



Northwest Justice Project

# **Parentage and Parenting Plans for Unmarried Parents in Washington**

**July 2009**

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# Parentage and Parenting Plans for Unmarried Parents in Washington

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## Section 1: Introduction

This publication is designed to help you learn about the laws that apply when you have a child and you're not married to that child's other parent.<sup>1</sup> It includes information on: 1) How to determine if paternity has been legally established and, if appropriate, how to file to establish the paternity of your child (called a parentage action); 2) How to get a custody order (which is called a parenting plan or residential schedule). This publication may also help you if you want to legally establish that you're not the child's parent (called "disestablishment of parentage").

This publication will give you an overview of the law and help you decide what type of case you need to file in court. It tries to answer basic questions (examples: where your case should be filed and how the court decides who gets custody of the children), and provides some basic child support information.<sup>2</sup>

There have been big changes over time to the *Uniform Parentage Act*, the law that governs parentage in Washington. The first big change became effective on July 1, 1997. The most recent change became effective on June 13, 2002. Because of these changes, different legal rules may apply to you depending on when your parentage case or your paternity affidavit was filed. This publication will talk mainly about the newer Uniform Parentage Act, effective as of June 13, 2002, found at [RCW 26.26.011 et seq.](#) If your parentage case was filed in court before June 13, 2002, talk with an attorney about your legal questions. Your court case will be governed by the older 1997 Uniform Parentage Act. (To research the 1997 law on your own, ask for help from the librarian of your local law library or see <http://www.courts.wa.gov/library>. The 1997 UPA was also under RCW 26.26, but you'll find it in copies of the RCW published before June, 2002.)

In addition to this publication, you can use one of our do-it-yourself packