by personal service, wait 60 days** after the date the other party received the papers. (Or 63 days after the papers were mailed).
- ❑ **4. If you filed a Petition for Modification and the Other Party Doesn't Respond on time, and if any other parties either agree to the modification or also haven't**

³ [RCW 7.06.020\(2\)](#).

responded, file a Motion for Default. Follow the Steps for a Motion for Default and for completing your final forms.

- Fill out the final child support forms and have any other parties, such as the State, sign them to show their agreement.
 - Fill out the Motion for Default forms.
 - File and serve the forms (service is required in many cases and we recommend it even when not required).
 - Present your motion and final child support forms to a judge for signature.
 - Give the other party a copy of the final orders as signed by the judge.
- 5. If you were served with a Petition for Modification of Support**, complete the Steps in the [Responding to a Modification of Your Child Support Court Order](#) packet.
- 6. If You and the Other Party Agree on the Modification or the responding party filed a Joinder:**
- You can enter final orders by agreement.
 - Fill out the final child support forms.
 - You and the other party should sign all the forms. If there are other parties (such as the State of Washington), they also need to sign.
 - Take the forms to a judge for signature.
 - Give the other party a copy of the final orders as signed by the judge.
- 7. If You and the Other Party Don't Agree (whether you filed or responded):**
- **Decide whether you Want Oral Testimony at the Final Hearing.** If you do, follow the Steps to file a Motion for Oral Testimony.
 - **Schedule Your Final Hearing.** Call your Court Clerk to find out how to set a date for your final hearing (trial by affidavit).
 - File a Request for Hearing Date or Notice of Hearing Date if necessary.
 - If you have a case schedule, read it carefully and make sure that you follow any deadlines for filing your papers for the final hearing.
 - **If the Other Party files a Motion for Oral Testimony, respond to the motion.**
 - **Fill Out the Final Child Support Orders and Other Papers You Plan to Use.**
 - **File and Serve Your Papers for the Trial by Affidavit.**
 - **Find out the deadline for filing your papers for the trial by affidavit.** Check your Case Schedule, your local court rules, or ask your Family Law Facilitator or court clerk.
 - **Make at least three copies** of each completed form. (One copy for you, one for the judge, and one for the other parent). If there is more than one other party (such as the State of Washington, if your children have received public assistance), make additional copies.

- **Organize the copies into full sets** (one set of each form for you, one for the other party, one for the judge). Put them in a large binder clip, file folder, or a big envelope.
 - **Take the originals and the copies to the clerk's office** in the county superior court where the case was filed, and file the originals with the clerk. **DON'T FILE YOUR ORDER forms.** Do ask the clerk what to do with your proposed orders, and follow those instructions.
 - **Ask the clerk to conform your copies to show the date you filed the originals.**
 - **Have the Papers Served on the Other Parties.** If the other party has an attorney in this case, serve the attorney. If she/he doesn't have an attorney, serve the party. If the State of Washington is a party in your case, serve the Prosecuting Attorney. **YOU MUST SERVE THE PAPERS ON THE OTHER PARTIES BY THE DATE REQUIRED BY THE COURT.**
 - **File the Complete Certificate of Mailing or Personal Delivery.**
- **Go to your Hearing, and, at the end of the hearing, make sure the judge signs final orders showing his/her decision.**
 - **File the original orders as signed by the judge with the clerk's office.**
 - **Make sure you get copies of the final orders as signed by the judge. If you prepared the orders that the judge signed, provide copies to the other parties.**
 - **If you disagree with the court's decision, consider filing a motion for reconsideration or revision or an appeal.**

Section 4: Checklist of Forms and Financial Documents

EVERYONE USING THIS PACKET (including those who are entering final orders by agreement) WILL NEED:

- Findings/Conclusions on Petition for Modification of Child Support (FNFCL) – WPF DRPSCU 06.0600
- Order on Modification of Support – WPF DRPSCU 06.0700
- Order of Child Support (use the WPF DR 01.0500 form for dissolution cases, the WPF PS 01.0500 form for parentage cases where the original parentage case established parentage and the WPF PS 15.0700 where the original parentage case was to establish a parenting plan or set child support)
- Child Support Worksheets (form and instructions are in [Filing a Petition to Modify a Child Support Court Order](#) or [Responding to a Modification of Your Child Support Court Order](#) packets).
- Locally required forms

IF YOU'RE FILING A MOTION FOR DEFAULT, YOU'LL ALSO NEED:

- Motion/Declaration for Default (Child Support Modification) – WPF DRPSCU 06.0400
- Order of Default (Child Support Modification) – WPF DRPSCU 06.0450
- A copy of the Return of Service that you filed, showing that the other party was served with the Summons and Petition and other documents when you filed this case.
- In addition, if you haven't already had the Notice re: Dependent of a Person in Military Service form mailed or delivered to the respondent, do this at least 20 days (if the notice will be served) or at least 23 days (if the notice will be mailed) before filing a motion for default.

IF YOU'RE FILING A MOTION FOR DEFAULT AND THE OTHER PARTY APPEARED, OR YOUR COURT REQUIRES YOU TO NOTE (SCHEDULE) YOUR DEFAULT HEARING, OR IF YOU DECIDED TO GIVE NOTICE (EVEN IF NOT REQUIRED) YOU'LL ALSO NEED:

- Note for Motion
- Certificate of Mailing or Personal Delivery

IF YOU'RE FILING A MOTION FOR ORAL TESTIMONY, YOU'LL ALSO NEED:

- Note for Motion
- Motion and Declaration to Present Oral Testimony – WPF DRPSCU 06.0500
- Order re: Oral Testimony – WPF DRPSCU 06.0540
- Certificate of Mailing or Personal Delivery

IF YOU'RE RESPONDING TO A MOTION FOR ORAL TESTIMONY, YOU'LL ALSO NEED:

- Response re: Oral Testimony – WPF DRPSCU 06.0520
- Certificate of Mailing or Personal Service
- Order re: Oral Testimony – WPF DRPSCU 06.0540

TO FIND OUT YOUR TRIAL DATE OR GET A TRIAL DATE, YOU MAY NEED:

- Order Setting Domestic Case Schedule (or other case scheduling order) – obtain from your county court clerk if your county uses case schedules
- Request to Schedule Hearing – WPF DRPSCU 06.0570
- Notice of Hearing – WPF DRPSCU 06.0560

IF YOU HAVE A TRIAL BY AFFIDAVIT, YOU'LL NEED:

- Financial Declaration - WPF DRPSCU 01.1550 in all cases; in the [Filing a Petition to Modify a Child Support Court Order](#) or [Responding to a Modification of Your Child Support Court Order](#) packets)
- Sealed Financial Source Documents form - WPF DR PSCU 09.0220 in all cases; in the [Filing a Petition to Modify a Child Support Court Order](#) or [Responding to a Modification of Your Child Support Court Order](#) packets) with the following documents attached:
 - A copy of your most recent Order of Child Support and worksheets.
 - Your last two years of federal and (if applicable) state income tax return forms, with your W2s and other attachments; and
 - Your paystubs from at least one month (the last six months, or back to January 1st is better) or other verification of your income.

Some counties require additional evidence. Check your local court rules.

- ❑ Declaration(s) and, if you're attaching certain private information, the appropriate sealed records cover sheet:
 - ❑ Sealed Personal Health Care Records (Cover Sheet) ; in the [*Filing a Petition to Modify a Child Support Court Order*](#) or [*Responding to a Modification of Your Child Support Court Order*](#) packets)
 - ❑ Sealed Financial Source Documents (Cover Sheet) ; in the [*Filing a Petition to Modify a Child Support Court Order*](#) or [*Responding to a Modification of Your Child Support Court Order*](#) packets)
 - ❑ There is also a Confidential Reports Cover Sheet, but we don't include that in this packet because you're not likely to need it in child support modification cases. If you do need it, the form and instructions are in our packet [*Filing a Motion for Temporary Orders in a Dissolution Case*](#) . Or download this form from the court's website at: <http://www.courts.wa.gov/forms>.
- ❑ Return of Service WPF DRPSCU 01.0250 (in [*Filing a Petition to Modify a Child Support Court Order*](#) packet); or Certificate of Mailing or Personal Delivery (in this packet).

Section 5: What Other Documents or Forms Will I Need that Aren't in this Packet?

You'll need more than just this packet to finish your case. Check the boxes by the documents and packets that you think you'll need and then get those documents or packets before filling out your forms. All of the packets and publications listed are available at www.washingtonlawhelp.org.

Forms You've Already Completed. To finish your modification, you'll need the following forms that you should already have completed using the [Filing a Petition to Modify a Child Support Court Order](#) or [Responding to a Modification of Your Child Support Court Order](#) packets. **Note: you may need to update the information on these forms if you've received additional information since the last time you filled out the forms, or if the circumstances have changed.**

- Child Support Worksheets
 - Complete the summary information on page 1 of the worksheets when you know the final support amount.
 - You may need to fill out worksheets again with different information:
 - to make any changes the judge orders at your trial/hearing,
 - if you have updated information (except for limitations in default cases), or
 - if you've reached an agreement with the other parties and your agreement differs from the worksheets you prepared.
- Financial Declaration
- Sealed Financial Source Documents Form with attachments
- Declaration of Witness (if you or other witnesses completed them)
- Return of Service (requesting party) or Certificate of Mailing or Personal Delivery (non-requesting party)

Current Order of Child Support and worksheets –Get a copy of your *current* Order of Child Support and worksheets (the order and worksheets that one party wants to change). If you don't have a copy of your Order of Child Support and worksheets, get one at the Superior Court Clerk's office in the county where the order was entered, or call the Division of Child Support and ask them to send you one.

Local Court Rules and Forms. Some counties have special forms that you'll need when you're finishing a Modification of a Child Support case, which aren't in this packet. Many counties have special "local rules" that you must know about to finish a Support Modification in that county. **Check with the Court Clerk's office or Family Law Facilitator in your county for more information.**

◆ Some county clerks' offices have forms and local rules available online. Check whether your county's local rules or forms are available online at http://www.courts.wa.gov/court_rules/?fa=court_rules.local&group=superior

- ❑ **[Understanding the Washington State Child Support Schedule and How Child Support is Set in Washington.](#)** This publication gives a basic explanation of the laws for setting child support in Washington State.
- ❑ **[Changing Your Child Support Court Order.](#)** This publication gives a basic explanation of the laws that apply to changing a Washington State Child Support court order, or responding to a proposed change.
- ❑ Declaration Regarding Public Assistance: WPF SRPSCU 01.0600: We don't include this form in our packets. It's optional. Our instructions tell you to serve the State in any case where TANF, Medicaid, or foster care are involved, and we instruct you to get the state's signature on all default and agreed orders where the state might have an interest in the child support obligation in your case. However, some people may need the form if required in your county, or if you must verify that no public assistance has been paid or that the children aren't in foster care or out of home placement. If you need it, get this form at the Administrator of the Courts website <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>.
- ❑ **[Serving Papers on the State](#)** - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical coupons/Medicaid or is in foster care or out of home placement, get this packet. Include the state as a party and serve them with papers you file.
- ❑ **[How to Subpoena Witnesses and Documents](#)** –for a trial with oral testimony, if you need to make sure important witnesses or documents are at trial. (But remember: most child support modification cases are decided with a trial by affidavit.)

Section 6: Follow These General Instructions Before You Begin To Fill Out the Forms

These general instructions will apply to all the forms you complete. The instructions cover all types of family law cases, so some of the information may not be used in your particular case. A Sample form at the end of this section may help you understand these instructions better.

The caption. The caption includes the name of your case, the case number, the name of the court, the title, and sometimes, the type of case of the court paper. It appears at the top of the first page of every form.

Name of the court: Write in the name of the county where the case was filed in the blank space where the form reads "Superior Court of Washington County of _____."

Case name. Copy the names from the upper left-hand side of the Petition for Modification. List the petitioner and respondents just as they appear on the petition.

Case number. When the petitioner first files the papers to begin the case and pays the filing fee (or has the fee waived), the court clerk will assign a case number. All parties must write that case number on every paper they file with the court and serve on the other parties during the case. Write the case number near the top on the right hand section of the first page of every form after "No." (abbreviation for "number"). When the petitioner first files the case, s/he may be able to use a special stamp at the court clerk's counter to stamp the case number on each paper. It does not matter if the case number is written or stamped. If you are filing a modification/adjustment case in the same court that entered the order you are asking to modify/adjust, you may use the case number on that order.

◆ You must write or stamp the case number on the first page of every copy of every paper you file with the court and on the copies you make for other parties. If you do not, your papers may be lost, or they may be returned to you. Some courts will also fine you for filing incorrect forms.

Title. Each form has a title. The title is on the right-hand side of the form under the case number. Sometimes the full title is pre-printed on the form, and sometimes you must add more information to complete it (for example, on a declaration, you write in the name of the person completing the declaration).

◆ **Format:** Pleadings (legal forms) that you file with the court and attachments to those pleadings must follow the court rules about size and margins (GR 14(a)). You must use regular size (8 ½ x 11") white paper and you may write on only one side of the paper. The first page of each paper that you file must have a 3 inch margin (3 inches of space) at the top. The other margins (left, right and bottom, and the top from the second page on) must be at least one-inch wide. You should use black or dark blue ink. If your forms do not follow these rules, the court clerk may refuse to file them or may make you pay a fine.

The contents. Fill out each form according to the instructions for that form. In most counties you may print or type the information, but it must be readable and you must use **BLACK OR DARK BLUE INK**. A few counties require that all documents be typed. After filling out each form, re-read it to be sure you have correctly filled in all the blanks you need to. If you have to make corrections, be sure the correction is neat and readable. Do not write in the margins of any page or the clerk may reject your form.

Dates. On the last page of most forms (not including orders), there is a space for the person who completes a form to write the date that the form is signed. Dates in orders will be filled in by the judge when s/he signs the order.

Signatures.

- **Your signature**

After you fill out a form, look for the place(s) requiring your signature:

- Some forms have one signature line for “petitioner” or “respondent.” After you fill out a form such as the petition, sign at the place that applies to you. Some forms require you to sign in more than one place, so look carefully. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
 - When you prepare and file motions, you are the moving party. After you prepare a motion look for each place marked “signature of moving party or lawyer.” Some forms require you to sign in more than one place, so look carefully. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
 - When you prepare an order and plan to present it for the judge to sign, look for each place marked “presented by,” and sign in the space underneath.
- **Judge’s Signature:** Leave the judge’s signature line and the date blank.
 - **Other party’s signature:** Certain forms you prepare have a place for other parties to sign. You cannot force another party to sign a court paper – he/she can choose to sign, or not. However, if you have prepared an order after a hearing, the other party may be willing to sign the form you have prepared if s/he agrees it accurately states the judge’s decisions, (or the judge may require the other party to sign), even if the party is not happy with the decision itself.
 - Agreed orders. If the other party agrees with the orders you have written, that party should sign in the appropriate place (petitioner/respondent/moving or nonmoving party) on each court order that is agreed.
 - Approved for entry/Notice of Presentation Waived. If you are the respondent or nonmoving party, or if you did not prepare the order, you may be asked to sign in a blank under these words. If you check “Approved for entry,” this means that you are agreeing that the judge should sign the order as it is written. If “Notice of Presentation Waived” is checked, that means that you are agreeing that the other party can give the order to the judge for him/her to sign without letting you know when the other party is going to take that order to the judge.
 - **Other signatures/Declarant’s Signature:** If someone else must sign a form (such as a

witness or the person serving papers), be sure they fill out all information correctly and sign in the proper space provided. In a declaration form, the “declarant” is the person who is writing the declaration.

Place signed. Declarations and Returns of Service must include the place they are signed, as well as the date (example: Signed this 10th day of October 2005 at Seattle, WA).

Identifying Information. Court rules try to protect privacy but also allow for public access to certain information in court files. The three boxes discuss these rules: [GR 15](#), [GR 22](#) and [GR 31](#).

Box #1

Things You Should Not Write in Most of Your Court Papers:

General Rules [22](#) & [31](#) try to protect privacy in family law cases. Almost all pleadings, orders and other papers filed with the court are available to the public (except for some aspects of parentage cases), and may be available to the public on the internet.

Except where instructions about a specific form tell you otherwise (for example the forms in Box #3), use these rules for papers you file with the court.

Residence Address (Where you Live) and Telephone Number: You do not have to write these in court papers; however, you do need to write in an address where you can get mail from the court, and it is a good idea to give the court a phone number where you can be reached.

Social Security/Driver’s License, ID Numbers of Adults and Children: You are not required to write these in court papers; if you do, you should write only the last four digits, not the whole number.

Dates of Birth of Children: Do not write them in court papers.

Bank Account, Credit Card Numbers: Write the bank name, type of account (savings, checking, etc.), and only the last four digits of the account number.

Box #2:

Private Information That Should Be Filed With Sealed Cover Sheets:

If a sealed cover sheet is used, this information is usually available to the other party and the court but it is not placed in the public file.

Financial Information: If you file paystubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders, attach them to a Sealed Financial Source Documents form to ensure that they will not be available to the public.

Medical or Mental Health Records or Information: If you file papers containing health or mental health information (information about past, present, or future physical or mental health of a person, including insurance or payment records), you must attach the papers to a Sealed Personal Health Care Records form so that they will not be available to the public.

Confidential Reports: Reports such as Parenting Evaluations, CPS Reports, Domestic Violence Assessments, and Guardian ad Litem Reports that are intended for court use must have two sections, a public section and a private section. The private section of the report should be attached to a Sealed Confidential Reports Cover Sheet.

Retirement Plan Orders: Certain retirement information belongs in the public file, but “Retirement Plan Orders” do not. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See [GR 22](#) for the definition or see an attorney if this affects your case.

Other Kinds of Confidential or Embarrassing Information Not Mentioned Above. If the paper that you want to keep confidential is not in the above list, you may need to file a motion with the court to ask permission to have that paper, or part of a paper, sealed under General Rule [\(GR\) 15](#). We do not have a packet that tells you how to do this and there are presently no mandatory forms for this type of motion; you will need to talk to an attorney.

Box #3

When You Should Write Private Information In Court Forms:

These forms are not placed in the public file, and information in them is usually not available to the other party.

You are required to fill in your personal information completely (including children’s full names, dates of birth, your residence address, social security numbers, etc.): Confidential Information Form, Vital Statistics Form, Domestic Violence Information Form, Foreign Protection Order Form, and Law Enforcement Information Sheet. If you are afraid to give your address on these forms, consult an attorney, or call CLEAR at 1-888-201-1014.

SAMPLE FORM

Fill in the county where you are filing or where your case was already filed.

or Court of Washington
County Of Evergreen

In re the Marriage of:
JANE DOE,

and
JOE DOE,

Petitioner,

Opposing party.

NO. **08-3-99999-9**

Note for Motion Docket

(No Mandatory Form Developed)

Fill in the name of the Petitioner here.

Fill in Respondent's name.

This sample case name is for dissolution cases. This information may be different depending upon the type of case.

Your court case number. Assigned by the court when you file your case.

Form title.

TO THE CLERK OF COURT AND TO: **Joe Doe**
99 Railway Lane
Treelane, WA 98000

Please take notice that this case will be heard on the date below and the clerk is requested to note this issue on the docket for that day.

HEARING DATE: **Monday, October 4, 2008**

HEARING TIME: **10:00 a.m.**

LOCATION: **Treelane Superior Courthouse**

COURTHOUSE ROOM: **2**

ADDRESS: **102 West Broadway**
Treelane, WA 98000

NATURE OF MOTION: **Temporary Orders regarding parenting plan, child support, and restraining orders.**

Jane Doe, Petitioner

Section 7: Instructions for Filling Out Final Modification Orders

Everyone who uses this packet will need to fill out final child support modification orders. These are the forms that you'll ask the judge to sign to finish your modification case. What you fill in on your orders may differ, depending on how you're finishing your case.

- If you're filing a Motion for Default, or the other party signed a Joinder,** fill out your forms by copying as much information as possible from the original Petition for Modification of Child Support and child support worksheets that you signed. If you're moving for default, you can't add any new relief to your final orders that you didn't request in your Petition and the child support worksheets you filed at the beginning of your case. If the other party signed a joinder, you may change the final papers only if the other party signs each of the final orders and the child support worksheets you're asking the judge to approve.
- If you and the other party agree on the final orders,** fill out the forms to show your agreement and let the other party have time to read them carefully to make sure that you agree. You can't finish your case by agreement unless all parties sign the final orders.
- If you're preparing proposed orders before a trial by affidavit,** you must fill out the final orders to show what you want the judge to order after your trial. This is true whether you're the requesting party or nonrequesting party. At trial, the judge may choose one side's orders, or may make changes to them. If the judge's decision at trial contains many differences from the proposed orders, you should prepare a new set of final papers.
- If you're preparing proposed orders after the judge has made a decision,** you must fill out the final papers to show the judge's actual decision, even if it's different from what you asked for.

A. Findings/Conclusions on Petition for Modification of Child Support - WPF DRPSCU 06.0600

Section I. Basis

If the other parent filed no Response, and the court is signing an Order of Default, check the "order of default" box. If you and the other parent agreed on these final orders and the other parent will sign these Findings, the Order on Modification, the Order of Child Support and the worksheets, or the other parent signed a Joinder, check the "agreement" box. If you have a trial by affidavit, check the "contested hearing on affidavits" box. If you have a trial with oral testimony, check the "contested hearing at which testimony was presented by" box, and fill in the names of every person who testified.

Section II. Findings

Paragraph 2.1. Jurisdiction.

If your previous support order was entered in Washington, check the first box. (Use using this packet **only** if you can check this box.) If the nonrequesting party lives in Washington now,

check the second box. If there is another reason why Washington has jurisdiction in your case, check the "other" box, and write the reason in the blank.

Paragraph 2.2. Incorporated Findings.

Check the "has been initialed and filed separately" box and attach the worksheets to the Order of Child Support. In the blank, fill the date the judge signed the new child support order, if it's different than the date the judge signs these Findings.

Paragraph 2.3. Reasons for Modification.

If you don't want the court to change the child support order (or if the court denied the modification), check the first box, "the order of child support should not be modified." If you want the court to change the existing child support order (or the court approved a modification), check the second box, "the order of child support should be modified because." Then, check each box under the second box that applies to your case and fill in the blanks and information in any boxes you check. If you're entering your papers by default, look at the Petition for Support Modification. Check the same boxes as in the Petition.

Paragraph 2.4. Incremental Increase.

If there is going to be a big increase in the amount of child support paid (30% or more), the parties or the court may decide to increase support in two steps (halfway for six months, and then the full amount starting after six months). If the child support will be reduced, or if no one asked for an incremental increase, check the first box, "an incremental increase hasn't been requested." If one parent asked for an incremental increase in support but support will increase immediately to the full new amount, check the second box, "an incremental increase will not be ordered." If support will increase in 2 steps, check the third box, "an incremental increase should be ordered."

Paragraph 2.5. Attorney Fees and Costs.

If neither you nor the other parent is asking for attorney fees and costs, check the first box. If a parent is asking for attorney fees from the other, but the court is not granting them, check the second box and write briefly why the court is not granting attorney fees. (Example: *The mother doesn't have the ability to pay the father's attorney fees.*) If one parent will be ordered to pay the other parent's attorney fees and costs, check the third box, and write briefly why the court should grant attorney fees. (Example: *The father needs his attorney fees paid and the mother has the ability to pay attorney fees. Or, The court is entering a judgment for unpaid back support and interest, and attorney fees shall be granted to the receiving parent on that basis.*)

Paragraph 2.6. Payment Plan.

In most cases, you'll check the first box. Check the second box only if you and the other parent are sure that you don't want DCS to collect support or keep records of how much support has been paid. Check the first box if the child has **ever** received public assistance.

Paragraph 2.7. Starting Date of Modified Order.

Write in the blank the date that the change in the amount of child support will be effective. If you fill in the date the Petition was filed (or a date between the filing of the Petition and the date the court signs the final orders), then check the box next to "The resulting," and put a checkmark showing whether the order will result in an overpayment or underpayment of child support.

Check “overpayment” if the child support amount is being reduced and the parent who gets the support payment will have to pay the other parent back. Check “underpayment” if child support is increasing and the parent paying support will owe a debt to the other parent.

Paragraph 2.8. Other.

Write in any other findings you think the court needs to make. In most cases, you’ll leave this paragraph blank.

Signature.

Sign the form under *Presented By*. Print your name in the blank.

If you’re entering final orders by agreement, ask the other party to read the Findings and sign the form under *Approved for entry; Notice of Presentation Waived*.

Otherwise, leave the other signature space blank.

B. Order On Modification Of Child Support - DRPSCU 06.0700

Section II. Order

- If you want the court to leave child support the way it is now (or the court ordered this at trial), check the first box, “the petition for modification of child support is denied.”
- If you want the court to change the amount of child support (or the court ordered this), check the second box, “the petition for modification of child support is granted.” Fill in the date the judge signs new child support order in the blank, if different than the date the judge signs this Order on Modification.
- If a party asked for attorney fees or costs, and they’re being awarded check the third box and write the amount of attorney fees and costs and who is ordered to pay and receive the payment. If a party asked for attorney fees and costs, but they’re denied, write in “each party is responsible for his/her own attorney fees and costs.”
- If there will be other relief, check the “other” box. Write the relief in the blank.

Signature. Sign the form under *Presented By* and print your name in the blank.

If you’re entering final orders by agreement, ask the other party to read the Order and sign the form under *Approved for entry; Notice of Presentation Waived*.

Otherwise, leave the other signature space blank.

C. Child Support Worksheets

You should already have completed one set of child support worksheets when you filed your Petition or your Response. The instructions for this form are in the [Filing a Petition to Modify a](#)

[Child Support Court Order](#) or [Responding to a Modification of Your Child Support Court Order](#) packet. The judge will need to sign Child Support Worksheets when you finish your case.

- If you're preparing for hearing/trial in a contested case and need to change your worksheets because of updated information, follow the instructions for filling out the worksheets and provide the updated information.
- If you're the petitioner finishing your case by default, fill out the worksheets again using the information in the worksheets you completed with your petition. Also, complete the **Child Support Order Summary Report** section on the first page.
- If you're finishing your case by agreement, fill out the worksheets using the information you've agreed is correct and complete the **Child Support Order Summary Report** section on the first page.
- If you're filling in these worksheets after the judge has announced a decision, use the income, child support amounts, expenses, and other information announced by the judge, even if you disagree with them. Also complete the **Child Support Order Summary Report** section on the first page.

D. Order of Child Support

Choose the Order of Child Support form for your type of case: WPF DR 01.0500 for dissolution cases and WPF PS 01.0500 or WPF PS 15.0700 for parentage cases.

◆ Our instructions for the Order of Child Support are written to cover several different types of family law cases. For some paragraphs you'll need to find and follow the instructions for your type of case or for the exact stage of your case.

- If you're writing the order as a **proposed order**, prepare it to show the decision you're asking the court to make.
- If you're preparing it because you've reached **agreement**, fill it in to show your agreement.
- If you're preparing it after the judge has announced his/her decision, fill it in to show the **decision the judge made**, even if you don't agree with it.

After the judge signs a temporary or permanent Order of Child Support, get a conformed copy from the court clerk. (See the main packets you're using for more information about orders the judge has signed.)

Caption.

Fill in the caption. On the right side, under your case number, check the box to show whether this is a temporary order (entered before your case is over) or a final order (entered with other final orders at the end of the case).

I. Judgment Summary.

◆ Note: There are now two separate judgment summaries. 1.1 is for non-medical support only. 1.2 is for medical support. The instructions below work for both 1.1 and 1.2.

Check the second box and fill in the judgment summary if you'll use this Order of Child Support as a final order with your Findings and Judgment or Decree, or with your Order on Modification of Parenting Plan or Child Support, and the other parent owes back child support or attorney's fees. Otherwise, check the first box, *Does Not Apply*.

If you're modifying a previous support order, in most cases, the court may not change the child support amount any earlier than the date that the petition for modification was served on the other party. However, if you asked for a judgment for back child support in your Petition, or your Response, or if the Periodic Adjustment paragraph (3.16) of your current Order of Child Support allows you to adjust support to a date that's effective before the date that you served the petition, you may be able to ask the court to enter a judgment for back child support. In that case, fill out the judgment summary section.

- A. **Judgment creditor:** Fill in the name of the person to whom the support is owed.
- B. **Judgment debtor:** Fill in the name of the parent who owes the support.
- C. **Principal judgment amount:** Fill in the total back non-medical or medical support owed, and the dates for which it's owed.
- D. **Interest to the date of judgment:** Write the total amount of interest due for the back (medical or non-medical) support.

◆ By Washington law, child support earns simple interest of 12% per year, whether or not your Order of Child Support says that your support amount earns interest. If you want to collect interest, you must figure it out yourself. Generally, you apply any payments made toward back support to the oldest unpaid support payments. You'd multiply the outstanding principal from each month by 1% per month.

- E. **Attorney's Fees:** If you're asking for attorney's fees or the court awards them at your hearing/trial⁴, write the amounts in here.
- F. **Costs:** Fill in any costs of your legal case (filing fee, service fees, etc.)
- G. **Interest:** Interest should be no higher than 12%.
- H. **Attorneys fees.** See G, above.

⁴ This packet doesn't tell you how to request attorney's fees or when the court might allow them.

I & J. Attorneys: Fill in the attorney for each party, or “pro se” if the party didn’t have an attorney.

K. Other: If needed, use this space to explain the judgment in more detail.

II. Basis.

Paragraph 2.1 This paragraph identifies the type of case and the stage of the case. Check the box that shows your type of order. If you’re not sure, look at the other order(s) the judge is signing now as part of your case.

III. Findings and Order.

Paragraph 3.1. Children for Whom Support is Required.

Write in the names and ages of the children covered by this order.

Paragraphs 3.2 Person Paying Support and 3.3 Person Receiving Support.

Fill out as much of the information as you can for the person who’ll be paying the support and the person who’ll receive it.

Don’t fill in your home address if you’re concerned about your address being in a public record. But do list an address where you can get your legal mail on a regular basis even after the case is finished. If you change your address for legal mail, you must give your new address to DCS, the other party and to the court very soon by filing an updated Confidential Information Form. If you don’t update your address information with the court, the other party, and with DCS, you could be served with legal papers at the address you filled in on this form, and orders could be entered without notice to you.

◆ If you write your home address on this form, it will be available to the other parties in your case, and will be in the public court record. If you’re afraid to give out your home address, don’t write your home address on this form. Use a P.O. Box or an address of a friend or relative who is stable in his/her residence and will get mail to you quickly. You may be able to get a safe address from your local domestic violence program or shelter.

If you’re preparing a proposed order:

The net income listed in paragraphs 3.2 and 3.3 should be the same net income information that you used in line 3 of the child support worksheets. If the income in the worksheets is based on actual numbers, then you should check the box next to “*Actual Monthly Net Income.*” Then write in the same net income information that you used in line 3 of the child support worksheets.

Under a new law passed in 2009, you can now in some circumstances exempt some overtime pay or pay from a 2nd job. If you believe these circumstances apply to the paying parent in your case, check the box next to “The court excludes.” Then check the appropriate box or boxes underneath. You should also exclude that amount of income from the wages and salaries listed in the worksheets on line 1a, and disclose the excluded income in the worksheets on line 22c.

If a parent has no income, or you don't know what it is, you must *impute* income to that parent in the worksheets on line 1f. For more information about imputing income, see pages 2 and 5 of the Washington State Child Support Schedule Definitions and Standards, and RCW 26.19.071(6).

If you impute income, check the box next to “*the net income of the obligor/obligee is imputed at.*” Then write the same net income information that you used in line 3 of the child support worksheets. Then, check one of the three boxes below, based on whether you're imputing income because that parent's income is unknown, the parent is voluntarily unemployed, or the parent is voluntarily under-employed.

The amount of imputed income must be based on one of the methods listed in the child support order after the part that begins “*The amount of imputed income is based on...*” You must use the first option for which you have information, beginning with current rate of pay information, and ending with the Median Net Monthly Income Table. Check the appropriate box(es) showing how you imputed income.

If you're preparing an order based upon the judge's decision at your trial or hearing, fill in the income information the judge announced for each parent. State whether the judge found that the income is net or imputed. If it's imputed, check the appropriate box to show the reason for imputing. Then check what information the judge based his/her imputation on, as appropriate.

Paragraph 3.5. Transfer Payment.

Paragraph 3.5 shows the obligated parent's basic share of the monthly child support obligation for the children. Write in the children's names. If support will be the standard calculation child support amount (and not a deviation), write the amount listed at line 17 of the child support worksheets for the parent covered by this order in the blank next to “Total Monthly Transfer Amount.”

On the other hand, if you're requesting or if the court ordered a deviation from the standard calculation, write in the blank the amount this parent will be ordered to pay. For a detailed explanation of the meaning of “standard calculation,” “deviations” and “limitations,” see pages 2-4 of the Washington State Child Support Schedule Definitions and Standards.

Don't fill in the blanks above the “Total Monthly Transfer Amount” line unless you need to write in how much of the total child support payment is for each child. You can do this where one child is going to turn 18, graduate from high school very soon and will no longer need support (see instructions for paragraph 3.13), or if one of the children is going to turn 12 soon. If you specify the child support amount for each child, write in the blanks next to each child's name the amount of support that will be paid by this parent for each child. To figure out the child support for each child, multiply the basic support obligation for that child (in the left-hand box at line 5 on the child support worksheets) by this parent's proportional share of income (line 6 of the worksheets). Make sure the amounts you write in for each child all add up to the “Total Monthly Transfer Amount” you've written on the last line.

After you've filled out the “Total Monthly Transfer Amount” section, read items #1 to #4 below to see if you also need to check any of the boxes in Paragraph 3.5.

1. Check the box (“The parents combined monthly ...”) if the parents' combined monthly net income is over \$12,000 and the paying parent will pay more than the presumptive child support amount for combined monthly incomes of \$12,000. Then explain why the transfer payment should be higher than the presumptive amount.

◆ Special rules apply to set child support when both parents' combined monthly net income is over \$12,000. A parent in this situation is likely to be able to afford an attorney. Therefore this packet won't give details about the special rules that apply to wealthier households. See the Washington State Child Support Schedule at pages 3 for more information. RCW 26.09.020 & .065.

2. Check the next box ("The court finds that the ... exceeds 45% of his or her net income...") if the total child support owed by the paying parent for **all** of his/her children would be more than 45% of his/her net income if s/he were ordered to pay the amount at line 17 (called the standard calculation).

◆ 45% of each parents' net income is calculated on line 18 of the worksheets. Child support owed for children from other relationships is listed on line 24 of the worksheets.

The court decides whether to reduce the transfer payment to avoid exceeding 45% of the paying parent's net income based upon the best interest of the children and the circumstances of each parent. The court must consider the the paying parent's child support obligations to all of his/her children, but can only reduce the obligation owed to the children involved in this court case.

If you're preparing a proposed order, check the appropriate boxes for whether you believe it would be "just" or "unjust" to apply the 45% limitation. Then give your reasons for why it would be "just" or "unjust" to apply the limitation in the space after the words "based upon the best interests of the child(ren)..." If you're saying it's "just" to apply the limitation, then you should reduce the transfer payment amount you've listed above in paragraph 3.5, to reflect the 45% limitation. If you're saying that it's "unjust" to apply the limitation, then the transfer payment should be the same as the standard calculation.

3. Check the next box ("If one of the children ...") if child support will change. Examples: one of the children no longer needs child support or turns 12. Then fill in the information about the future obligation.
 - a. To find out how much the child support should increase after the child turns 12, look at the Economic Table at page 10 of the Washington State Child Support Schedule, column B, for the number of children that are in the support order.
 - b. To find out how much child support should be paid for a child after that child's sibling graduates and no longer needs support, look at the basic child support obligation in the Economic Table for the family size that's one child smaller than the number of children in your support order.
4. Check the third box (downward modification) or the fourth box (upward modification) if this order modifies an earlier support order and there's now an overpayment or

underpayment. IF you check one of these boxes, fill in the amount of the over/underpayment and how it shall be paid.

5. Check “other” if the paying parent’s getting credit for benefits that the children are receiving directly because of that parent’s disability. Write in the blank that the paying parent’s receiving credit for disability payments to the children. Then write how much those benefits are per month.

◆ **If a child gets Social Security or Labor and Industries benefits or other disability benefits on behalf of a disabled parent**, that parent should ask the court to credit the amount paid to the child as part of the parent's child support payment. Make it clear that credit should only be given if the benefits are actually paid, as parents sometimes become able to work and stop getting benefits. Also, be sure the SSA or L&I income for both the disabled parent and the children is listed on the child support worksheets as income to the disabled parent.

Paragraph 3.6. Standard Calculation.

Write the amount listed at line 17 of the worksheets you proposed, even if that’s not the amount you’re asking the court to set. If you’re writing this order after the judge made a decision, write in the figure on line 17 of the worksheets the judge approved.

Paragraph 3.7. Reasons for Deviation.

Check the first box “*the child support amount does not deviate...*” unless you’re asking for (or agreeing to) deviation or the court ordered a deviation at your hearing.

If a deviation will be made, check the second box “*the child support amount ...deviates.*” Then check each box thereafter that applies to your situation. There are several reasons for deviation given in the Washington State Child Support Schedule at pages 3 - 4. Another reason for deviation may be a parent's temporary unemployment to receive schooling or training. You could write that in. Under “factual basis,” write a short reason why each deviation applies. (Example: “Mother supports two other children from a previous marriage.”)

Paragraph 3.8. Reasons Why Request for Deviation Was Denied.

If no one asked for a deviation, check “*A deviation was not requested.*”

If you’re writing a proposed order, the other parent requested a deviation and you agree with it (or if you’re the parent asking for the deviation), check the box for “*Does not apply. A deviation was ordered.*”

If you’re writing a proposed order and if a parent asked for a deviation but you don’t agree with it, mark the last box showing that “*deviation is denied.*” Show who requested that deviation. Then mark the box next to “no good reason exists for the deviation.”

If the judge has already made a decision, check the first box if a deviation was given. Check the second box if no one requested a deviation. Check the third box if someone requested a deviation but the court denied it. Then show who requested the deviation and the reason it was denied.

Paragraph 3.9. Starting Date and Date to be Paid.

Write the date when child support due under this order will start, and the day of each month it will be due. (In most cases, the earliest that a new Order of Child Support can become effective is the date the petition was filed and served.) If the judge has set a date at your hearing or trial, write that in. If the parent will be paying other than once a month, note that here.

◆ **Caution:** Be careful how you word this section if your support is collected by DCS. If you want to have half of the support paid by one date and half by another, be specific. Don't write "1st and 15th." This may confuse DCS about whether the paying parent must pay the transfer payment twice per month. Instead, use language like this: "Day(s) of the month support is due: *1/2 of the transfer payment is due on the first and 1/2 is due on the 15th of each month.*"

Paragraph 3.10. Incremental Payments.

In most cases, you'll check "Does not apply."

However, if this order modifies an earlier support order, and the child support payment is going to increase by more than 30% over the previous amount, then consider allowing the paying parent to increase the payments gradually (or the court may order this). In you want to do this or if the court orders it, check the second box. Then fill in a date that's six months from the start date of the order (paragraph 3.9).

Paragraph 3.11. How Support Payments Shall be Made.

Check the first box (and the appropriate boxes in that paragraph's text) if the child has ever received public assistance or you'd like (or the court orders) the Division of Child Support (DCS) to help you collect your child support. It's usually good to have DCS collect your support. If DCS collects your support, DCS must help if the parent paying support becomes overdue or stops paying, and there will be documented proof of the dates and amounts of all payments.

If you want DCS to keep records of child support payments, but not try to collect, check the second box. If you want the paying parent to pay child support to the receiving parent directly, check the third box.

For more information about the differences between enforcement and payment processing services, contact your local DCS office.

Paragraph 3.12. Wage Withholding Action.

Usually, child support is deducted from the paying parent's wages and sent to the support registry. Therefore, most people won't check anything in this paragraph. However, if you want (or the court orders) a special exception made to the usual rule, check the first box, and the boxes thereafter that apply to your case. The court should order immediate wage withholding in most cases. The court must find good cause not to order wage withholding.

◆ You shouldn't be fired because your paycheck is being garnished for child support.⁵ If your employer threatens to fire you if you're garnished, contact DCS, an attorney, your local legal services office, or CLEAR at 1-888-201-1014.

Paragraph 3.13. Termination of Support.

Our instructions for this form cover several types of support cases, so, in completing this paragraph, you need to identify the correct stage of your case. There are three types:

Temporary orders. If you're filing this form with a motion for temporary or emergency orders (or a response to a motion) (or after the court makes a temporary support decision at a hearing), check the first box.

Modification of final support orders. If you asked the court to change the date support terminates in your petition for Modification or Response, check the box showing when you want support to end. Or, if you're writing this order after trial, write in the date the judge ordered support to terminate. Most parents check the second box. Otherwise, check the same boxes that are checked on your current Order of Child Support. (Note: the order of boxes in the form has been changed. Read the text. Don't just count the box number if you're copying from your current order.)

Final orders in dissolution and parentage cases. If your children aren't yet in high school and aren't disabled, check the second box (ordering support through high school or age 18, whichever is later), unless the court has ordered otherwise. If one of your children is disabled and will need your support even after age 18, check the fourth box. Then write in the child's name. If your children are high school age and you want the parent to be ordered to pay for college or vocational school (or the court has ordered this), check the fifth box. If you want child support to end at some other time (or the court has ordered this), check the sixth box and write in when support will end. It's usual for child support to end when the child turns 18 years old **or** completes secondary (high school) education, whichever is later.

Paragraph 3.14. Post-Secondary Educational Support.

This paragraph is about support for college or vocational education after high school.

Identify the correct stage of your case in completing this paragraph. Then follow the instructions for that stage.

Child support Modification cases. If you asked the court to set post secondary support, or to change this part of your current Order of Child Support, check the box showing whether you want post secondary support to be ordered, and when. Or, if you prepare this form after trial, show the judge's decision. Most parents of children younger than high school age check the first box. If you didn't ask the court to change this provision, check the same boxes that are checked on your current Order of Child Support. (Note: the order of boxes in the form has been changed. Read the text. Don't just count the box number if you're copying from your current order.)

⁵ [RCW 26.18.110\(8\)](#).

Final Orders in dissolution or parentage cases. If you know that you never want either parent to be required to help pay for your child's college (or if the court has ordered this), check the third box "no post-secondary educational support." If needs for support to attend school after high school are unknown because the child is too young or plans not yet certain, but you want to have the chance to return to court before the child's 18th birthday to request support (or the court has said you could return later), check the first box "the right to petition ...is reserved." If you know that both parents should be required to pay for college, but the child isn't going to college soon, check the second box, "the parents shall pay." If you want to write in a requirement that post-secondary support be paid, and how it should be paid (or if the court has ordered this), check the last box. Then write that information in the blank.

Paragraph 3.15. Payment for Expenses Not Included in the Transfer Payment.

Fill out this section based on whether there are daycare and educational expenses for the children that the paying (noncustodial) parent should be ordered to help pay, or that the court ordered this parent to pay when you had your trial or hearing.

If daycare or other expenses were included in Sections 8 and 9 of the worksheets, or you don't want the paying parent to pay for daycare, educational or long distance transportation expenses (or the court denied this), check the first box "does not apply." Skip the rest of the paragraph.

If you have daycare, educational, or long distance transportation expenses (such as when the parents live in different states), and you'd like each parent to contribute to those expenses based on a percentage amount (or if the court ordered this at trial) check the second box and the appropriate indented box(es). Fill in the income proportions from line 6 of the child support worksheets (example: .60 on line 6 would be filled in as 60% of the daycare expense). You must check either the box requiring payment to be made to the daycare (or other service) provider, or to the receiving parent.

If daycare or other expenses weren't included in Sections 8 and 9 of the worksheets, but the paying parent should be ordered pay a fixed amount towards these expenses (or the court ordered this), check the third box and each indented box that applies. Fill in the information in any box you checked.

◆ If you want DCS to collect daycare for you, check the box requiring that payments be made to the parent receiving support. Also check "other." Then write in: *The receiving parent shall provide receipts for daycare to DCS, which shall calculate and collect the paying parent's proportionate share of daycare from her/him at least once every six months. The paying parent's proportionate share of daycare is _____ (fill in proportion from line 6 of child support worksheets).*

Paragraph 3.16. Periodic Adjustment.

In most cases, you'll check "Does not apply." If this paragraph says "Does not apply," then you may adjust or modify this order according to Washington law.

If you'd like the child support amount adjusted periodically, such as every year due to small changes in income (or if the court ordered this), check the second box. Then specify when

adjustments should occur. (Note: you'll still have to go back to court to get the adjustment. It won't automatically happen.)

Paragraph 3.17. Income Tax Exemptions.

Read the instructions for the proper stage of your case.

Proposed orders in Modification cases: If you asked the court to change the income tax exemption in the Petition for Modification or Response, check the box that you'd like to apply (or that the court orders at your modification trial). If you didn't ask the court to change the income tax exemption, check the same box as the one that's checked in your current Order of Child Support.

Proposed Orders in dissolution and parentage cases: If you want the custodial parent to claim the children as dependents on their federal income taxes, check the first box. If you want to divide the dependent exemptions for the children, check the second box. Then write in which parent should claim the exemptions. You may split the exemptions between the parents, or alternate even/odd years. If the paying (noncustodial) parent is going to claim the exemptions part of the time, you should check the third box that requires the parents to sign a form with the IRS that tells who gets the tax exemptions. If you're the parent receiving support, you should check the fourth box. Then write in that "the obligor may claim the exemption only if the obligor has fully paid all child support, daycare, and uninsured medical expenses that are owed as of December 31st of the relevant tax year." That way, if the other parent doesn't pay support payments on time, that parent won't be allowed to take the exemption.

Orders entered after hearing or trial. If the court has made a decision about income tax exemptions, fill in this paragraph to show the judge's decision.

Paragraph 3.18. Medical Support.

If you're filling this out as a proposed order:

In general, show what you're asking the judge to order.

Subsection (a) is for information about Petitioner's obligation. Subsection (b) is for information about Respondent's obligation. The following directions are for both (a) and (b). Both parents are required to provide medical support, so you must check at least one box under (a) and at least one box under (b).

If you don't have enough information, or if you don't want the court to make a ruling about medical support, check 1.: "There is insufficient evidence..." for both Petitioner and Respondent. Then skip to Paragraph 3.19. Be aware: the provisions of Paragraph 3.18.2. will apply even when the court doesn't make a specific ruling about medical support.

If you have information about whether or not health insurance coverage is available, check 2: "Health insurance coverage..." Then fill in the following blanks and check the boxes as appropriate for Petitioner in subsection (a) and for Respondent in subsection (b). Next, go to the line that begins "petitioner/respondent shall." Then check the box underneath that you want. If you check b., write in your reason that it's in the best interests of the children. If you check e., explain your reason.

In general, if one parent is ordered to pay for health insurance, the other parent will probably be ordered to pay a contribution towards the children's premium.

If both parents have health insurance, check the box: “Both parents have accessible coverage for the children” after the end of subsection (b). Next, check the appropriate boxes for which parent has better coverage and should be required to provide it. The other parent shouldn’t have to provide duplicate coverage, but may be required to contribute towards the children’s premium.

If you’re filling this out after a hearing:

Show what the judge ordered, even if different from what you asked for. Use the support worksheets approved by the judge.

Paragraph 3.19. Uninsured Medical Expenses.

Most people should write in the father’s proportional share of income from the worksheets at line 6 in the first blank and the mother’s proportional share of income from the worksheets at line 6 in the second blank. If the court orders a different amount in your case, write in what the court orders.

Paragraph 3.20. Back Child Support.

In most cases, you’ll check the second box: “Back child support that may be owed is not affected by this order” and the fifth box: “Back interest that may be owed is not affected by this order.”

If you want the court to set back support (or if the court set back support at your hearing or trial), check the third box. Then write in the dates for which back support should be paid and the amount. For more information on computing back support, look at the section above on the Judgment Summary.

◆ **Caution:** Don’t check the first box unless you know that the paying parent owes no back child support or unless the court ordered this. If you check the first box, the paying parent could be excused from paying any back support owed.

If you want the court to set back interest (or the court set back support at your hearing or trial), check the third box. Then write in the dates and the amount of back interest that should be paid. For more information on computing back interest, look at the section above on the Judgment Summary.

◆ **Caution:** Don’t check the fourth box unless you know that the paying parent owes no interest on back child support at all or unless the court ordered this. If you check the fourth box, the paying parent could be excused from paying any of the interest owed.

Paragraph 3.21. Past Due Unpaid Medical Support.

If you’re filling out a proposed order, check the boxes to show what you want the judge to order.

If you’re filling this out after a hearing, check the boxes to show what the judge ordered, even if different than what you asked for. You should also include a declaration and supporting documents to prove the debt.

Paragraph 3.22. Other Unpaid Obligations.

If you're filling out a proposed order, check the boxes to show what you want the judge to order.

If you're filling this out after a hearing, check the boxes to show what the judge ordered, even if different than what you asked for. You should also include a declaration and supporting documents to prove the debt.

Paragraph 3.23. Other.

Read the instructions for your type of case.

Modifications of Child Support. Unless one party requested a modification of this paragraph or the court ordered it, look at your current Order of Child Support and fill in any information written under "Other." If this paragraph is being modified from your existing order, write in the changes being requested, if you agree with them, or if you've had your hearing or trial, write in the judge's decision.

Dissolution and parentage cases. Write in any additional rules you'd like to include or that the judge ordered.

Signature. **DON'T fill in the date or Judge's signature.** The Judge will do that when s/he approves the final order.

Sign and print your name on the lines below "Presented by."

Check the box about full support enforcement services and sign if you'd like the Division of Child Support to help you collect your child support. (Read the item about when DCS may charge an annual \$25 fee.)

If the other parent agrees with the Order of Child Support, s/he should sign and print his or her name on the lines below *Approved for entry, Notice of presentation waived.*

Section 8: Instructions for Entering Your Final Modification Orders by Agreement

If you and the other party agree on your final orders, you don't need a trial by affidavit. If the nonrequesting party filed a Joinder, s/he's not required to sign all of the final orders, so long as the final papers **exactly match** the requests you made in the petition and worksheets you gave him/her when s/he signed the joinder.

If the person signing the joinder form requested notice (look at the signed joinder form if you're not sure), you must schedule a hearing to present the final papers, and send the other party advance notice of the hearing and copies of your proposed final papers.

If the responding party didn't file a Joinder, s/he must sign all of the final orders or the court won't accept them. If there are other parties, such as the State of Washington, each must sign.

Fill out the Findings/Conclusions on Modification, the Order on Modification of Child Support, the child support worksheets, and the Order of Child Support. Give them to the other party to review and sign. If the other party didn't sign a Joinder, make sure that the other party signs each form – including the last page of the child support worksheets.

If the respondent is on active duty in the military or is the dependent of a service member, have him/her sign the Waiver form in the Filing or Responding packet you used.

Call the clerk's office at the Superior Court where your case was filed. Ask the clerk where to take agreed final child support modification orders to be signed by a judge. In some counties, the clerk might direct you to file a Notice for Hearing or Note for Motion. Get help from the Family Law Facilitator's office or the clerk's office to make sure you schedule the presentation of your final orders.

Take the originals of your final papers to the courtroom on the date and at the date and time you were given by the clerk (or which you noted in your Note for Motion/Note for Hearing). If the other party filed a Joinder but didn't sign the final orders, also bring a copy of your Petition and the Joinder. The judge usually will have a clerk next to him or her. Give the final orders to the clerk and say that you have agreed final child support modification orders to present. Take a seat quietly.

When the judge calls you, go up in front of the judge as directed. Tell the judge that you'd like your agreed orders signed. The judge may ask you some questions. S/he may ask for proof of income. Assuming that the judge signs your order, you should ask to take the originals to make copies.

To make copies, take the originals to the courthouse library or clerk's office. **Caution: You can't take the originals of the final orders out of the courthouse or change them once the judge has signed them!** Make one copy of each form for yourself and one for the other party. When you've copied all of the orders, take the originals to the clerk's office and ask the clerk to file them. Ask the clerk to conform your copies so they show the file date and the judge's signature.

Mail a copy of the final orders to the other party using the Certificate of Mailing or Personal Delivery procedure. Once you've done this, you've finished your child support modification!

Section 9: Instructions for Filling Out Motion for Default and Getting Final Orders Signed

Use these default forms only if you filed the modification and the other party doesn't file a Response within the required time period. Otherwise, skip this section.

You can ask the court to enter an order of default against the other party any time after the time period for responding has ended. If you've received no Response to the support modification form, and no response at all to the papers (no notice of appearance, no letter or telephone call in response to the papers, no participation in any court hearing, such as a temporary orders hearing), you're allowed to file the motion for default without giving the other parent any notice.

However, even if you never heard from the other party, we recommend you give notice anyway (as described below), because orders that are entered by default may sometimes be vacated (cancelled) later if the other party files a motion to vacate and persuades the court that the orders should be vacated. Having proof that you gave the other party another chance to respond before final orders were entered may help you to prevent the other party from convincing the court to vacate (cancel) your orders later. Further, some courts require that you file a note for motion calendar to schedule a hearing to enter your final orders even if you don't need to give notice to the other party.

If you received some type of response, even if it's just a letter, you must give the other parent notice of your motion for default.

The following are the directions for filling out and filing the default forms. You must also complete the final modification child support orders.

A. Motion and Declaration for Default – WPF DRPSCU 06.0400

Caption. Fill in the caption.

Section I. Motion

Fill in your name as the requesting party, then the name of the party in default, then date, sign, and print your name in the space provided.

Section II. Declaration

Paragraph 2.1. Proper Venue.

If the Order of Child Support that you're asking the court to change was entered in the same county where you filed your modification, check the first box.

In the blanks, write the county and state of residence of the petitioner (see the caption), children, and the respondent.

If you believe there is another reason why venue in this court is proper, check the "other" box and explain.

Paragraph 2.2. Jurisdiction Over Parties.

Check the first box (“there is a Washington Order of Child Support”), unless you don’t have a Washington child support order.⁶

Also check the second box (“both parties presently reside”) if both you and the other parent live in Washington.

If there is another reason the court has jurisdiction over the parties in your case, check the “other” box. Then write the reason in the blank.

Paragraph 2.4. Time Elapsed Since Service of Process.

Check the first box (“more than 20 days have elapsed”) if the other parent was served in Washington either by personal service or certified mail. Check the second box (more than 60 days have elapsed”) if you mailed the papers to, or personally served, the other parent at an address in another state.

If you used our packet [*Service by Certified Mail or Publication*](#), check the third or fourth boxes, as appropriate.

Paragraph 2.5 Read this paragraph.

Paragraph 2.6. Service Members' Civil Relief Act Statement.

This paragraph states whether or not you believe the nonrequesting party is a member on active duty in the military⁷ or the dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist. Dependents are usually spouses or minor children, although they may also be persons for whom the service member provided most of the support for the last six months.⁸

It’s your job to try to find out whether or not the other party is on active duty in the military, or is a protected dependent. Ways to try to find out if another party is on active duty include:

- checking the following website: <https://www.dmdc.osd.mil/scra/owa/home>, or
- contacting the Defense Manpower Data Center, 1600 Wilson Blvd., Suite 400, Attn: Military Verification, Arlington, VA 22209-2593; Telephone (703) 696-6762 or 5790, fax (703) 696-4156. (If you mail a request for information, include a stamped, self-addressed return envelope.)

⁶ Don’t use this packet unless you can check this box.

⁷ Service members who are protected by the federal Service Member Civil Relief Act, 50 U.S.C. App. Sections 501 et seq. include all members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at http://www.uscg.mil/legal/la/topics/sscra/sscra_guide.htm#coverage. For Washington State’s Service Members Civil Relief Act, see RCW 38.42.010 et seq.

⁸[RCW 38.42.010](#).

To try to make sure the other party isn't the dependent of a service member, you should have served the Notice re: Dependent of a Person in Military Service form served with the other papers that began your case. That form is in our Filing packet.

If the other party is in the military or is a protected dependent, see a lawyer. There are special rules for members of the military or their dependents. Those rules limit the court's ability to make orders adversely affecting the rights of the service member or his/her protected dependent.

Paragraph 2.6.1:

- In paragraph A, fill in the other party's name (the party you believe is in default)
 - Check the box(es) next to the item(s) that shows his/her service member status.
- In paragraph B. after "*factual basis*,"
 - If you checked the website <https://www.dmdc.osd.mil/scra/owa/home>, and the site reported the other party's military status, check the first box. Staple the report you received to this form.
 - If you have other or additional reasons for checking the item you did in paragraph 2.6.1 A, check the box *other factual basis*. Then write in what you know about whether the other party is in the military and whether they're on active duty. Describe all the efforts you made to find out about the other party's military status and the results of each effort. Example: describe contacts with the other party's friends, family, and employers. If you contacted the Defense Manpower Data Center by fax or mail, explain that contact. Attach any certificate about military service you received in reply.
- In paragraph 1 C, if the other party is on active duty, check the box at the beginning of I C and the appropriate box(es) under it that apply. If you check the last item, you must check the appropriate box in the text of that item. Otherwise, skip this item.

Paragraph 2.6.2. Dependent of a service member status.

- Paragraph 2.6.2 A: Write the other party's name. Then check the box below it that applies.
- In paragraph 2.6.2 B:
 - If you had a Notice re: Dependent of a Person in Military Service mailed to the nonmoving party at least 23 days ago (or served more than 20 days ago), and s/he didn't respond to it, check the box next to "*the other party failed to respond to a notice*." Then check the box that applies, and fill in the date requested. Otherwise, skip that box.
 - Under "*other factual basis*," write in what you know about whether the other party is or isn't a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.
- In paragraph 2.6.2.C: if the other party is a dependent of a resident of

Washington who is on active duty and is a National Guard Member or a Reservist, check the box at the beginning of 2 C. Then check the box(es) under it that apply. If you check the last item, make sure you check the appropriate box in the text of that item. Otherwise, skip this item.

Paragraph 2.7. Mailing of Documents.

Check the first box (“does not apply”) if you’ve received no response of any kind from the other parent.

If the other parent sent you a letter or any paper about the court case, or called you, or filed any paper with the court, but hasn’t filed or sent you a Response form, check the second box. You must give the other parent notice of your motion for default, and you must note your motion with proper notice in the court.

If you were required to give notice of the motion for default or if you chose to do so, write in the blank in the second paragraph the date that you mail the motion to the other parent, write the name and address of the other parent (or party) in the blank, and list all the documents mailed with the Motion.

If you must (or choose to) give the other party notice, use a Note for Motion Docket. See the instructions for that form for information about how to note a motion.

Signature. Sign, date and print the place you signed and your name, on the bottom of the form.

B. Order of Default (Child Support Modification) – WPF DRPSCU 06.0450

Section II. Findings

Paragraph 2.1. Read this paragraph.

Paragraph 2.2. Service on Nonrequesting Party.

Look at your Return of Service form. Write in the blank space in paragraph 2.2 every form that is listed on the Return of Service as having been served on the party in default. Include the forms listed next to every box that you checked on the Return of Service, as well as the forms under “other.” Write how you served the papers on the other parent (*by certified mail, return receipt requested* or *by personal service*). Then, write in the date that the papers were mailed or served.

Paragraph 2.3. Time Elapsed Since Service.

Check the same box that you checked in the related paragraph of the Motion for Default.

Paragraph 2.4. Appearance. Read this paragraph.

Paragraph 2.5. Service Members’ Civil Relief Act Statement.

- **Paragraph 2.5.1 Service member status⁹.** Check the appropriate box(es) showing the nonrequesting party’s service member status.
- **Paragraph 2.5.2. Dependent of a service member status.** Check the box that applies.
 - If you know that the nonrequesting party isn’t a dependent of a resident of Washington who is on active duty and is a National Guard Member or a Reservist, check the first box.
 - If you know that the nonrequesting party is a dependent of a resident of Washington who is on active duty and is a National Guard Member or a Reservist, check the second box.
 - If you’re not sure whether the nonrequesting party is a dependent of a resident of Washington who is on active duty and is a National Guard Member or a Reservist, but you had a Notice re: Dependent of a Person in Military Service mailed to him/her at least 23 days ago (or served more than 20 days ago), and s/he didn’t respond to it, check the third box “*is presumed not a dependent...*”

Paragraph 2.6. Other.

Leave this blank.

Section III. Order

Check the second box, and write the other party’s name in the blank.

Leave the Date and Judge’s signature blank.

Sign, date, and print your name in the space under “*Presented by.*”

If, at your hearing, the judge changes your order and checks the first box, denying your motion, you can’t finish your case by default at this time.

⁹ The Service Members Civil Relief Act, [RCW Ch. 38.42](#) (state law), and the Service Members Civil Relief Act of March 4, 1918, as amended, [50 U.S.C. App., 501](#) et.seq. (federal law) provide special protection for members of the military, including National Guard and Reservists, who are on active duty, and certain dependents. If the other party’s on active duty or is a protected dependent, consult an attorney for more information about these special rights. The court’s likely to appoint an attorney to represent the other party and may stay (delay or stop) your case until the other party comes back from active duty.

C. Asking the court to sign your default and child support modification orders if the other party didn't respond or contact you after getting the papers

◆ Follow this process only if you haven't heard from the other party **at all** since the other party was served with your Petition for Child Support Modification and your local court doesn't require you to note (schedule) your final hearing. Even if the other party didn't appear in the case, we still recommend you use the notice of default hearing procedures explained in a later section of this packet (rather than the procedures in this section). We recommend this because default orders can be vacated (cancelled) under certain circumstances, and giving the other party notice of your proposed final orders may make this less likely.

- Make one copy each of the Motion for Default, Order on Default, Findings/Conclusions on Child Support Modification, Order on Support Modification, Order of Child Support, the Child Support Worksheets you filed with your Petition, Return of Service showing the date of service of the Summons and Petition, and the Petition for Support Modification.
- Make one full set of originals and one set of copies.
- If there are other parties, such as the State of Washington, they must sign the final papers before you take them to the judge.
- Contact the Family Law Facilitator or the court clerk in the county where your modification was filed and ask where you should take default final orders for signature. If your county requires you to schedule a hearing using a Note for Motion, then skip the rest of this section and go to the instructions for Scheduling a Default Hearing with Notice, below.
- Go to the courtroom as directed by the Facilitator or clerk. When you get there, check in with the judge's clerk (this person usually sits next to, or in front of, the judge). Quietly explain that you want to enter default orders in a child support modification. Sit and wait to be called.
- When you're called, give your papers to the judge (if the clerk hasn't done so), and explain that the other party didn't respond. Make sure the judge sees the Return of Service that you filed when you started the case, showing that the other party was served. The judge will probably sign all of your papers and grant your modification. The judge may keep the originals. If she/he does, ask the clerk to "conform" your copies.
- If the judge approves the default, signs the orders, and gives the signed orders back to you, immediately take the originals of the Motion, Order of Default, Findings/Conclusions, Order on Modification, Order of Child Support, and Child Support worksheets to the clerk's office.

Give them to the clerk and ask the clerk to file the originals and conform copies for you. Make sure you have copies of all of the final orders. Once you have conformed copies, your support modification is complete. Make a copy of all of the final orders and send them to the other party by regular mail, using the Certificate of Mailing or Personal Delivery procedure. Skip the rest of this packet.

D. Scheduling a hearing with notice: asking the court to sign your default and child support modification orders if the other party appeared but didn't file a response, or if you need to note (schedule) a final hearing, or if you decide to give notice even when not required

◆ Follow this process if the other party didn't file a Response, but the other party "appeared" (contacted you by letter or telephone, filed or served a Notice of Appearance, or showed up for a hearing). You should also follow this process if the Facilitator or Clerk (or your court rules) requires that you Note (schedule) your final hearing. We also recommend that you follow the process in this section, (rather than ask the judge to enter default and final orders without notice), even if the law doesn't require you to give notice to the other party.

How to Get a Date for Your Hearing.

Check your local court rules (at the law library), or ask your Family Law Facilitator (if your county has one) or court clerk to find out what days and times you may schedule entry of your final child support modification orders by default. Motions for entry of final orders by default in child support modification cases are usually scheduled in the ex parte department, or may be scheduled on the family law calendar or with a judge. In some counties, hearings to enter final child support modification orders are scheduled only on certain days or at certain times. In many counties, if the State is a party to your case (such as when the children have received public assistance), you must schedule your hearing on a date that the prosecutor is present for family law motions.

How Much Notice Do You Need to Give the Other Party?

Under the Washington civil rules, you must give your motion and other legal papers to the other parties and the court at least five court days (business days that aren't court holidays) before the hearing date.¹⁰ Make sure you count Day 1 as the day after you delivered or mailed the papers, and don't count weekends or holidays. However, some counties require much more than five court days' notice for family law hearings. Check with your local court rules, your Family Law Facilitator's office, or the court clerk to find out how many days notice you must give.

Add Days for Mailing.

¹⁰ [Civil Rule \(CR\) 6\(d\).](#)

Mailing. If the papers are mailed, instead of personally delivered, add at least three (3) days¹¹ to the number of days' notice required by your county's rules.

Example: if you mail a document on a Monday, it'll be presumed to have been served on Thursday. If the third day after the papers are mailed is a weekend or holiday, you must add days so that the papers arrive on a business day that is not a legal holiday or weekend.¹²

You should give more than the minimum number of days for notice of your hearing. If for some reason the other party doesn't get enough notice of your hearing, you'll need to reschedule your hearing – even if the other party doesn't show up and object.

E. Note for Motion

This form lets the court and the other parties know the date, time, location, and reason for your hearing. **Many counties require you to use their local form.** Check with your Family Law Facilitator or court clerk to find out if your county uses a special Note for Motion form. If your county has no special form to set up a hearing, use the form included here.

Caption. Fill in the caption.

To the Clerk of the Court and to. In this section, fill out the names of the other parties. The other parties in your case include the other parent, the person the child lives with (if not you or the other parent), and, if your child has ever received public assistance, the Prosecuting Attorney's office.¹³

- **Hearing Date/Time:** Fill in the date and the time of your hearing.
- **Location:** Fill in the name of the courthouse (example: Thurston County Superior Court).
- **Courthouse Room:** Fill in the Room Number where your hearing is scheduled.
- **Address:** Fill in the address of the courthouse.
- **Nature of Motion:** Write in "Motion for Default and Presentation of Final Child Support Modification Orders."
- **Signature:** Sign and print your name, and your address.

F. Filing and serving your Note for Motion, Motion for Default and proposed final papers, and filing the Certificate of Mailing or Personal Delivery

1. Filing your Motion Papers

- Make two copies each of the Note for Motion, Motion and Declaration for Default, Order on Default, Findings/Conclusions on Child Support Modification, proposed Order on Support

¹¹ Three days are clearly required under [CR 5](#). There is one legal argument that, reading [CR 5](#) and [CR 6](#) together, you must give at least six days.

¹² [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#).

¹³ For more information about serving the State of Washington, see our packet [Serving Papers on the State](#).

Modification, proposed Order of Child Support, the Child Support Worksheets you filed with your Petition, Return of Service showing the date of service of the Summons and Petition, and any local forms. If there are additional parties or you need working papers, make additional copies.

- Make one full set of originals and two (or more) sets of copies, placing one of each form in each set.
- File the original Note for Motion, and Motion and Declaration with the Court Clerk in the Superior Courthouse where the petition for modification was filed. Ask the clerk to stamp your copies of the papers you filed (motion, declarations, etc.) to show the date that you filed the originals. Take the stamped copies back from the clerk. The clerk will keep the originals.
- Ask the clerk what to do with the originals of your proposed orders (examples: Order of Default, Findings/Conclusions, Order on Support Modification, Order of Child Support). In most cases, you'll keep these originals and bring them to the hearing for the judge to sign then. Make sure by asking the clerk if you should file the originals of the proposed orders, too. If working papers are required in your county, provide the judge copies of these proposed orders as part of the working papers.
- Have the other party served with the Note for Motion, Motion and Declaration for Default and proposed final papers and have your server complete the Certification of Service by Mail or Personal Delivery using the instructions in the next paragraphs.

2. Serving Your Motion Papers

Giving the Papers to the Other Party by Mail or Personal Delivery

While the case is going on, if the party you're serving has given an address for receiving legal papers in the case, send the papers to him/her at that location. (The other party's address may be, for example, at the end of the Summons, the Response form, a Notice of Appearance, an Amended Notice of Appearance, or any updated notice changing the address for service.)

If the party has an attorney in the case, serve the attorney.

Although many county courts allow a party to serve his/her own papers after the Summons and Petition have been served, other counties don't. To be safe, don't deliver or mail the papers yourself. Ask an adult friend or relative to do it for you.

When your friend has mailed or delivered the papers to a party, have him/her fill out the Certificate of Mailing or Personal Delivery the same day. Your friend should fill out a separate form for each person s/he mails or delivers the papers to. You'll then file the original certificates with the court clerk and keep a conformed copy for your records.

Make sure that papers are mailed or delivered before your deadline. When counting, don't count the day of delivery or mailing, weekends, or court holidays.

Add Days for Mailing.

Mailing. If your friend mails the papers, rather than personally delivering them, you must add at least three (3) days¹⁴ to the number of days' notice required by your county's rules.

Example: if you mail a document on a Monday, it'll be presumed to have been served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day that is not a legal holiday or weekend.¹⁵

You should give more than the minimum number of days for notice of your hearing. If for some reason the other party doesn't get enough notice of your hearing, you'll need to reschedule your hearing – even if the other party doesn't show up and object.

If a document is sent by regular first class mail, and if you think another party won't show up at a hearing, have an additional copy sent by certified mail, return receipt requested, for more proof of mailing. Staple the green return receipt card to the Certificate.

Personal Delivery. Your friend may deliver the papers to the other party rather than mail them. "Delivering" the packet of papers to another party (or the other party's attorney) means:

- handing it to the attorney or to the party; or
- leaving it at his office with his/her clerk or other person in charge of the office¹⁶; or,
- if there is no one in charge, leaving it in a place in the office where someone can easily find it (for example, on top of the front desk); or,
- if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode (home) with some person of suitable age and discretion then residing there.¹⁷

3. Instructions for the Certificate of Mailing or Personal Delivery (no mandatory form)

Make some blank copies of this form. You may need to fill it out and file it several times. Use this form to show that copies of papers you file in court have been given to the other parties. Use a separate form for each party to whom papers were mailed or delivered.

- **Caption.** Fill in the caption.
- **In the first paragraph,** write the date the papers were mailed or delivered in the first blank, and the name of the party served in the second blank. (If you're serving an attorney for a party, write in the party's name here and information

¹⁴ Three days are clearly required under [CR 5](#). There is one legal argument that, reading [CR 5](#) and [CR 6](#) together, you must give at least six days.

¹⁵ [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#).

¹⁶ Although [CR 5\(b\)\(1\)-\(2\)](#) appears to allow a person to be served at his/her office, and you can usually deliver papers to an attorney or GAL at his/her office, we recommend that you DON'T serve other parties at their offices unless they've used that as their service address in a Notice of Appearance, Petition, or Response form.

¹⁷ [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who's an adult (or at least an older teenager) with no mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

about the attorney in the paragraphs below.) After “*with the following documents:*” write the name of **every form** sent/delivered to that person. If you leave out a form, you’ll have no proof it was served. If the papers were served by mail, check the first box. Add the name and address of the person the papers were mailed to. If you mailed an additional copy by certified mail, write that in. If the papers were hand delivered, check the second box. Fill in the time and address of delivery in the blanks provided, and the name of the person to whom the papers were delivered.

- **Signature.** The person who delivered or mailed the papers should sign and date the form, state the place signed (city and state), and print his/her name in the places indicated.

4. Filing the Certificates of Mailing or Personal Delivery

Make one copy of each completed Certificate. Don’t give copies of this form to the other parties. If you mailed a copy of the forms by certified mail, and have a certified mail receipt back from the post office, attach the original receipt to the Certificate of Mailing you file with the clerk. Make a copy for your records. If you used certified mail but don’t have the green receipt back when filing the Certificate, file the receipt later, attached to a page labeled with your case caption.

G. Delivering working papers and confirming your hearing

In many counties, you must:

- deliver an extra copy of all of papers (including proposed orders) for your hearing for the judge to read. This set of copies is called Working Papers.
- confirm the hearing a few days before the hearing date. “Confirming the hearing” means telling the court that the hearing will take place as scheduled.

To learn the rules for working papers and confirming the hearing in your county, read local court rules, and check with the Family Law Facilitator or court clerk.

◆ If you don’t give the judge working papers and don’t confirm your hearing in a county where required, the court may cancel your hearing, or the judge might not consider any of your papers.

H. Going to your default hearing and presenting your motion and final papers

- ❑ On the date of your hearing: dress neatly, and bring a pad of paper and a pencil to write notes with. Don’t take your children along if you can help it. The judge will probably not allow

them to be in the courtroom. Go to the courtroom where and when your hearing is scheduled. Plan to get there at least 20 minutes early. When you get there, check in with the judge's clerk (this person usually sits next to, or in front of, the judge). Quietly explain that you want to enter default orders in a child support modification. The clerk may take your papers from you. Sit down and wait to be called.

- ❑ When your name is called, give your papers to the judge (if the clerk hasn't done so). Explain that the other party didn't respond and that you're asking the court to enter an order of default and orders modifying your child support order. Make sure the judge sees the Return of Service that you filed when you started the case, which shows that the other party was served, and the Certificate of Mailing that shows you served the other party with notice of the motion for default. If the other party doesn't show up for the hearing, the judge will probably sign all of your papers and grant your modification. The judge may keep the originals. If she/he does, ask the clerk to "conform" your copies.
- ❑ If the other party **does** show up for the hearing, the judge will probably deny your motion for default, or may give the other parent more time to file a Response. If the judge gives the other party more time, ask the judge to enter an order setting a deadline by which the other party must file a Response, and ask for a review (repeat) hearing to make sure that the other party files the Response.
 - If the other party doesn't file a Response by the court's deadline, go to the review hearing and ask the judge to sign your Order of Default and your final papers.
 - If the other party does file a Response before the review hearing, you can't get an order of default against that respondent. You'll need to either reach agreement or prepare for trial.
- ❑ **DON'T INTERRUPT THE JUDGE.**
- ❑ **Hearing the Judge's Decision.** If the other party doesn't show up for the hearing, the judge will decide on your requests. Listen carefully. Make notes. The judge may sign the orders you prepared or make changes to the orders you prepared, or s/he may direct you to do it, or s/he may deny your requests. (If the judge denies your motion for default, or doesn't sign your final orders, the modification case isn't finished. If this happens, talk with an attorney about what next steps to take.)
- ❑ **Usually you want to have court orders showing the judge's decision signed the day of your hearing. Some counties require orders be signed before the parties leave the courthouse.**
- ❑ If the judge gives the signed orders back to you, immediately take the originals (showing the judge's signature) of the Order of Default, Findings/Conclusions, Order on Modification, Order of Child Support, and Child Support worksheets to the clerk's office. Give them to the clerk and ask the clerk to conform copies for you. Make sure you have copies of all of the final orders.
- ❑ Once you have conformed copies, make a copy of all of the final orders and send them to the other party by regular mail, using the Certificate of Mailing or Personal Delivery procedure. Your child support modification is finished!

Section 10: Preparing for and Going to a Trial by Affidavit, or Requesting Oral Testimony

If you can't reach agreement with the other party and can't finish your case by default, you must prepare for a trial, at which a judge will decide whether to grant the child support modification. Most child support modification trials are "by affidavit," rather than with live testimony. If you want oral testimony, you must specially ask the court to allow it.

A. Asking the court to allow oral testimony

Decide whether you want to have oral testimony at your trial. If you want oral testimony, you must ask for it not later than ten days after the time of notice of hearing.¹⁸ (Check with your court clerk to see if there is some other local rule.) Either party can ask for oral testimony, but the court doesn't always allow it.

Unlike other family law cases such as divorces, most child support modifications are *trials by affidavit*. This means that the court makes a decision based upon the paperwork filed and served by each party before the hearing, and doesn't allow the parties to testify at the hearing itself. The hearing is more like a motion than a "trial" as we understand it. It's time for the parties to argue the legal points of their cases, but not to testify. Trials by affidavit are simpler and often save time. They're also helpful, because you can think about what you want to tell the judge in advance and write it down.

However, in an unusual case, if you believe that you can't have a fair hearing without having testimony, you can ask the court to grant a hearing with oral testimony. You'll only be allowed oral testimony if the court grants your request. To make a request for oral testimony, you must prepare, file, and serve the motion papers in this section and attend the hearing on your motion, if any.

Some of the situations in which you might want oral testimony are:

- You think the other parent is likely to misrepresent his/her income or resources and you think the judge will be able to see that if they testify. (Remember: if it's obvious the other parent is lying, you may not need oral testimony.)
- You've asked the other parent for financial information and they haven't provided it, and you believe that having the parent testify would give the court more information.
- You want to call an expert to testify about an issue. (Note: you can submit a written declaration by your expert instead.)
- You have difficulty reading or writing English and don't feel that you can explain your financial circumstances to the court in writing.

If you don't want to ask the court to schedule oral testimony and the other party hasn't requested oral testimony, skip this section and go to "Scheduling Your Trial."

If you have a trial with oral testimony, each party will have the chance to testify and tell the judge why s/he should rule in that party's favor. Each party must present the judge with evidence

¹⁸ [RCW 26.09.175](#)

(examples: admissible documents or testimony) that help prove that party's claims. This packet doesn't include detailed information about how to prepare for trial with oral testimony because it would require too many pages. However, some other publications may help you prepare for trial, including [*How to Subpoena Witnesses and Documents*](#), and [*Basic Tips on How to Prepare for a Court Hearing or Trial*](#). Also, try to talk with an attorney for specific advice about what to do to prepare for trial in your case.

1. Motion and Declaration to Present Oral Testimony - WPF DRPSCU 06.0500

Section I. Motion

Sign and date the form and print your name in the spaces provided.

Section II. Declaration

Paragraph 2.1.

List any exhibits that you have that would show why you need oral testimony. Exhibits are documents or papers that you give to the court as evidence to show why you need oral testimony.

You could include declarations from witnesses (example: a statement by a friend, saying that you can't read and write in English and can't afford to have a statement you write in your own language interpreted in writing for you).

List each exhibit you'll give to the court in support of your motion.

Paragraph 2.2.

Check the box or boxes that apply to your situation and write in the blank the reasons that you believe you need oral testimony.

If you're asking for oral testimony because you can't read/write English, check the "other" box and write that in the blank.

Signature.

Sign and date the form and show the place (city and state) signed, in the blanks provided.

2. Order Re: Oral Testimony - DRPSCU 06.0540

When you prepare a proposed order, show the decision you're asking the court to make.

Section II. Findings

Check the first box, finding that oral testimony is necessary.

Section III. Order

Check the second box, granting the motion. Leave the date and time space blank, so the judge can fill it in. Also leave the date and judge' signature space blank.

Signature. Sign the form under "Presented by."

3. Note for Motion Docket

Follow the instructions for setting a date for your hearing and filling out the Note for Motion form that are in "Scheduling a Hearing with Notice" above, except that on the Note for Motion form, next to Nature of Motion, write "Motion to Present Oral Testimony, Child Support Modification."

◆ Because a motion to present oral testimony is a motion about the form of your trial, this motion isn't scheduled on the family law motions calendar in some counties. Moreover, some motions for oral testimony may be decided without oral argument (neither party appears, the judge just reads the papers and mails you an order). Check with the court clerk or Family Law Facilitator to ask where to file this motion and for information about whether the judge will decide this motion without oral argument.

B. Filing and serving notice of your Motion and Declaration to Present Oral Testimony

Once you know how much notice you must give the other party, you will file your motion and serve it according to the instructions for filing and serving the Motion for Default and completing the Certification of Service by Mail or Personal Delivery as described beginning in the section above, called "Scheduling a Hearing with Notice."

C. Responding to a Motion and Declaration to Present Oral Testimony

If the other party files a motion to present oral testimony, you should file a response to tell the court whether or not you agree with the request.

You must file and serve your response by the deadline for responding to the motion. In most counties, you must serve the court and the other parties with your response to a motion no later than 4:30 p.m. on the day before your hearing. However, many counties have different deadlines. If you don't know what your deadline is, contact your Family Law Facilitator or Court Clerk's office and ask. Then fill out, file, and serve the Response re: Oral Testimony form, and, if you don't want oral testimony, a proposed Order re Oral testimony. (Instructions for the Order form are above.)

1. Response re: Oral Testimony – DRPSCU 06.0520

Caption. Fill in the caption.

Write your name in the blank. Check the first box if you agree that oral testimony is needed, and the second if you don't agree that oral testimony is needed.

If you don't want oral testimony, in the blank space, write the reasons you don't think oral testimony is necessary.

Sign and date the form at the bottom and print your name.

In counties that require proposed orders, you also need to file and serve a proposed Order re Oral testimony if you disagree with the motion. Prepare the order to show the decision you want the judge to make. Use the Order re Oral Testimony form in this packet. If you object to oral testimony, check the box in the Findings, showing that oral testimony isn't necessary, and check the box denying the motion in the order paragraph.

2. Filing and serving your Response re: Oral Testimony

File your Response: re Oral Testimony with the clerk. Provide a copy of your Response and any proposed Order re Oral Testimony to the judge as working papers (see "Delivering Working Papers" section above. To serve your response to the motion for oral testimony, and proposed orders follow the steps in the section called "Giving Your Papers to the Other Party by Mail or Personal Delivery."

3. Going to the motion hearing.

Make sure that you attend the hearing on the motion for oral testimony, if there is one. For tips on going to the motion hearing, see the general suggestions in the "Going to Your Default Hearing" section, above. At or after the motion hearing, learn the local procedures for scheduling your trial. (See also the next section of this packet.)

D. Scheduling your trial

In some counties, when you file your child support modification, the clerk will give you a Case Schedule, which will automatically set your trial date and time. Depending upon the county, you may not need to file a request to schedule a hearing if you have a case schedule. However, you should read the schedule and follow the deadlines on it. (Examples: the schedule will tell you when you must file your trial affidavit and other materials for trial, and when the other parent needs to respond.) If you have a case schedule, follow it and skip this section.

In many counties, after you've filed your support modification case and the other parent has filed an answer, you must ask the court to schedule your final trial date. In some counties, you may be able to call to talk with the clerk, judge's bailiff or other staff person to schedule the trial. In other counties, you may need to file a written request for a trial. Check with your court clerk's office for more information about how to schedule a final child support modification trial in your county. Unless the judge has signed an order granting a trial with oral testimony, tell the clerk that you're scheduling a *child support trial by affidavit*.

◆ If possible, check with the other parent or parent's attorney before scheduling the hearing, to find out that person's availability. The judge may require you to do this before the hearing can be scheduled, and this saves you any problems with trying to reschedule later.

1. Request to Schedule Hearing Form

Use this form if you must make a written request for a hearing. Not all counties use this form. Call your court clerk or family law facilitator to see if this is the form you should use to schedule your hearing.

Caption. Fill in the caption.

Basis. Write your name in the blank.

Signature. Sign the form as requesting party. Also sign under the appropriate heading for petitioner or respondent (if you don't know whether you're the petitioner or respondent, look at the caption).

Write in the address you're using for the court and other party to contact you in this case. Also write in the address and name of the other parent.

Ask the other parent to sign the form. You may submit it even if the other parent won't sign.

Make two copies of the form (make more than two copies if there is more than one other party in your case). Take the original and the two copies to the clerk's office in the county where your modification is filed. Give the original of the form to the clerk and ask the clerk to stamp the date of filing on your copies. The clerk may give you a trial date right away, or may say that you and the other parties will get written notice of a trial date. Mail a conformed copy of the form to the other party. If the clerk gives you a trial date right away, use the Notice of Hearing (Support Modification) form, or your county's notice form, to tell the other party the date, time and location of the trial.

2. Notice of Hearing (Support Modification) form

Use this form if you schedule the trial with the clerk and you must give the other parent or parties notice of the trial date, time and location.

Caption. Fill in the caption.

Next to "TO:" fill in the names of every other party to the case.

Fill in the date, time and place (court, courtroom number) of the hearing.

Signature. Sign and date the form.

Make at least two copies of the form. Take the original and the copies to the clerk's office in the courthouse where your modification is filed. Give the original to the court clerk and ask the clerk to stamp the date of filing on your copies.

Have a copy of this form mailed to the other parties using the procedures for mailing or personal delivery in the section "Giving the Papers to the Other Party by Mail or Personal Delivery." Make sure it gets to them in plenty of time before the deadline. Have your server fill out the Certification of Service by Mail or Personal Delivery form and file it.

Keep a copy for your records

E. Filing and serving your papers for trial by affidavit

Because most child support modification trials are decided "by affidavit," you must give the judge and the other parties all of the papers before the trial. Anything that you don't give to the court in writing may not be considered.

For your trial papers, you'll want to provide the judge and the other party with all of the final child support forms (proposed orders, findings) that you filled out from this packet, as well as copies of the following papers (most are in the packets [Filing a Petition to Modify a Child Support Court Order](#) or [Responding to a Modification of Your Child Support Court Order](#)):

- Petition for Child Support Modification (if you filed the case) or the Response to Petition (if you're responding)
- Return of Service (if you filed the modification)
- Financial Declaration
- Sealed Financial Source Documents form with your financial documentation attached
- Child Support worksheets
- Declarations (your own and from witnesses)

1. Declaration Form - WPF DRPSCU 01.0100

a) Introduction

You'll prepare a declaration for yourself to explain to the court why you're asking for a support modification (or why you're opposing it). The declaration is your chance to tell your side of the story. Include any information that you want the judge to consider in making his/her decision about your request for a modification.

The Declaration form can be used to tell the court more details about why you need to change your child support (or why you don't want support changed). You can also ask other witnesses to write statements on this form that you'd like to use in court. Fill out the caption on this form and make several copies of it before you fill out the rest, in case you must use them.

b) Using this form for yourself

Whether you're filing or responding to a petition for modification of support, it's a good idea for you to fill out a declaration. This declaration is your chance to help the court understand your financial situation and why you want (or don't want) a support modification. Remember: in most support modifications, you get no chance to testify. Use the declaration to tell the judge what you believe the judge needs to know.

Sometimes it helps the judge if you use headings at the top of each paragraph. Example: write *Why I Need a Modification, My Financial Situation, The Other Parent's Financial Situation*, etc.

Consider carefully what details to include. Try to keep the declaration short. The judge might not have time to read something that is too long, and some counties limit the number of pages or number of declarations that you can file.

c) Using the Declaration form for witnesses

Try to get other people to write declarations for you, too. Think about anyone else who knows important facts about your case.

Example: if you work a 33 hour week and that is considered full time at your company, try to get a declaration from your employer or supervisor explaining that.

Another example: if the other parent is asking that support be reduced, but a friend of yours recently saw the other parent driving a brand new expensive car - try to get a declaration from that friend.

And/or use declarations to ask doctors or counselors to state the reasons why the children have special needs for certain expenses, or from your daycare provider about the amount that daycare costs.

A witness may write or type a letter instead of writing on the declaration form. However, then the witness must sign a declaration form that says "see attached letter." Also, any attachments must meet the format rules for court papers, or the court clerk may reject the papers. (See the format rules in the "General Instructions" section.) The witness must sign the last part of the declaration that certifies the statement is made under penalty of perjury, or the court may not consider it.

d) Some brief rules about witness Declarations

Put the most important points at the beginning. Less important points should come later.

Base the statement on the writer's own personal knowledge (what s/he saw or experienced firsthand), not what someone else told the writer. Exception: the writer may talk about what one of the other parties has said.

The writer should explain how well s/he knows you or the people s/he is writing about, how often s/he sees the people, and in what situations. Example: "Mr. Jones has worked for me at Acme Plumbing for 15 years. I see him almost every day at the office. In addition, because our sons are on competing soccer teams, I have seen him coaching his son's games three or four times this season. I've been invited into his home a two or three times for dinner with his family over the years I've known him."

The writer must type the declaration or print it neatly in **black or dark blue ink**. (A few courts require that all declarations be typed.) If the declaration is difficult to read, the judge may not try.

Don't make the declarations too long.

Stick to the issues the judge will be deciding. Be specific on those issues.

- Example: in a parenting dispute, general statements, such as “she is a bad mother,” or “the children are much happier now living with Mary,” aren't helpful. Instead, the declaration should describe specific things, and state when and where incidents occurred, such as, “I live on the same street as Joe. About a year ago, Joe knocked over our mailbox while driving. I ran out to the street to see what had happened. Joe was standing next to his car. I smelled liquor on his breath. I've seen him weaving down the road in his car three other times this year.”
- In a child support dispute without parenting issues, the statement above may not be relevant to the issues before the court. If it's not relevant, don't include it.

Attach extra pages to the declaration if you need more space. However, make sure that the writer of the declaration signs and dates the declaration in the space that says “I declare under penalty of perjury...” Your extra pages should also have margins of at least one inch, and you should number all the pages at the bottom.

Some courts (such as King Co.) limit the number of pages that you can file with a motion or response. Check your local rules, or ask the court clerk's office or the facilitator.

If you attach documents to declarations, such as printouts of bills, school records, medical or treatment records, police records, etc., refer to them in the declaration and call the attached documents exhibits and number them Exhibit Number 1, Exhibit Number 2, etc.

- If the papers to be attached don't require a sealed cover sheet (see the General Instructions section if you're not sure), staple them to the declaration.
- If the papers to be attached do have personal medical or mental health information, or financial records, or confidential court reports, write an exhibit number or letter on each paper that will be attached. When the person writing the declaration mentions that paper, they should use that exhibit number or letter & write it's “filed with the Sealed Personal Health Care Records cover sheet on _____ (date).” Don't staple the paper to the declaration. Instead, attach the paper to the appropriate Sealed Cover Sheet form before you file and serve it.

The sealed cover sheet forms are described elsewhere in this packet. (Also see the General Instructions section about the types of papers to keep out of the public file.)

If the declaration talks about personal medical or mental health information, or financial records, attach the declaration to the appropriate Sealed Cover Sheet form before you file and serve it. The sealed cover sheet forms are described elsewhere in this packet. (Also see the General Instructions section of this packet about the types of papers to keep out of the public file.)

e) Filling out the Declaration form

Caption.

Fill out the caption and make as many copies of this form as you'll need before any other

information is added. This way, you'll have blank forms with just the caption on them, so that you may give a copy to each witness to fill out and have one for you to use, where necessary.

On the right side of the caption, after the words "declaration of..." write in the witness's name.

This declaration is made by.

Write in the name, age and the relationship to the parties in the case (example: "Maria Garcia" "29," "petitioner's friend," mother's counselor," "child's daycare provider") in the blanks.

Blank Lines

On the blank lines, after the words "I declare," the person writing the declaration should type or print neatly in black ink the information that s/he wants to tell the judge. (A few courts require all declarations to be typed.) Follow the suggestions in the paragraphs above.

Signature Line

Have the witness date and sign at the signature line, and print his/her name and the city and state where s/he signed the declaration. Declarations don't have to be notarized because the witness is swearing the statements are true under the penalty of perjury.

2. Filing and Serving Your Papers for Trial by Affidavit

Make at least three complete copies of each form or document you plan to give to the judge to read for trial by affidavit. Then sort the copies into three complete sets of your papers, with each set having a copy of each form (and the original forms all in the set that you'll file with the clerk).

Keep one set of papers for yourself. Take that complete set, any papers that the other party sent to you in response, and the originals of your proposed final orders, to the hearing with you.

Use the second set for service on the other party. Before your local deadline for service, you must have the second set of papers mailed or personally delivered to the other party. Use the mailing/delivery procedures described in this packet. You may have the papers mailed by regular mail, but it's better to also have a copy sent by certified mail so that you'll have proof that it was sent. (If certified mail is used, bring your green certified mail receipt with you to the trial.)

Use the third set for working papers (required in some counties, and we recommend you use them even if not required), or bring them to the hearing to give to the judge to read.

3. Working Papers and Confirming Your Trial Date

In some counties, there may be a special judges' mailroom where you should take the papers. In other counties, you may need to take the papers to the judge's clerk. You may need to deliver the papers to the judge by a certain date and time. Call your Family Law Facilitator or court clerk for more information.

In some counties, you may also have to call and confirm the trial. **IF YOU DON'T GIVE THE JUDGE WORKING PAPERS AND DON'T CONFIRM YOUR TRIAL IN A COUNTY WHERE REQUIRED, YOUR TRIAL MAY BE CANCELLED, OR THE JUDGE MIGHT NOT CONSIDER ANY OF YOUR PAPERS.** Check your local court rules, or contact your Family Law Facilitator or clerk's office for more information.

F. Responding to the other party's trial by affidavit papers

The other party may respond in writing to your trial papers before the trial. If the other party sends no response, go to the trial anyway. If the other party doesn't show up, you may be able to get a default judgment. (See "Going to the Trial", below.) If the other party comes to the trial, tell the judge that the other party didn't send you a written response on time. The judge may decide not to consider the other party's papers, or may reschedule the trial to a later date.

Read the other party's papers carefully. If you get no chance to file a reply, then be prepared to tell the judge what you don't agree with at trial.

Filing a Reply. In some counties, you'll have a chance to file a written Reply to the other party's trial by affidavit papers.

Use the Declaration form to write your reply. Write Declaration of (Petitioner or Respondent) In Reply under the title of the declaration form. In the declaration, explain what you disagree with in the other party's papers, and why. You can't bring up new issues. Respond only to things that the other party talks about in their response. If needed, give the court additional papers or declarations from other witnesses.

When you've completed your declaration, make a copy of it (and every other paper that you need to respond to the other party's response) for each of the other parties, yourself, and the judge (if you need working papers).

File a set of the papers with the court clerk. Have the clerk stamp the copy that you keep, to prove when you filed it.

Deliver a set of the papers to each of the other parties (and to the judge if you need working papers – see the instructions for working papers, above). **Make sure to file and serve the papers by the deadline for your reply.** Check with your Family Law Facilitator, court clerk, or local rules for the reply deadline. If you don't serve your reply by the deadline, the judge may not read it.

G. Going to the trial by affidavit

- **If the Other Party Gets an Attorney.** If at any time before the trial another party's attorney contacts you or shows up at trial, you may decide to get an attorney yourself. If so, tell the attorney and the court that you need to postpone (continue) your trial. Don't panic. The attorney may ask you to sign some documents. Don't sign any documents you don't understand. Until you're certain that your trial has been postponed, you still need to be prepared to go to your trial on the original date in case your request for a postponement is denied.
- **Prepare for the Trial.** Try to go to court before the day of your trial and watch how the trials by affidavit are done. Make some notes to yourself about the main points that you want to make when you have a chance to talk during the trial.
- **Get to Your Trial Early.** Dress neatly and bring a pad of paper and black pen to write notes with. Bring your set of the papers, as well as your copies of any papers the other

parties gave you in response. It's better not to bring your children if you can help it – the judge will usually not let them sit in the courtroom. If you're not there on time, the trial will be cancelled (or the other party may win).

- **When You Get to the Courtroom.** When you get there, tell the person in charge in the courtroom (often called the clerk or the bailiff) your name and the name and number of your case. Take a seat. When the judge walks in the room, stand. When your case name is called, tell the court that you're present. Remain in court until your case is called for trial.

When you're told to come forward, do so and give the court the originals of Findings, Order on Modification, Order of Child Support, and Child Support Worksheets that you filled out.

- **Getting a Default Judgment.** If the other party doesn't appear, show the judge your Return of Service (or, if you're the non-requesting party, your Certificate of Mailing or Personal Delivery). Ask the judge to sign your orders. Tell the clerk or bailiff that you need a copy of the final orders.
- **Presenting Your Case.** If the other party shows up at the trial, each of you will have a chance to tell your side of the case. Stand while speaking. Tell the judge briefly what you want and why. Try to keep your argument short. Outline only your main points. In most cases, the judge will have read your papers before the trial so don't repeat everything that is in your papers. Try to make notes to use at the trial.
- **DON'T INTERRUPT THE JUDGE.**
- **Hearing the Judge's Decision.** After the judge has heard both sides, s/he'll make a decision. Listen carefully and make notes. The judge may make changes to the orders you prepared, or s/he may direct you, the other party, or the other party's attorney to do it. If the other party's attorney makes changes to the orders, read them carefully and make sure that they say what the judge said. If you're not sure about any of the changes, don't sign the orders. Ask the attorney to go back before the judge to make sure that the order says what the judge said.

Usually you want to have your court orders signed the day of your hearing. Some counties require they be signed before the parties leave the courthouse.

- **Getting Copies of the Orders.** Make sure you get a copy of the orders as signed by the judge. Ask the clerk how to do this. The clerk may give you the originals and tell you to go make copies in the library or at the clerk's office. **DON'T LEAVE THE COURTHOUSE WITH OR CHANGE OR DESTROY COURT ORDERS THAT HAVE BEEN SIGNED BY THE JUDGE.** If you don't know what to do with the originals, ask someone at the clerk's office to help you.

Make sure the other parties to your trial also get a copy of the orders the judge signed.. Use the Certificate of Mailing or Personal Delivery procedure.

H. If You Disagree with the Court's Order:

If you disagree with the court's decision on the motion, you may have a chance to appeal. There are three possibilities, listed below. Try to talk with an attorney before deciding what to do.

- Motion for Reconsideration. If a court commissioner or judge decided the motion, and you believe that there is new evidence or another legal reason that could change the commissioner or judge's mind, you may file a Motion for Reconsideration. See [CR 59\(a\)](#). You have 10 days from the date the court signed the order to file a Motion for Reconsideration.¹⁹ Local court rules may require you to also serve the other parties within the same deadline – if you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Reconsideration aren't usually easy to win. Consult with an attorney, if possible, before filing one.
- Motion for Revision. If a court commissioner decided the motion, and you don't want to try to give that commissioner more evidence, you may file a Motion for Revision. A motion for revision is heard by a judge, who can hold a "new hearing" on the evidence that the commissioner considered. You have 10 days from the date the court commissioner signed the order to file a Motion for Revision.²⁰ Local court rules may require you to also serve the other parties within the same deadline – if you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Revision aren't usually easy to win. Consult with an attorney, if possible, before filing one.
- If you choose not to file either of the above motions or if you lose these motions, then your only remedy is to file an appeal with the Court of Appeals (or, in some cases, a request for discretionary review) and properly notify the other parties. Generally, you have 30 days from the date the court signed the order to do this.²¹ However, there are other requirements for filing in the Court of Appeals, not all decisions can be appealed, and few cases are successful. Definitely talk with an attorney before filing an appeal/request for discretionary review.

◆ We don't yet have packets on how to file a Motion for Reconsideration, a Motion for Revision, or a Notice of Appeal. Check with your local court clerk or Family Law Facilitator to see if they have a packet.

¹⁹ [CR 59\(b\)](#).

²⁰ [RCW 2.24.050](#).

²¹ [Rules of Appellate Procedure \(RAP\) 5.2\(a\)](#).

Section 11: Blank Forms

The rest of this packet contains blank forms for you to complete. You may want to make a copy of each form so that you have an extra in case your first draft needs lots of changes. You may need forms from other packets, and you won't need all the forms in this packet.

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Findings/Conclusions on
Petition for Modification of
Child Support
(FNFL)**

I. Basis

These findings and conclusions are based upon:

- an order of default.
- an agreement of the parties.
- a contested hearing on affidavits only.
- a contested hearing at which testimony was presented by:

II. Findings and Conclusions

Based on the case record, the court ***finds*** and ***concludes*** that:

2.1 Jurisdiction

The court has proper jurisdiction over the parties and subject matter of this action for the reasons that follow:

- There is a Washington Order of Child Support.
- The nonrequesting party currently resides in the state of Washington.
- Other:

2.2 Incorporated Findings

The child support worksheet which has been approved by the court:

- is attached to these findings,
- has been initialed and filed separately,

and is incorporated by reference. The Order of Child Support signed by the court on this date or dated _____, is incorporated by reference as part of these findings.

2.3 Reasons for Modification

- The order of child support should not be modified because there has been no substantial change of circumstances and none of the statutory exceptions set forth in RCW 26.09.170 apply.
- The order of child support should be modified because:
 - The previous order was entered more than two years ago and there has been a change in the income of the parents.
 - (Name of child) _____ is in need of post secondary educational support because the child is in fact dependent and is relying upon the parents for the reasonable necessities of life.
 - (Name of child) _____ is a dependent adult child and support should be extended beyond his or her 18th birthday.
 - The previous order was entered by default.
 - The action was commenced by DSHS for a child who is receiving public assistance money and modification pursuant to RCW 26.09.170(8) is appropriate.
 - The previous order was entered more than a year ago and:
 - The order works a severe economic hardship.
 - The child has moved to a new age category for support purposes.
 - The child is still in high school and there is a need to extend support beyond the child's 18th birthday to allow the child to complete high school.
 - An automatic adjustment of support should be added consistent with RCW 26.09.100.
 - Either or both parents should be required to maintain or provide health insurance coverage consistent with RCW 26.09.105.
- There has been the following substantial change of circumstances since the order was entered (explain):
- Other:

2.4 Incremental Increase (RCW 26.09.170(9)(c))

- An incremental increase has not been requested.
- An incremental increase will not be ordered because the modification of the obligor's child support obligation is not greater than 30 percent or the change will not cause a significant hardship.
- An incremental increase should be ordered because the modification of the obligor's child support obligation is greater than 30 percent and the change will cause a significant hardship.

2.5 Attorney Fees and Costs

- Attorney's fees and costs have not been requested.
- Attorney's fees and costs should not be ordered because:

- Reasonable attorney's fees and costs should be ordered because:

2.6 Payment Plan

- Payments should be made to the Washington State Support Registry.
- An alternative payment plan should be ordered because the parties agree to an alternative payment plan and there are reasonable assurances that payments will be made in a regular and timely manner.

2.7 Starting Date of Modified Order

The modified child support order is effective as of this date or on (date) _____.

- The resulting overpayment underpayment of the child support should be ordered.

2.8 Other

Dated: _____

Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

Print or Type Name

Print or Type Name

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Order on Modification of
Child Support
(ORMDD)**

I. Basis

This order is based upon the findings and conclusions signed by the court.

II. Order

It is Ordered:

- The petition for modification of child support is denied.
- The petition for modification of child support is granted. The Order of Child Support signed by the court on this date or dated _____, and the child support worksheet, which has been approved by the court, are incorporated by reference as part of this order.
- Attorney fees, other professional fees and costs shall be paid as follows:
- Other:

Dated: _____

Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

Print or Type Name

Print or Type Name

**Superior Court of Washington
County of**

In re the Marriage of:
 In re the Domestic Partnership of:

and
Petitioner,

Respondent.

No.
Order of Child Support
 Temporary (TMORS)
 Final Order (ORS)
Clerk's Action Required

I. Judgment Summary

1.1 Judgment Summary for Non-Medical Expenses

- Does not apply.
- Applies as follows:
 - A. Judgment creditor _____
 - B. Judgment debtor _____
 - C. Principal judgment amount (back child support/other obligations) \$ _____
from (date) _____ through (date) _____
 - D. Interest to date of judgment \$ _____
 - E. Attorney fees \$ _____
 - F. Costs \$ _____
 - G. Other recovery amount \$ _____
 - H. Principal judgment shall bear interest at _____ % per annum
 - I. Attorney fees, costs and other recovery amounts shall bear interest at _____ % per annum
 - J. Attorney for judgment creditor _____
 - K. Attorney for judgment debtor _____
 - L. Other: _____

1.2 Judgment Summary for Medical Support

- Does not apply.

- Applies as follows:
- A. Judgment creditor _____
- B. Judgment debtor _____
- C. Judgment for medical support \$ _____
from (date) _____ through (date) _____
- D. Interest to date of judgment \$ _____
- E. Attorney fees \$ _____
- F. Costs \$ _____
- G. Principal judgment shall bear interest at _____ % per annum
- H. Attorney fees, costs and other recovery amounts shall bear interest at _____ % per annum
- I. Attorney for judgment creditor _____
- J. Attorney for judgment debtor _____
- K. Other _____

II. Basis

2.1 Type of Proceeding

This order is entered under a petition for dissolution of marriage or domestic partnership, legal separation, or declaration concerning validity:

- decree of dissolution, legal separation or a declaration concerning validity.
- order for modification of child support.
- hearing for temporary child support.
- order of adjustment.
- order for modification of a custody decree or parenting plan.
- other:

2.2 Child Support Worksheet

The child support worksheet which has been approved by the court is attached to this order and is incorporated by reference or has been initialed and filed separately and is incorporated by reference.

2.3 Other

III. Findings and Order

It Is Ordered:

3.1 Child(ren) for Whom Support is Required

Name (first/last)

Age

3.2 Person Paying Support (Obligor)

Name (first/last):

Birth date:

Service Address: (You may list an address that is not your residential address where you agree to accept legal documents.)

The Obligor Parent Must Immediately File With the Court and the Washington State Child Support Registry, and Update as Necessary, the Confidential Information Form Required by RCW 26.23.050.

The Obligor Parent Shall Update the Information Required by Paragraph 3.2 Promptly After any Change in the Information. The Duty to Update the Information Continues as long as any Support Debt Remains due Under This Order.

For purposes of this Order of Child Support, the support obligation is based upon the following income:

A. Actual Monthly Net Income: \$ _____.

OR

B. Monthly net income after exclusion requiring findings:

Actual monthly gross income \$ _____ from which the court excludes \$ _____ because the court finds that the obligor earned that income from overtime or from second jobs beyond 40 hours per week averaged over a 12-month period to:

provide for a current family's needs; or

retire past relationship debts; or

retire child support debt; and

that the income will cease when the obligor has paid off his or her debts.

Monthly net income after allowed exclusion: \$ _____.

OR

C. The net income of the obligor is imputed at \$ _____ because:

the obligor's income is unknown.

the obligor is voluntarily unemployed.

the obligor is voluntarily underemployed.

The amount of imputed income is based on the following information in order of priority. The court has used the first option for which there is information:

current rate of pay.

reliable historical rate of pay information.

- Past earnings when there is incomplete or sporadic information of the parent's past earnings.
- minimum wage in the jurisdiction where the parent lives at full-time earnings because the parent:
 - has a recent history of minimum wage jobs,
 - recently came off public assistance, general assistance-unemployable, supplemental security income, or disability
 - was recently released from incarceration, or
 - is a high school student.
- Median Net Monthly Income Table.

Other:

3.3 Person Receiving Support (Obligee)

Name (first/last):

Birth date:

Service Address: (You may list an address that is not your residential address where you agree to accept legal documents.)

The Obligee Must Immediately File With the Court and the Washington State Child Support Registry and Update as Necessary the Confidential Information Form Required by RCW 26.23.050.

The Obligee Shall Update the Information Required by Paragraph 3.3 Promptly After any Change in the Information. The Duty to Update the Information Continues as Long as any Monthly Support Remains Due or any Unpaid Support Debt Remains Due Under This Order.

For purposes of this Order of Child Support, the support obligation is based upon the following income:

A. Actual monthly Net Income: \$ _____.

OR

B. Monthly net income after exclusion requiring findings:

Actual monthly gross income \$ _____ from which the court excludes \$ _____ because the court finds that the obligee earned that income from overtime or from second jobs beyond 40 hours per week averaged over a 12-month period to:

provide for a current family's needs; or

- retire past relationship debts; or
 - retire child support debt; and
- that the income will cease when the obligee has paid off his or her debts.

Monthly net income after allowed exclusion: \$_____.

OR

C. The net income of the obligee is imputed at \$_____ because:

- the obligee's income is unknown.
- the obligee is voluntarily unemployed.
- the obligee is voluntarily underemployed.

The amount of imputed income is based on the following information in order of priority. The court has used the first option for which there is information:

- current rate of pay;
- reliable historical rate of pay information;
- Past earnings when there is incomplete or sporadic information of the parent's past earnings;
- minimum wage in the jurisdiction where the parent lives at full-time earnings because the parent:
 - has a recent history of minimum wage jobs;
 - recently came off public assistance, general assistance-unemployable, supplemental security income; or disability
 - was recently released from incarceration, or
 - is a high school student;
- Median Net Monthly Income Table.

Other:

The obligor may be able to seek reimbursement for day care or special child rearing expenses not actually incurred. RCW 26.19.080.

3.4 Service of Process

Service of Process on the Obligor at the Address Required by Paragraph 3.2 or any Updated Address, or on the Obligee at the Address Required by Paragraph 3.3 or any Updated Address, may Be Allowed or Accepted as Adequate in any Proceeding to Establish, Enforce or Modify a Child Support Order Between the Parties by Delivery of Written Notice to the Obligor or Obligee at the Last Address Provided.

3.5 Transfer Payment

The obligor parent shall pay the following amounts per month for the following child(ren):

<u>Name</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Monthly Transfer Amount	\$ _____

The parents' combined monthly net income exceeds \$12,000 and the court sets child support in excess of the presumptive amount for \$12,000 because:

The court finds that the obligor's child support obligations owed for all his or her biological or legal children exceeds 45% of his or her net income and it is just unjust to apply the 45% limitation based upon the best interests of the child(ren) and the circumstances of each parent as follows:

If one of the children changes age brackets, the child support shall be as follows:

This is a downward modification that has caused an overpayment of \$ _____. This amount shall be repaid or credited as follows:

This is an upward modification that has caused an underpayment of \$ _____. This amount shall be paid as follows:

Other:

The Obligor Parent's Privileges to Obtain or Maintain a License, Certificate, Registration, Permit, Approval, or Other Similar Document Issued by a Licensing Entity Evidencing Admission to or Granting Authority to Engage

in a Profession, Occupation, Business, Industry, Recreational Pursuit, or the Operation of a Motor Vehicle may Be Denied or may Be Suspended if the Obligor Parent is not in Compliance With This Support Order as Provided in Chapter 74.20A Revised Code of Washington.

3.6 Standard Calculation

\$ _____ per month. (See Worksheet line 17.)

3.7 Reasons for Deviation From Standard Calculation

- The child support amount ordered in paragraph 3.5 does not deviate from the standard calculation.
- The child support amount ordered in paragraph 3.5 deviates from the standard calculation for the following reasons:
 - Income of a new spouse or new domestic partner of the parent requesting a deviation for other reasons;
 - Income of other adults in the household of the parent requesting a deviation for other reasons;
 - Child support actually paid or received for other child(ren) from other relationships;
 - Gifts;
 - Prizes;
 - Possession of wealth;
 - Extraordinary income of child(ren);
 - Tax planning which results in greater benefit to the child(ren);
 - Income from overtime or second jobs that was excluded from income of the parent requesting a deviation for other reasons;
 - A nonrecurring source of income;
 - Extraordinary debt not voluntarily incurred;
 - A significant disparity in the living costs of the parents due to conditions beyond their control;
 - Special needs of disabled child(ren);
 - Special medical, educational, or psychological needs of the child(ren);
 - The child(ren) spend(s) a significant amount of time with the parent who is obligated to make a support transfer payment. The deviation does not result in insufficient funds in the receiving parent's household to meet the basic needs of the child(ren). The child(ren) do(es) not receive public assistance;
 - Child(ren) from other relationships;
 - Costs incurred or anticipated to be incurred by the parents in compliance with court-ordered reunification efforts or under a voluntary placement agreement with an agency supervising the child(ren);
 - The obligor has established that it is unjust to apply the presumptive minimum payment of \$50.00 per child;
 - The obligee has established that it is unjust to apply the self-support reserve.
 - Other reason(s) for deviation:

The factual basis for these reasons is as follows:

3.8 Reasons why Request for Deviation Was Denied

- Does not apply. A deviation was ordered.
- A deviation was not requested.
- The deviation sought by the obligor obligee was denied because:
 - no good reason exists to justify deviation.
 - other: _____

3.9 Starting Date and Day to Be Paid

Starting Date: _____
Day(s) of the month support is due: _____

3.10 Incremental Payments

- Does not apply.
- This is a modification of child support. Pursuant to RCW 26.09.170 (9)(a) and (c), the obligation has been modified by more than 30 percent and the change would cause significant hardship. The increase in the child support obligation set forth in Paragraph 3.5 shall be implemented in two equal increments, one at the time of this order and the second on (date) _____ six months from the entry of this order.

3.11 Making Support Payments

Select Enforcement and Collection, Payment Services Only, or Direct Payment:

- Enforcement and collection: The Division of Child Support (DCS) provides support enforcement services for this case because: this is a public assistance case, this is a case in which a parent has requested services from DCS, a parent has **signed** the application for services from DCS **on the last page of this support order**. (Check all that apply.) Support payments shall be made to:

Washington State Support Registry
P. O. Box 45868
Olympia, WA 98504
Phone: 1-800-922-4306 or
1-800-442-5437

- Payment services only: The Division of Child Support will process and keep a record of all payments but will not take any collection action. Support payments shall be made to:

Washington State Support Registry
P. O. Box 45868
Olympia, WA 98504
Phone: 1-800-922-4306 or
1-800-442-5437

- Direct Payment: Support payments shall be made directly to:

Name _____
Mailing Address _____

A party required to make payments to the Washington State Support Registry will not receive credit for a payment made to any other party or entity. The obligor parent shall keep the registry informed whether he or she has access to health insurance coverage at reasonable cost and, if so, to provide the health insurance policy information.

Any time the Division of Child Support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child(ren).

3.12 Wage Withholding Action

Withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the obligor parent at any time after entry of this order unless an alternative provision is made below:

[If the court orders immediate wage withholding in a case where Division of Child Support does not provide support enforcement services, a mandatory wage assignment under Chapter 26.18 RCW must be entered and support payments must be made to the Support Registry.]

- [] Wage withholding, by notice of payroll deduction or other income withholding action under Chapter 26.18 RCW or Chapter 74.20A RCW, without further notice to the obligor, is delayed until a payment is past due, because:
- [] the parties have reached a written agreement that the court approves that provides for an alternate arrangement.
 - [] the Division of Child Support provides support enforcement services for this case [see 3.11] and there is good cause [as stated below under "Good Cause"] not to require immediate income withholding which is in the best interests of the child(ren) and, in modification cases, previously ordered child support has been timely paid.
 - [] the Division of Child Support does not provide support enforcement services for this case [see 3.11] and there is good cause [as stated below under "Good Cause"] not to require immediate income withholding.

Good Cause:

3.13 Termination of Support

Support shall be paid:

- provided that this is a temporary order, until a subsequent child support order is entered by this court.
- until the child(ren) reach(es) the age of 18 or as long as the child(ren) remain(s) enrolled in high school, whichever occurs last, except as otherwise provided below in Paragraph 3.14.
- until the child(ren) reach(es) the age of 18, except as otherwise provided below in Paragraph 3.14.
- after the age of 18 for (name) _____ who is a dependent adult child, until the child is capable of self-support and the necessity for support ceases.
- until the obligation for post secondary support set forth in Paragraph 3.14 begins for the child(ren).
- Other:

3.14 Post Secondary Educational Support

- The right to petition for post secondary support is reserved, provided that the right is exercised before support terminates as set forth in paragraph 3.13.
- The parents shall pay for the post secondary educational support of the child(ren). Post secondary support provisions will be decided by agreement or by the court.
- No post secondary educational support shall be required.
- Other:

3.15 Payment for Expenses not Included in the Transfer Payment

- Does not apply because all payments, except medical, are included in the transfer payment.
- The petitioner shall pay _____% and the respondent _____% (each parent's proportional share of income from the Child Support Schedule Worksheet, line 6) of the following expenses incurred on behalf of the child(ren) listed in Paragraph 3.1:)
 - day care.
 - educational expenses.
 - long distance transportation expenses.
 - other:

Payments shall be made to the provider of the service the parent receiving the transfer payment.

- The obligor shall pay the following amounts each month the expense is incurred on behalf of the child(ren) listed in Paragraph 3.1:
 - day care: \$ _____ payable to the day care provider other parent;
 - educational expenses: \$ _____ payable to the educational provider other parent;
 - long distance transportation: \$ _____ payable to the transportation provider other parent.

other:

3.16 Periodic Adjustment

- Does not apply.
- Child support shall be adjusted periodically as follows:

Other:

3.17 Income Tax Exemptions

- Does not apply.
- Tax exemptions for the child(ren) shall be allocated as follows:
 - The parents shall sign the federal income tax dependency exemption waiver.
 - Other:

3.18 Medical Support – Health Insurance

Each parent shall provide health insurance coverage for the child(ren) listed in paragraph 3.1, as follows:

3.18.1 Health Insurance (either check box A, or complete sections B and C)

- A. There is insufficient evidence for the court to determine which parent must provide coverage and which parent must contribute a sum certain. Therefore, the court is not specifying how insurance coverage shall be provided. The petitioner's and respondent's medical support obligations may be enforced by the Division of Child Support or the other parent under RCW 26.18.170 as described in paragraph 3.18.2, below.

OR

- B. Findings about insurance:

25% of the petitioner's basic support obligation is \$_____, (from line 19 of the Worksheets). 25% of the respondent's basic support obligation is \$_____, (from line 19 of the Worksheets).

- Insurance coverage for the child(ren) is available and accessible to:
 - the petitioner at \$_____ cost (child(ren)'s portion of the premium, only); and/or
 - the respondent at \$_____ cost (child(ren)'s portion of the premium, only).
- Insurance coverage for the child(ren) is available but not accessible to:
 - the petitioner at \$_____ cost (child(ren)'s portion of the premium, only) and/or
 - the respondent at \$_____ cost (child(ren)'s portion of the premium, only).

- Neither parent has available or accessible insurance through an employer or union; but:
 the petitioner is able to provide private coverage at a cost not to exceed 25% of the petitioner's basic support obligation; and/or
 the respondent is able to provide private coverage at a cost not to exceed 25% of the respondent's basic support obligation.
- Both parties have available and accessible coverage for the child(ren). The court finds that:
 the petitioner, or
 the respondent
 has better coverage considering the needs of the child(ren), the cost and extent of each parent's coverage, and the accessibility of the coverage.

AND

C. Parties' obligations:

- (i) Petitioner shall:
- a. Provide health insurance coverage for the child(ren) that is available through employment or is union-related so long as the cost of such coverage does not exceed 25% of the petitioner's basic support obligation.
- b. Provide health insurance coverage for the child(ren) that is available through employment or is union-related even though the cost of such coverage exceeds 25% of the petitioner's basic support obligation. It is in the best interests of the child(ren) to provide such coverage despite the cost **because**:
- c. Provide private health insurance coverage for the child(ren) so long as the cost of such coverage does not exceed 25% of the petitioner's basic support obligation.
- d. Pay \$_____ towards the health insurance premium being paid by the other parent (petitioner's proportionate share of the premium, not to exceed 25% of the petitioner's basic support obligation). This payment is only required if the petitioner is not providing insurance as described above.
- e. Be excused from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the premium **because** (check this box **only** if check box C(ii)(e) is not checked below):

(ii) Respondent shall:

- a. Provide health insurance coverage for the child(ren) that is available through employment or is union-related so long as the cost of such coverage does not exceed 25% of the respondent's basic support obligation.
- b. Provide health insurance coverage for the child(ren) that is available through employment or is union-related even though the cost of such coverage exceeds 25% of the respondent's basic support obligation. It is in the best interests of the child(ren) to provide such coverage despite the cost **because**:
- c. Provide private health insurance coverage for the child(ren) so long as the cost of such coverage does not exceed 25% of the respondent's basic support obligation.
- d. Pay \$_____ towards the health insurance premium being paid by the other parent (respondent's proportionate share of the premium, not to exceed 25% of the respondent's basic support obligation). This payment is only required if the respondent is not providing insurance as described above.
- e. Be excused from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the premium **because** (check this box **only** if check box C(i)(e) is not checked above):

(iii) Both parties' obligation:

If the child(ren) are receiving state financed medical coverage, the Division of Child Support may enforce the responsible parent's monthly premium.

The parent(s) shall maintain health insurance coverage, if available for the child(ren) listed in paragraph 3.1, until further order of the court or until health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

A parent who is required under this order to provide health insurance coverage is liable for any covered health care costs for which that parent receives direct payment from an insurer.

A parent who is required under this order to provide health insurance coverage shall provide proof that such coverage is available or not available within 20 days of the entry of this order to the other parent or the Washington State Support Registry if the parent has been notified or ordered to make payments to the Washington State Support Registry.

If proof that health insurance coverage is available or not available is not provided within 20 days, the parent seeking enforcement or the Department of Social and Health Services may seek direct enforcement of the coverage through the other parent's employer or union without further notice to the other parent as provided under Chapter 26.18 RCW.

3.18.2 Change of Circumstances and Enforcement

A parent required to provide health insurance coverage must notify both the Division of Child Support and the other parent when coverage terminates.

If the parents' circumstances change, or if the court has not specified how medical support shall be provided, the parents' medical support obligations will be enforced as provided in RCW 26.18.170. If a parent does not provide proof of accessible coverage for the child(ren) through private insurance, a parent may be required to satisfy his or her medical support obligation by doing one of the following, listed in order of priority:

- 1) Providing or maintaining health insurance coverage through the parent's employment or union at a cost not to exceed 25% of that parent's basic support obligation;
- 2) Contributing the parent's proportionate share of a monthly premium being paid by the other parent for health insurance coverage for the child(ren) listed in paragraph 3.1 of this order, not to exceed 25% of the obligated parent's basic support obligation; or
- 3) Contributing the parent's proportionate share of a monthly premium paid by the state if the child(ren) receives state-financed medical coverage through DSHS under RCW 74.09 for which there is an assignment.

A parent seeking to enforce the obligation to provide health insurance coverage may apply for support enforcement services from the Division of Child Support; file a motion for contempt (use form WPF DRPSCU 05.0100, Motion/Declaration for an Order to Show Cause re Contempt); or file a petition.

3.19 Uninsured Medical Expenses

Both parents have an obligation to pay their share of uninsured medical expenses.

The petitioner shall pay _____% of uninsured medical expenses (unless stated otherwise, the petitioner's proportional share of income from the Worksheet, line 6) and the respondent shall pay _____% of uninsured medical expenses (unless stated otherwise, the respondent's proportional share of income from the Worksheet, line 6).

3.20 Back Child Support

- No back child support is owed at this time.
- Back child support that may be owed is not affected by this order.
- (Name) _____ is awarded a judgment against (name) _____ in the amount of \$ _____ for back child support for the period from (date) _____ through (date) _____.
- No back interest is owed at this time.
- Back interest that may be owed is not affected by this order.

(Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for back
interest for the period from (date) _____ through (date) _____.

Other:

3.21 Past Due Unpaid Medical Support

No past due unpaid medical support is owed at this time.

Unpaid medical support that may be owed is not affected by this order.

(Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for past due
unpaid medical support for the period from (date) _____ through (date) _____.

No back interest is owed at this time.

Back interest that may be owed is not affected by this order.

(Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for back
interest for the period from (date) _____ through (date) _____.

Other:

3.22 Other Unpaid Obligations

No other obligations are owed at this time.

Other obligations that may be owed are not affected by this order.

(Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for child
care ordered contributions to extracurricular activities long distance transportation
costs educational expenses post secondary other _____
for the period from (date) _____ through (date) _____.

No back interest is owed at this time.

Back interest that may be owed is not affected by this order.

(Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for back
interest for the period from (date) _____ through (date) _____.

Other:

3.23 Other

Dated: _____

Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

Print Name

Print Name

- I apply for full support enforcement services from the DSHS' Division of Child Support (DCS). (Note: If you never received TANF, tribal TANF, or AFDC, an annual \$25 fee applies if over \$500 is disbursed on a case, unless the fee is waived by DCS.)

Signature of Party

- Approval required in Public Assistance cases. The DSHS' Division of Child Support received notice required by RCW 26.23.130. This order has been reviewed and approved as to:

- Current Child Support
- Back Child Support
- Medical Support
- Other:

Deputy Prosecuting Attorney/WSBA No.

- Does not apply.
- Applies as follows:
 - A. Judgment creditor _____
 - B. Judgment debtor _____
 - C. Judgment for medical support \$ _____
 from (date) _____ through (date) _____
 - D. Interest to date of judgment \$ _____
 - E. Attorney fees \$ _____
 - F. Costs \$ _____
 - G. Principal judgment shall bear interest at _____ % per annum
 - H. Attorney fees, costs and other recovery amounts shall bear interest at _____ % per annum
 - I. Attorney for judgment creditor _____
 - J. Attorney for judgment debtor _____
 - K. Other _____

II. Basis

2.1 Type of Proceeding

This order is entered under a petition for establishment of parentage:

- judgment and order on petition for establishment of parentage and granting other relief.
- order for modification of child support.
- hearing for temporary child support.
- order of adjustment.
- order for modification of a custody decree or parenting plan.
- other:

2.2 Child Support Worksheet

The child support worksheet which has been approved by the court is attached to this order and is incorporated by reference or has been initialed and filed separately and is incorporated by reference.

2.3 Other

III. Findings and Order

It is Ordered:

3.1 Child(ren) for Whom Support is Required

<u>Name (first/last)</u>	<u>Age</u>
_____	_____
_____	_____
_____	_____
_____	_____

3.2 Person Paying Support (Obligor)

Name (first/last):

Birth date:

Service Address: [You may list an address that is not your residential address where you agree to accept legal documents.]

The Obligor Parent Must Immediately File With the Court and the Washington State Child Support Registry, and Update as Necessary, the Confidential Information Form Required by RCW 26.23.050.

The Obligor Parent Shall Update the Information Required by Paragraph 3.2 Promptly After Any Change in the Information. The Duty to Update the Information Continues as Long As Any Monthly Support Remains Due or Any Unpaid Support Debt Remains Due Under This Order.

For purposes of this Order of Child Support, the support obligation is based upon the following income:

A. Actual Monthly Net Income: \$_____.

OR

B. Monthly net income after exclusion requiring findings:

Actual monthly gross income \$ _____ from which the court excludes \$ _____ because the court finds that the obligor earned that income from overtime or from second jobs beyond 40 hours per week averaged over a 12-month period to:

provide for a current family's needs; or

retire past relationship debts; or

retire child support debt; and

that the income will cease when the obligor has paid off his or her debts.

Monthly net income after allowed exclusion: \$_____.

OR

C. The net income of the obligor is imputed at \$_____ because:

the obligor's income is unknown.

the obligor is voluntarily unemployed.

the obligor is voluntarily underemployed.

The amount of imputed income is based on the following information in order of priority. The court has used the first option for which there is information:

current rate of pay;

reliable historical rate of pay information;

Past earnings when there is incomplete or sporadic information of the parent's past earnings;

- minimum wage in the jurisdiction where the parent lives at full-time earnings because the parent:
 - has a recent history of minimum wage jobs,
 - recently came off public assistance, general assistance-unemployable, supplemental security income, or disability
 - was recently released from incarceration, or
 - is a high school student.
- Median Net Monthly Income Table.

other:

3.3 Person Receiving Support (Obligee)

Name (first/last):

Birth date:

Service Address: [You may list an address that is not your residential address where you agree to accept legal documents.]

The Obligee Must Immediately File With the Court and the Washington State Child Support Registry, and Update as Necessary, the Confidential Information Form Required by RCW 26.23.050.

The Obligee Shall Update the Information Required by Paragraph 3.3 Promptly After Any Change in the Information. The Duty to Update the Information Continues as Long as Any Monthly Support Remains due or Any Unpaid Support Debt Remains Due Under This Order.

For purposes of this Order of Child Support, the support obligation is based upon the following income:

A. Actual Monthly Net Income: \$_____.

OR

B. Monthly net income after exclusion requiring findings:

Actual monthly gross income \$ _____ from which the court excludes \$ _____ because the court finds that the obligor earned that income from overtime or from second jobs beyond 40 hours per week averaged over a 12-month period to:

- provide for a current family's needs; or
 - retire past relationship debts; or
 - retire child support debt; and
- that the income will cease when the obligor has paid off his or her debts.

Monthly net income after allowed exclusion: \$_____.

OR

C. The net income of the obligee is imputed at \$_____ because:

- the obligee's income is unknown.
- the obligee is voluntarily unemployed.
- the obligee is voluntarily underemployed.

The amount of imputed income is based on the following information in order of priority. The court has used the first option for which there is information:

- current rate of pay.
- reliable historical rate of pay information.
- past earnings when there is incomplete or sporadic information of the parent's past earnings.
- minimum wage in the jurisdiction where the parent lives at full-time earnings because the parent:
 - has a recent history of minimum wage jobs,
 - recently came off public assistance, general assistance-unemployable, supplemental security income, or disability
 - was recently released from incarceration, or
 - is a high school student.
- Median Net Monthly Income Table.

other:

The obligor may be able to seek reimbursement for day care or special child rearing expenses not actually incurred. RCW 26.19.080.

3.4 Service of Process

Service of Process on the Obligor at the Address Required by Paragraph 3.2 or Any Updated Address, or on the Obligee at the Address Required by Paragraph 3.3 or Any Updated Address, May Be Allowed or Accepted as Adequate in Any Proceeding to Establish, Enforce or Modify a Child Support Order Between the Parties by Delivery of Written Notice to the Obligor or Obligee at the Last Address Provided.

3.5 Transfer Payment

The obligor parent shall pay the following amounts per month for the following child(ren):

<u>Name</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Monthly Transfer Amount	\$ _____

The parents' combined monthly net income exceeds \$12,000 and the court sets child support in excess of the presumptive amount for \$12,000 because:

The court finds that the obligor's child support obligations owed for all his or her biological or legal children exceeds 45% of his or her net income and it is just unjust to apply the 45% limitation based upon the best interests of the child(ren) and the circumstances of each parent as follows:

If one of the children changes age brackets, the child support shall be as follows:

This is a downward modification that has caused an overpayment of \$ _____. This amount shall be repaid or credited as follows:

This is an upward modification that has caused an underpayment of \$ _____. This amount shall be paid as follows:

Other:

The Obligor Parent's Privileges to Obtain or Maintain a License, Certificate, Registration, Permit, Approval, or other Similar Document Issued by a Licensing Entity Evidencing Admission to or Granting Authority to Engage in a Profession, Occupation, Business, Industry, Recreational Pursuit, or the Operation of a Motor Vehicle May Be Denied or May Be Suspended if the Obligor Parent Is Not in

Compliance with This Support Order as Provided in Chapter 74.20A Revised Code of Washington.

3.6 Standard Calculation

\$_____ per month. (See Worksheet line 17.)

3.7 Reasons for Deviation From Standard Calculation

- The child support amount ordered in paragraph 3.5 does not deviate from the standard calculation.
- The child support amount ordered in paragraph 3.5 deviates from the standard calculation for the following reasons:
 - Income of a new spouse of the parent requesting a deviation for other reasons;
 - Income of other adults in the household of the parent requesting a deviation for other reasons;
 - Child support actually paid or received for other child(ren) from other relationships;
 - Gifts;
 - Prizes;
 - Possession of wealth;
 - Extraordinary income of a child(ren);
 - Tax planning which results in greater benefit to the child(ren);
 - Income from overtime or second jobs that was excluded from income of the parent requesting a deviation for other reasons;
 - A nonrecurring source of income;
 - Extraordinary debt not voluntarily incurred;
 - A significant disparity in the living costs of the parents due to conditions beyond their control;
 - Special needs of disabled child(ren);
 - Special medical, educational, or psychological needs of the child(ren);
 - The child(ren) spend(s) a significant amount of time with the parent who is obligated to make a support transfer payment. The deviation does not result in insufficient funds in the receiving parent's household to meet the basic needs of the child(ren). The child(ren) do(es) not receive public assistance;
 - Child(ren) from other relationships;
 - Costs incurred or anticipated to be incurred by the parents in compliance with court-ordered reunification efforts or under a voluntary placement agreement with an agency supervising the child(ren);
 - The obligor has established that it is unjust or inappropriate to apply the presumptive minimum payment of \$50.00 per child.
 - The obligee has established that it is unjust to apply the self-support reserve.
 - Other reason(s) for deviation:

The factual basis for these reasons is as follows:

3.8 Reasons Why Request for Deviation Was Denied

- Does not apply. A deviation was ordered.
- A deviation was not requested.
- The deviation sought by the obligor obligee was denied because:
 - no good reason exists to justify deviation.
 - other:

3.9 Starting Date and Day to be Paid

Starting Date: _____
Day(s) of the month support is due: _____

3.10 Incremental Payments

- Does not apply.
- This is a modification of child support. Pursuant to RCW 26.09.170 (9)(a) and (c), the obligation has been modified by more than 30 percent and the change would cause significant hardship. The increase in the child support obligation set forth in Paragraph 3.5 shall be implemented in two equal increments, one at the time of this order and the second on (date) _____, six months from the entry of this order.

3.11 Making Support Payments

Select Enforcement and Collection, Payment Processing Only, or Direct Payment:

- Enforcement and collection: The Division of Child Support (DCS) provides support enforcement services for this case because: this is a public assistance cases, this is a case in which a parent has requested services from DCS, a parent has **signed** the application for services from DCS **on the last page of this support order**. (Check all that apply.) Support payments shall be made to:

Washington State Support Registry
P. O. Box 45868
Olympia, WA 98504
Phone: 1-800-922-4306 or
1-800-442-5437

- Payment services only: The Division of Child Support will process and keep a record of all payments but will not take any collection action. Support payments shall be made to:

Washington State Support Registry
P. O. Box 45868
Olympia, WA 98504
Phone: 1-800-922-4306 or
1-800-442-5437

- Direct Payment: Support payments shall be made directly to:

Name _____

Mailing Address _____

A party required to make payments to the Washington State Child Support Registry will not receive credit for a payment made to any other party or entity. The obligor parent shall keep the registry informed whether he or she has access to health insurance coverage at reasonable cost and, if so, to provide the health insurance policy information.

Any time the Division of Child Support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child(ren).

3.12 Wage Withholding Action

Withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the obligor parent at any time after entry of this order unless an alternative provision is made below:

[If the court orders immediate wage withholding in a case where DCS does not provide support enforcement services, a mandatory wage assignment under Chapter 26.18 RCW must be entered and support payments must be made to the Support Registry.]

- [] Wage withholding, by notice of payroll deduction or other income withholding action under Chapter 26.18 RCW or Chapter 74.20A RCW, without further notice to the obligor, is delayed until a payment is past due, because:
 - [] The parties have reached a written agreement which the court approves that provides for an alternate arrangement.
 - [] The Division of Child Support provides support enforcement services for this case [see 3.11] and there is good cause [as stated below under "Good Cause"] not to require immediate income withholding which is in the best interests of the child and, in modification cases, previously ordered child support has been timely paid:
 - [] The Division of Child Support does not provide support enforcement services for this case [see 3.11] and there is good cause [as stated below under "Good Cause"] not to require immediate income withholding:

Good Cause: _____

_____.

3.13 Termination of Support

Support shall be paid:

- [] provided that this is a temporary order, until a subsequent child support order is entered

- by this court.
- until the child(ren) reach(es) the age of 18 or as long as the child(ren) remain(s) enrolled in high school, whichever occurs last, except as otherwise provided below in Paragraph 3.14.
- until the child(ren) reach(es) the age of 18, except as otherwise provided below in Paragraph 3.14.
- after the age of 18 for (name) _____ who is a dependent adult child, until the child is capable of self-support and the necessity for support ceases.
- until the obligation for post secondary support set forth in Paragraph 3.14 begins for the child(ren).
- other:

3.14 Post Secondary Educational Support

- The right to petition for post secondary support is reserved, provided that the right is exercised before support terminates as set forth in paragraph 3.13.
- The parents shall pay for the post secondary educational support of the child(ren). Post secondary support provisions will be decided by agreement or by the court.
- No post secondary educational support shall be required.
- Other:

3.15 Payment for Expenses not Included in the Transfer Payment

- Does not apply because all payments, except medical, are included in the transfer payment.
- The mother shall pay _____% and the father _____% (each parent's proportional share of income from the Child Support Schedule Worksheet, line 6) of the following expenses incurred on behalf of the children listed in Paragraph 3.1:
 - day care.
 - educational expenses.
 - long distance transportation expenses.
 - other:

Payments shall be made to the provider of the service the parent receiving the transfer payment.

- The obligor shall pay the following amounts each month the expense is incurred on behalf of the child(ren) listed in Paragraph 3.1:
 - day care: \$_____ payable to the day care provider other parent;
 - educational expenses: \$_____ payable to the educational provider other parent;
 - long distance transportation: \$_____ payable to the transportation

- provider other parent.
 other:

3.16 Periodic Adjustment

- Does not apply.
 Child support shall be adjusted periodically as follows:

 Other:

3.17 Income Tax Exemptions

- Does not apply.
 Tax exemptions for the child(ren) shall be allocated as follows:

 The parents shall sign the federal income tax dependency exemption waiver.
 Other:

3.18 Medical Support – Health Insurance

Each parent shall provide health insurance coverage for the child(ren) listed in paragraph 3.1, as follows:

3.18.1 Health Insurance (either check box A, or complete sections B and C)

- A. There is insufficient evidence for the court to determine which parent must provide coverage and which parent must contribute a sum certain. Therefore, the court is not specifying how insurance coverage shall be provided. The mother's and father's medical support obligations may be enforced by the Division of Child Support or the other parent under RCW 26.18.170 as described in paragraph 3.18.2, below.

OR

- B. Findings about insurance:

25% of the mother's basic support obligation is \$_____, (from line 19 of the Worksheets). 25% of the father's basic support obligation is \$_____, (from line 19 of the Worksheets).

- Insurance coverage for the child(ren) is available and accessible to:
 the mother at \$_____ cost (child(ren)'s portion of the premium, only); and/or
 the father at \$_____ cost (child(ren)'s portion of the premium, only).

 Insurance coverage for the child(ren) is available but not accessible to:
 the mother at \$_____ cost (child(ren)'s portion of the premium, only) and/or
 the father at \$_____ cost (child(ren)'s portion of the premium, only).

 Neither parent has available or accessible insurance through an employer or union; but:

- the mother is able to provide private coverage at a cost not to exceed 25% of the mother's basic support obligation; and/or
- the father is able to provide private coverage at a cost not to exceed 25% of the father's basic support obligation.

- Both parties have available and accessible coverage for the child(ren). The court finds that:
 - the mother, or
 - the fatherhas better coverage considering the needs of the child(ren), the cost and extent of each parent's coverage, and the accessibility of the coverage.

AND

C. Parents' obligations:

- (i) The mother shall:
 - a. Provide health insurance coverage for the child(ren) that is available through employment or is union-related so long as the cost of such coverage does not exceed 25% of the mother's basic support obligation.
 - b. Provide health insurance coverage for the child(ren) that is available through employment or is union-related even though the cost of such coverage exceeds 25% of the mother's basic support obligation. It is in the best interests of the child(ren) to provide such coverage despite the cost **because**:
 - c. Provide private health insurance coverage for the child(ren) so long as the cost of such coverage does not exceed 25% of the mother's basic support obligation.
 - d. Pay \$_____ towards the health insurance premium being paid by the other parent (mother's proportionate share of the premium, not to exceed 25% of the mother's basic support obligation). This payment is only required if the mother is not providing insurance as described above.
 - e. Be excused from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the premium **because** (check this box **only** if check box C(ii)(e) is not checked below):
- (ii) The father shall:
 - a. Provide health insurance coverage for the child(ren) that is available through employment or is union-related so long as the cost of such coverage does not exceed 25% of the father's basic support obligation.

- b. Provide health insurance coverage for the child(ren) that is available through employment or is union-related even though the cost of such coverage exceeds 25% of the father's basic support obligation. It is in the best interests of the child(ren) to provide such coverage despite the cost **because**:

- c. Provide private health insurance coverage for the child(ren) so long as the cost of such coverage does not exceed 25% of the father's basic support obligation.

- d. Pay \$_____ towards the health insurance premium being paid by the other parent (father's proportionate share of the premium, not to exceed 25% of the father's basic support obligation). This payment is only required if the father is not providing insurance as described above.

- e. Be excused from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the premium **because** (check this box **only** if check box C(i)(e) is not checked above):

(iii) Both parents' obligation:

If the child(ren) is(are) receiving state financed medical coverage, the Division of Child Support may enforce the responsible parent's monthly premium.

The parent(s) shall maintain health insurance coverage, if available for the child(ren) listed in paragraph 3.1, until further order of the court or until health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

A parent who is required under this order to provide health insurance coverage is liable for any covered health care costs for which that parent receives direct payment from an insurer.

A parent who is required under this order to provide health insurance coverage shall provide proof that such coverage is available or not available within 20 days of the entry of this order to the other parent or the Washington State Support Registry if the parent has been notified or ordered to make payments to the Washington State Support Registry.

If proof that health insurance coverage is available or not available is not provided within 20 days, the parent seeking enforcement or the Department of Social and Health Services may seek direct enforcement of the coverage through the other parent's employer or union without further notice to the other parent as provided under Chapter 26.18 RCW.

3.18.2 Change of Circumstances and Enforcement

A parent required to provide health insurance coverage must notify both the Division of Child Support and the other parent when coverage terminates.

If the parents' circumstances change, or if the court has not specified how medical support shall be provided, the parents' medical support obligations will be enforced as provided in RCW 26.18.170. If a parent does not provide proof of accessible coverage for the child(ren) through private insurance, a parent may be required to satisfy his or her medical support obligation by doing one of the following, listed in order of priority:

- 4) Providing or maintaining health insurance coverage through the parent's employment or union at a cost not to exceed 25% of that parent's basic support obligation;
- 5) Contributing the parent's proportionate share of a monthly premium being paid by the other parent for health insurance coverage for the child(ren) listed in paragraph 3.1 of this order, not to exceed 25% of the obligated parent's basic support obligation; or
- 6) Contributing the parent's proportionate share of a monthly premium paid by the state if the child(ren) receive(s) state-financed medical coverage through DSHS under RCW 74.09 for which there is an assignment.

A parent seeking to enforce the obligation to provide health insurance coverage may apply for support enforcement services from the Division of Child Support; file a motion for contempt (use form WPF DRPSCU 05.0100, Motion/Declaration for an Order to Show Cause re Contempt); or file a petition.

3.19 Uninsured Medical Expenses

Both parents have an obligation to pay their share of uninsured medical expenses.

The mother shall pay _____% of uninsured medical expenses (unless stated otherwise, the mother's proportional share of income from the Worksheet, line 6) and the father shall pay _____% of uninsured medical expenses (unless stated otherwise, the father's proportional share of income from the Worksheet, line 6).

3.20 Back Child Support

- No back child support is owed at this time.
- Back child support that may be owed is not affected by this order.
- (Name) _____ is awarded a judgment against (name) _____ in the amount of \$ _____ for back child support for the period from (date) _____ through (date) _____.
- No back interest is owed at this time.
- Back interest that may be owed is not affected by this order.
- (Name) _____ is awarded a judgment against (name) _____ in the amount of \$ _____ for back interest for the period from (date) _____ through (date) _____.
- Other:

3.21 Past Due Unpaid Medical Support

- No past due unpaid medical support is owed at this time.
- Unpaid medical support that may be owed is not affected by this order.
- (Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for past due
unpaid medical support for the period from (date) _____ through (date) _____.
- No back interest is owed at this time.
- Back interest that may be owed is not affected by this order.
- (Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for back
interest for the period from (date) _____ through (date) _____.
- Other:

3.22 Other Unpaid Obligations

- No other obligations are owed at this time.
- Other obligations that may be owed are not affected by this order.
- (Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for child
care ordered contributions to extracurricular activities long distance transportation
costs educational expenses post secondary other _____
for the period from (date) _____ through (date) _____.
- No back interest is owed at this time.
- Back interest that may be owed is not affected by this order.
- (Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for back
interest for the period from (date) _____ through (date) _____.
- Other:

3.23 Other

Dated: _____

Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

Print Name

Print Name

- I apply for full support enforcement services from the DSHS Division of Child Support (DCS).
(Note: If you never received TANF, tribal TANF, or AFDC, an annual \$25 fee applies if over \$500 is disbursed on a case, unless the fee is waived by DCS.)

Signature of Party

- Approval required in Public Assistance cases. The DSHS' Division of Child Support received notice required by RCW 26.23.130. This order has been reviewed and approved as to:

- Current Child Support
- Back Child Support
- Medical Support
- Other:

Deputy Prosecuting Attorney/WSBA No.

Print Name

**Superior Court of Washington
County of**

In re the Parenting and Support of:

Child(ren)

Petitioner

and

Respondent.

No.

Order of Child Support

Temporary (TMORS)

Final Order (ORS)

Clerk's Action Required

I. Judgment Summary

1.1 Judgment Summary for Non-Medical Expenses

Does not apply.

Applies as follows:

A. Judgment creditor _____

B. Judgment debtor _____

C. Principal judgment amount (back child support/other obligations) \$ _____
From (date) _____ through (date) _____

D. Interest to date of judgment \$ _____

E. Attorney fees \$ _____

F. Costs \$ _____

G. Other recovery amount \$ _____

H. Principal judgment shall bear interest at _____ % per annum

I. Attorney fees, costs and other recovery amounts shall bear interest at _____ % per annum

J. Attorney for judgment creditor _____

K. Attorney for judgment debtor _____

L. Other: _____

1.2 Judgment Summary for Medical Support

Does not apply.

Applies as follows:

- A. Judgment creditor _____
- B. Judgment debtor _____
- C. Judgment for medical support \$ _____
from (date) _____ through (date) _____
- D. Interest to date of judgment \$ _____
- E. Attorney fees \$ _____
- F. Costs \$ _____
- G. Principal judgment shall bear interest at _____ % per annum
- H. Attorney fees, costs and other recovery amounts shall bear interest at _____ % per annum
- I. Attorney for judgment creditor _____
- J. Attorney for judgment debtor _____
- K. Other _____

II. Basis

2.1 Type of Proceeding

This order is entered under an acknowledgment of paternity petition for residential schedule/parenting plan/child support:

- judgment and order establishing residential schedule/parenting plan/child support.
- order for modification of child support.
- hearing for temporary child support.
- order of adjustment.
- order for modification of a custody decree or parenting plan.
- other:

2.2 Child Support Worksheet

The child support worksheet which has been approved by the court is attached to this order and is incorporated by reference or has been initialed and filed separately and is incorporated by reference.

2.3 Other

III. Findings and Order

It is Ordered:

3.1 Child(ren) for Whom Support Is Required

<u>Name (first/last)</u>	<u>Age</u>
_____	_____
_____	_____
_____	_____
_____	_____

3.2 Person Paying Support (Obligor)

Name (first/last):

Birth date:

Service Address: (You may list an address that is not your residential address where you agree to accept legal documents.)

The obligor parent must immediately file with the court and the Washington State Child Support Registry, and update as necessary, the confidential information form required by RCW 26.23.050.

The obligor parent shall update the information required by paragraph 3.2 promptly after any change in the information. The duty to update the information continues as long as any monthly support remains due or any unpaid support debt remains due under this order.

For purposes of this Order of Child Support, the support obligation is based upon the following income:

A. Actual Monthly Net Income: \$_____.

OR

B. Monthly net income after exclusion requiring findings:

Actual monthly gross income \$ _____ from which the court excludes \$ _____ because the court finds that the obligor earned that income from overtime or from second jobs beyond 40 hours per week averaged over a 12-month period to:

provide for a current family's needs; or

retire past relationship debts; or

retire child support debt; and

that the income will cease when the obligor has paid off his or her debts.

Monthly net income after allowed exclusion: \$_____.

C. The net income of the obligor is imputed at \$_____ because:

the obligor's income is unknown.

the obligor is voluntarily unemployed.

the obligor is voluntarily underemployed.

The amount of imputed income is based on the following information in order of priority. The court has used the first option for which there is information:

current rate of pay;

reliable historical rate of pay information;

Past earnings when there is incomplete or sporadic information of the parent's past earnings;

- minimum wage in the jurisdiction where the parent lives at full-time earnings because the parent:
 - has a recent history of minimum wage jobs,
 - recently came off public assistance, general assistance-unemployable, supplemental security income, or disability
 - was recently released from incarceration, or
 - is a high school student.
- Median Net Monthly Income Table.

other:

3.3 Person Receiving Support (Obligee)

Name (first/last):

Birth date:

Service Address: (You may list an address that is not your residential address where you agree to accept legal documents.)

The obligee must immediately file with the court and the Washington State Child Support Registry, and update as necessary, the confidential information form required by RCW 26.23.050.

The obligee shall update the information required by paragraph 3.3 promptly after any change in the information. The duty to update the information continues as long as any monthly support remains due or any unpaid support debt remains due under this order.

For purposes of this Order of Child Support, the support obligation is based upon the following income:

A. Actual Monthly Net Income: \$_____.

OR

B. Monthly net income after exclusion requiring findings:

Actual monthly gross income \$ _____ from which the court excludes \$ _____ because the court finds that the obligee earned that income from overtime or from second jobs beyond 40 hours per week averaged over a 12-month period to:

- provide for a current family's needs; or
- retire past relationship debts; or
- retire child support debt; and

that the income will cease when the obligee has paid off his or her debts.

Monthly net income after allowed exclusion: \$_____.

OR

- C. The net income of the obligee is imputed at \$_____ because:
- the obligee's income is unknown.
 - the obligee is voluntarily unemployed.
 - the obligee is voluntarily underemployed.

The amount of imputed income is based on the following information in order of priority. The court has used the first option for which there is information:

- current rate of pay;
- reliable historical rate of pay information;
- Past earnings when there is incomplete or sporadic information of the parent's past earnings;
- minimum wage in the jurisdiction where the parent lives at full-time earnings because the parent:
 - has a recent history of minimum wage jobs,
 - recently came off public assistance, general assistance-unemployable, supplemental security income, or disability
 - was recently released from incarceration, or
 - is a high school student.
- Median Net Monthly Income Table.
- other:

The obligor may be able to seek reimbursement for day care or special child rearing expenses not actually incurred. RCW 26.19.080.

3.4 **Service of Process**

Service of process on the obligor at the address required by paragraph 3.2 or any updated address, or on the obligee at the address required by paragraph 3.3 or any updated address, may be allowed or accepted as adequate in any proceeding to establish, enforce or modify a child support order between the parties by delivery of written notice to the obligor or obligee at the last address provided.

3.5 Transfer Payment

The obligor parent shall pay the following amounts per month for the following child(ren):

<u>Name</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Monthly Transfer Amount	\$ _____

The parents' combined monthly net income exceeds \$12,000 and the court sets child support in excess of the presumptive amount for \$12,000 because:

The court finds that the obligor's child support obligations owed for all his or her biological or legal child(ren) exceeds 45% of his or her net income and it is just unjust to apply the 45% limitation based upon the best interests of the child(ren) and the circumstances of each parent as follows:

If one of the children changes age brackets, the child support shall be as follows:

This is a downward modification that has caused an overpayment of \$ _____. This amount shall be repaid or credited as follows:

This is an upward modification that has caused an underpayment of \$ _____. This amount shall be paid as follows:

Other:

The obligor parent's privileges to obtain or maintain a license, certificate, registration, permit, approval, or other similar document issued by a licensing entity evidencing admission to or granting authority to engage in a profession, occupation, business industry, recreational pursuit, or the operation of a motor

vehicle may be denied or may be suspended if the obligor parent is not in compliance with this support order as provided in Chapter 74.20A Revised Code of Washington.

3.6 Standard Calculation

\$_____ per month. (See Worksheet line 17.)

3.7 Reasons for Deviation from Standard Calculation

- The child support amount ordered in paragraph 3.5 does not deviate from the standard calculation.
- The child support amount ordered in paragraph 3.5 deviates from the standard calculation for the following reasons:
 - Income of a new spouse of the parent requesting a deviation for other reasons;
 - Income of other adults in the household of the parent requesting a deviation for other reasons;
 - Child support actually paid or received for other child(ren) from other relationships;
 - Gifts;
 - Prizes;
 - Possession of wealth;
 - Extraordinary income of the child(ren);
 - Tax planning which results in greater benefit to the child(ren);
 - Income from overtime or second jobs that was excluded from income of the parent requesting a deviation for other reasons;
 - A nonrecurring source of income;
 - Extraordinary debt not voluntarily incurred;
 - A significant disparity in the living costs of the parents due to conditions beyond their control;
 - Special needs of disabled child(ren);
 - Special medical, educational, or psychological needs of the child(ren);
 - The child(ren) spend(s) a significant amount of time with the parent who is obligated to make a support transfer payment. The deviation does not result in insufficient funds in the receiving parent's household to meet the basic needs of the child(ren). The child(ren) do(es) not receive public assistance;
 - Child(ren) from other relationships;
 - Costs incurred or anticipated to be incurred by the parents in compliance with court-ordered reunification efforts or under a voluntary placement agreement with an agency supervising the child(ren);
 - The obligor has established that it is unjust or inappropriate to apply the presumptive minimum payment of \$50.00 per child.
 - The obligee has established that it is unjust to apply the self-support reserve.
 - Other reason(s) for deviation:

The factual basis for these reasons is as follows:

3.8 Reasons why Request for Deviation was Denied

- Does not apply. A deviation was ordered.
- A deviation was not requested.

- The deviation sought by the obligor obligee was denied because:
 - no good reason exists to justify deviation.
 - other:

3.9 Starting Date and Day to Be Paid

Starting Date: _____

Day(s) of the month support is due: _____

3.10 Incremental Payments

- Does not apply.
- This is a modification of child support. Pursuant to RCW 26.09.170 (9)(a) and (c), the obligation has been modified by more than 30 percent and the change would cause significant hardship. The increase in the child support obligation set forth in Paragraph 3.5 shall be implemented in two equal increments, one at the time of this order and the second on (date) _____, six months from the entry of this order.

3.11 Making Support Payments

Select Enforcement and Collection, Payment Processing Only, or Direct Payment:

- Enforcement and collection: The Division of Child Support (DCS) provides support enforcement services for this case because: This is a public assistance case, this is a case in which a parent has requested services from DCS, a parent has **signed** the application for services from DCS **on the last page of this support order**. (Check all that apply.) Support payments shall be made to:

Washington State Support Registry
P. O. Box 45868
Olympia, WA 98504
Phone: 1-800-922-4306 or
1-800-442-5437

- Payment services only: The Division of Child Support will process and keep a record of all payments but will not take any collection action. Support payments shall be made to:

Washington State Support Registry
P. O. Box 45868
Olympia, WA 98504
Phone: 1-800-922-4306 or
1-800-442-5437

- Direct Payment: Support payments shall be made directly to:

Name _____
Mailing Address _____

A party required to make payments to the Washington State Child Support Registry will not receive credit for a payment made to any other party or entity. The obligor parent shall keep the registry informed whether he or she has access to health insurance coverage at reasonable cost and, if so, to provide the health insurance policy information.

Any time the Division of Child Support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child(ren).

3.12 Wage Withholding Action

Withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the obligor parent at any time after entry of this order unless an alternative provision is made below:

[If the court orders immediate wage withholding in a case where DCS does not provide support enforcement services, a mandatory wage assignment under Chapter 26.18 RCW must be entered and support payments must be made to the Support Registry.]

- Wage withholding, by notice of payroll deduction or other income withholding action under Chapter 26.18 RCW or Chapter 74.20A RCW, without further notice to the obligor, is delayed until a payment is past due, because:
 - the parties have reached a written agreement which the court approves that provides for an alternate arrangement.
 - the Division of Child Support provides support enforcement services for this case [see 3.11] and there is good cause [as stated below under "Good Cause"] not to require immediate income withholding which is in the best interests of the child(ren) and, in modification cases, previously ordered child support has been timely paid.
 - the Division of Child Support does not provide support enforcement services for this case [see 3.11] and there is good cause [as stated below under "Good Cause"] not to require immediate income withholding.

Good Cause: _____

_____.

3.13 Termination of Support

Support shall be paid:

- provided that this is a temporary order, until a subsequent child support order is entered by this court.
- until the child(ren) reach(es) the age of 18 or as long as the child(ren) remain(s) enrolled

in high school, whichever occurs last, except as otherwise provided below in Paragraph 3.14.

- until the child(ren) reach(es) the age of 18, except as otherwise provided below in Paragraph 3.14.
- after the age of 18 for (name) _____ who is a dependent adult child, until the child is capable of self-support and the necessity for support ceases.
- until the obligation for post secondary support set forth in Paragraph 3.14 begins for the child(ren).
- other:

3.14 Post Secondary Educational Support

- The right to petition for post secondary support is reserved, provided that the right is exercised before support terminates as set forth in paragraph 3.13.
- The parents shall pay for the post secondary educational support of the child(ren). Post secondary support provisions will be decided by agreement or by the court.
- No post secondary educational support shall be required.
- Other:

3.15 Payment for Expenses not Included in the Transfer Payment

- Does not apply because all payments, except medical, are included in the transfer payment.
- The mother shall pay _____% and the father _____% (each parent's proportional share of income from the Child Support Schedule Worksheet, line 6) of the following expenses incurred on behalf of the child(ren) listed in Paragraph 3.1:
 - day care.
 - educational expenses.
 - long distance transportation expenses.
 - other:

Payments shall be made to the provider of the service the parent receiving the transfer payment.

The obligor shall pay the following amounts each month the expense is incurred on behalf of the child(ren) listed in Paragraph 3.1:

- day care: \$_____ payable to the day care provider other parent;
- educational expenses: \$_____ payable to the educational provider other parent;
- long distance transportation: \$_____ payable to the transportation provider other parent.
- other:

3.16 Periodic Adjustment

- Does not apply.
- Child support shall be adjusted periodically as follows:

Other:

3.17 Income Tax Exemptions

- Does not apply.
- Tax exemptions for the child(ren) shall be allocated as follows:

- The parents shall sign the federal income tax dependency exemption waiver.
- Other:

3.18 Medical Support – Health Insurance

Each parent shall provide health insurance coverage for the child(ren) listed in paragraph 3.1, as follows:

3.18.1 Health Insurance (either check box A, or complete sections B and C)

A. There is insufficient evidence for the court to determine which parent must provide coverage and which parent must contribute a sum certain. Therefore, the court is not specifying how insurance coverage shall be provided. The mother's and father's medical support obligations may be enforced by the Division of Child Support or the other parent under RCW 26.18.170 as described in paragraph 3.18.2, below.

OR

B. Findings about insurance:

25% of the mother's basic support obligation is \$_____, (from line 19 of the Worksheets). 25% of the father's basic support obligation is \$_____, (from line 19 of the Worksheets).

- Insurance coverage for the child(ren) is available and accessible to:
 - the mother at \$_____ cost (child(ren)'s portion of the premium, only); and/or
 - the father at \$_____ cost (child(ren)'s portion of the premium, only).
- Insurance coverage for the child(ren) is available but not accessible to:
 - the mother at \$_____ cost (child(ren)'s portion of the premium, only) and/or
 - the father at \$_____ cost (child(ren)'s portion of the premium, only).
- Neither parent has available or accessible insurance through an employer or union; but:
 - the mother is able to provide private coverage at a cost not to exceed 25% of the mother's basic support obligation; and/or
 - the father is able to provide private coverage at a cost not to exceed 25% of the father's basic support obligation.
- Both parties have available and accessible coverage for the child(ren). The court finds that:
 - the mother, or
 - the father
 has better coverage considering the needs of the child(ren), the cost and extent of each parent's coverage, and the accessibility of the coverage.

AND

C. Parties' obligations:

- (i) The mother shall:
 - a. Provide health insurance coverage for the child(ren) that is available through employment or is union-related so long as the cost of such coverage does not exceed 25% of the mother's basic support obligation.
 - b. Provide health insurance coverage for the child(ren) that is available through employment or is union-related even though the cost of such coverage exceeds 25% of the mother's basic support obligation. It is in the best interests of the child(ren) to provide such coverage despite the cost **because:**
 - c. Provide private health insurance coverage for the child(ren) so long as the cost of such coverage does not exceed 25% of the mother's basic support obligation.
 - d. Pay \$_____ towards the health insurance premium being paid by the other parent (mother's proportionate share of the premium, not to exceed 25% of the mother's basic support obligation). This payment is only required if the mother is not providing insurance as described above.
 - e. Be excused from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the

premium **because** (check this box **only** if check box C(ii)(e) is not checked below):

(ii) The father shall:

- a. Provide health insurance coverage for the child(ren) that is available through employment or is union-related so long as the cost of such coverage does not exceed 25% of the father's basic support obligation.
- b. Provide health insurance coverage for the child(ren) that is available through employment or is union-related even though the cost of such coverage exceeds 25% of the father's basic support obligation. It is in the best interests of the child(ren) to provide such coverage despite the cost **because**:
- c. Provide private health insurance coverage for the child(ren) so long as the cost of such coverage does not exceed 25% of the father's basic support obligation.
- d. Pay \$_____ towards the health insurance premium being paid by the other parent (father's proportionate share of the premium, not to exceed 25% of the father's basic support obligation). This payment is only required if the father is not providing insurance as described above.
- e. Be excused from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the premium **because** (check this box **only** if check box C(i)(e) is not checked above):

(iii) Both parents' obligation:

If the child(ren) is(are) receiving state financed medical coverage, the Division of Child Support may enforce the responsible parent's monthly premium.

The parent(s) shall maintain health insurance coverage, if available for the child(ren) listed in paragraph 3.1, until further order of the court or until health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

A parent who is required under this order to provide health insurance coverage is liable for any covered health care costs for which that parent receives direct payment from an insurer.

A parent who is required under this order to provide health insurance coverage shall

provide proof that such coverage is available or not available within 20 days of the entry of this order to the other parent or the Washington State Support Registry if the parent has been notified or ordered to make payments to the Washington State Support Registry.

If proof that health insurance coverage is available or not available is not provided within 20 days, the parent seeking enforcement or the Department of Social and Health Services may seek direct enforcement of the coverage through the other parent’s employer or union without further notice to the other parent as provided under Chapter 26.18 RCW.

3.18.2 Change of Circumstances and Enforcement

A parent required to provide health insurance coverage must notify both the Division of Child Support and the other parent when coverage terminates.

If the parents’ circumstances change, or if the court has not specified how medical support shall be provided, the parents’ medical support obligations will be enforced as provided in RCW 26.18.170. If a parent does not provide proof of accessible coverage for the child(ren) through private insurance, a parent may be required to satisfy his or her medical support obligation by doing one of the following, listed in order of priority:

- 7) Providing or maintaining health insurance coverage through the parent’s employment or union at a cost not to exceed 25% of that parent’s basic support obligation;
- 8) Contributing the parent’s proportionate share of a monthly premium being paid by the other parent for health insurance coverage for the child(ren) listed in paragraph 3.1 of this order, not to exceed 25% of the obligated parent’s basic support obligation; or
- 9) Contributing the parent’s proportionate share of a monthly premium paid by the state if the child(ren) receive(s) state-financed medical coverage through DSHS under RCW 74.09 for which there is an assignment.

A parent seeking to enforce the obligation to provide health insurance coverage may apply for support enforcement services from the Division of Child Support; file a motion for contempt (use form WPF DRPSCU 05.0100, Motion/Declaration for an Order to Show Cause re Contempt); or file a petition.

3.19 Uninsured Medical Expenses

Both parents have an obligation to pay their share of uninsured medical expenses.

The father shall pay _____% of uninsured medical expenses (unless stated otherwise, the father’s proportional share of income from the Worksheet, line 6) and the mother shall pay _____% of uninsured medical expenses (unless stated otherwise, the mother’s proportional share of income from the Worksheet, line 6).

3.20 Back Child Support

- No back child support is owed at this time.
- Back child support that may be owed is not affected by this order.
- (Name) _____ is awarded a judgment against (name) _____ in the amount of \$_____ for back child support for the period from (date) _____ through (date) _____.

- No back interest is owed at this time
- Back interest that may be owed is not affected by this order.
- (Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for back
interest for the period from (date) _____ through (date) _____.
- Other:

3.21 Past Due Unpaid Medical Support

- No past due unpaid medical support is owed at this time.
- Unpaid medical support that may be owed is not affected by this order.
- (Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for past due
unpaid medical support for the period from (date) _____ through (date) _____.
- No back interest is owed at this time.
- Back interest that may be owed is not affected by this order.
- (Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for back
interest for the period from (date) _____ through (date) _____.
- Other:

3.22 Other Unpaid Obligations

- No other obligations are owed at this time.
- Other obligations that may be owed are not affected by this order.
- (Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for child
care ordered contributions to extracurricular activities long distance transportation
costs educational expenses post secondary other _____
for the period from (date) _____ through (date) _____.
- No back interest is owed at this time.
- Back interest that may be owed is not affected by this order.
- (Name) _____ is awarded a judgment against
(name) _____ in the amount of \$ _____ for back
interest for the period from (date) _____ through (date) _____.
- Other:

3.23 Other

Dated: _____

Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

Print Name

Print Name

- I apply for full support enforcement services from the DSHS Division of Child Support (DCS). (Note: If you never received TANF, tribal TANF, or AFDC, an annual \$25 fee applies if over \$500 is disbursed on a case, unless the fee is waived by DCS.)

Signature of Party

- Approval required in Public Assistance cases. The DSHS' Division of Child Support received notice required by RCW 26.23.130. This order has been reviewed and approved as to:
- Current Child Support
 - Back Child Support
 - Medical Support
 - Other:

Deputy Prosecuting Attorney/WSBA No.

Print Name

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Motion/Declaration for
Default
(Child Support Modification)
(MTDFL)**

I. Motion

(Name of requesting party) _____ moves the court for an order of default against (name of other party to be defaulted) _____. Venue of this action is proper as set forth in the declaration below.

Dated: _____

Signature of Requesting Party or Lawyer/WSBA No.

Print Name

II. Declaration

2.1 Proper Venue

Venue is proper in this court.

The most recent support order was entered in this county.

The petitioner resides in (county and state only) _____.

The child(ren) reside(s) in (county and state only) _____.

Respondent resides in (county and state only) _____.

Other:

2.2 Jurisdiction Over Parties.

This court has jurisdiction over the parties because:

- There is a Washington Order of Child Support.
- Both parties presently reside in the state of Washington.
- Other:

2.3 Service of Process

The affidavit of service on file with the court shows that the other party was served with summons, petition and child support worksheet.

2.4 Time Elapsed Since Service of Process

- The other party was served within the state of Washington and more than 20 days have elapsed since the date of service.
- The other party was served outside the state of Washington and more than 60 days have elapsed since the date of service.
- The other party was served by mail in lieu of publication and more than 90 days have elapsed since the date of mailing.
- The other party was served by publication and more than 60 days have passed since the date of first publication.
- Other:

2.5 Appearance of the Parties

The other party has failed to appear, or if appeared, has failed to otherwise defend this action.

2.6 Servicemembers Civil Relief Act Statement

2.6.1 A. Service member status -- (name of other party) _____:

- is not a service member;
- is on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is on active duty and is a National Guard member or a Reservist residing in Washington;
- is not on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is not on active duty and is a National Guard member or a Reservist residing in Washington;
- I am unable to determine whether the other party is or is not on active duty as a National Guard member or a Reservist residing in Washington;
- I am unable to determine whether the other party is or is not on active duty in the U.S. armed forces.

B. Factual basis:

- See the attached Defense Man Power Data Center Report obtained from <https://www.dmdc.osd.mil/scra/owa/home>.
- Other factual basis:

- C. As indicated above, the other party is on active duty and (check all that apply):
- The other party is represented by an attorney.
 - The court has appointed an attorney to represent the other party.
 - A stay of these proceedings has has not been entered by the court.

2.6.2 A. Dependent of a service member status -- (name of other party) _____
_____:

- is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- I am unable to determine whether the other party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

B. Factual basis:

- The other party failed to respond to a notice to him or her as a dependent of a person in Military Service that was served on mailed by first class mail on (date) _____, therefore he or she should be presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.
- Other factual basis:

C. As indicated above, the other party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist and (check all that apply):

- The other party is represented by an attorney.
- The court has appointed an attorney to represent the other party.
- A stay of these proceedings has has not been entered by the court.

2.7 Mailing of Documents

- Does not apply because the other party has failed to appear or otherwise defend.
- Copies of the following documents were mailed on (date) _____ to:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____ on (date) _____.

Signature of Requesting Party

Print Name

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Order on Motion for Default
(Child Support Modification)
(ORDFL)
 granted (ORDFL)
 denied (ORDYMT)**

I. Basis

A motion for default has been presented.

II. Findings

Based on the motion, the court ***finds:***

2.1 Proper Jurisdiction and Venue

The court has proper jurisdiction and venue.

2.2 Service on Nonrequesting Party

The nonrequesting party was served with the following documents:

on (date) _____.

2.3 Time Elapsed Since Service

- The nonrequesting party was served within the state of Washington and more than 20 days have elapsed since the date of service.
- The nonrequesting party was served outside the state of Washington and more than 60 days have elapsed since the date of service.
- The nonrequesting party was served by mail in lieu of publication and more than 90 days have elapsed since the date of mailing.

The nonrequesting party was served by publication and more than 60 days have passed since the date of first publication.

2.4 Appearance

The nonrequesting party has failed to appear, or if appeared, has failed to otherwise defend this action.

2.5 Servicemembers Civil Relief Act Statement

2.5.1 Service member status --- It appears the nonrequesting party:

- is not a service member;
- is on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is on active duty and is a National Guard member or a Reservist residing in Washington;
- is not on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is not on active duty and is a National Guard member or a Reservist residing in Washington.

2.5.2 Dependent of a service member status --- It appears the nonrequesting party:

- is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- is presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

2.6 Other:

III. Order

It is Ordered:

- The motion is denied.
- (Name) _____ is in default and that the requesting party be granted the relief requested in the petition.

Dated: _____

Judge/Commissioner

Presented by:

Date

Signature of Party or Lawyer/WSBA No.

Print Name

**Superior Court of Washington
County of _____**

In re:

Petitioner,

and

Respondent.

No. _____

Note for Motion Docket

**(No Mandatory Form
Developed)**

TO THE CLERK OF COURT AND TO: _____

Please take notice that this case will be heard on the date below and the clerk is requested to note this issue on the docket for that day.

HEARING DATE: _____

HEARING TIME: _____

LOCATION: _____

COURTHOUSE ROOM: _____

ADDRESS: _____

NATURE OF MOTION: _____

Dated: _____

Signature of Lawyer or Party

Print or Type Name

Notice to party: you may list an address that is not your residential address where you agree to accept legal documents.

Address

**Superior Court of Washington
County of _____**

In re the Custody of:

Child(ren),

Petitioner(s),

and

Respondent(s).

NO. _____

**Certificate of Mailing or
Personal Delivery**

(No Mandatory Form Developed)

I hereby certify that I am over the age of 18 and competent to be a witness.

On _____, I served _____, with the following documents: _____

_____ in the following
manner:

- Via first class U.S. Mail, postage prepaid; to
(Name & Address of Party Being Served):

- Hand Delivery

At the following address:

by handing to and leaving with _____ (name) a true and correct copy of said pleadings at ____ a.m./p.m.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this _____ day of _____, 20_____ at

_____ (city), _____ (state).

Signature

Print or Type Name

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Motion and Declaration to
Present Oral Testimony
(Child Support Modification)
(MT)**

I. Motion

The undersigned moves the court for an order authorizing the presentation of oral testimony at the modification of child support hearing.

Dated: _____

Signature of Requesting Party or Lawyer/WSBA No.

Print or Type Name

II. Declaration

2.1 The following exhibits demonstrate the extraordinary features of this case:

2.2 The presentation of oral testimony at this child support modification hearing is necessary to a just adjudication of the issues for the following reasons:

there are substantial questions of credibility on the following major issue(s):

there are insufficient or inconsistent discovery materials which are not correctable by further discovery in that:

there are the following particularly complex circumstances which require expert testimony:

Other:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____ (state) _____ on (date) _____.

Signature of Requesting Party or Lawyer/WSBA No.

Print or Type Name

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Response re Oral Testimony
(Child Support Modification)
(RSP)**

(Name of nonrequesting party) _____ responds to the motion to present oral testimony in this matter as follows:

- I agree that oral testimony at the child support modification hearing is necessary to a just adjudication of the issues.
- I disagree that oral testimony at the child support modification hearing is necessary to a just adjudication of the issues for the following reasons:

Dated: _____

Signature of Nonrequesting Party or Lawyer/WSBA No.

Print or Type Name

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Order re Oral Testimony
(Child Support Modification)
(ORH)**

Clerk's Action Required

I. Basis

The court has considered a motion and arguments.

II. Findings

The court ***finds*** that oral testimony is necessary not necessary for a just adjudication of the issues.

III. Order

It is Ordered:

- The motion is denied.
- The motion is granted. The hearing is scheduled

On: (date) _____ at _____ a.m./p.m.

Dated: _____

Judge/Commissioner

Presented by:

Signature of Party or Lawyer/WSBA No.

Print or Type Name

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Request to Schedule Hearing
(Child Support Modification)
(RQ)**

(Optional Use)

I. Basis

(Name) _____ represents that:

- 1.1 An answer in this matter has been filed.
- 1.2 This matter should be scheduled for hearing.

II. Request

The requesting party requests that this matter be scheduled for hearing.

Dated: _____

No.

Signature of Requesting Party or Lawyer/WSBA

Print or Type Name

(Petitioner or Petitioner's Lawyer)
Notice to party: you may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

(Respondent or Respondent's Lawyer)
Notice to party: you may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

(Address)

(Address)

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Notice of Hearing
(Child Support Modification)
(NTHG)**

(Optional use)

To:

1. It has been requested that this matter be scheduled for hearing.
2. A hearing date has been set:
On: (date) _____ at _____ a.m./p.m.
At: _____ Court, Room/Department: _____.
3. The purpose of the hearing is to determine whether the relief requested in the Petition for Modification of Child Support should be granted.
4. The Petition for Modification of Child Support will be heard by the court on the financial affidavits, child support worksheets and other documents filed by the parties without oral testimony, unless oral testimony is authorized by the court pursuant to RCW 26.09.175(5).
5. If you wish to present oral testimony you must file a Motion to Present Oral Testimony and a proposed Order on Motion to Present Oral Testimony as set forth in RCW 26.09.175(6) and local court rules.

Dated: _____

Signature of Requesting Party or Lawyer/WSBA No.

Print or Type Name

Finishing a Modification of Your Child Support Court Order - 11/09

Your comments are appreciated and will help to make this packet more useful to others. Please take a moment to complete this form and return it to:

Danielle Rebar
Northwest Justice Project
500 W. 8th, Suite 275
Vancouver, WA 98660

- 1. Where did you get this packet? _____
- 2. What's your primary language? _____
- 3. Are you a *low-income person? yes no
[*\$1800 per month for household of 1; \$2400 for 2; \$3000 for 3; \$3675 for 4; \$4300 for 5]
- 4. What's the last grade you completed in school? _____
- 5. Did you read the instructions? yes no
- 6. Did you also need the help of an agency, court facilitator, or advocate to complete your case?
 yes no
6a. If yes, what agency or individual helped you? _____
- 7. Did you use the legal forms? yes no
- 8. Did you find anything difficult to understand? yes no
8a. If yes, please tell us what. _____

- 9. Did you find any mistakes? yes no
- 10. Today's Date: _____

Other Comments or Suggestions:
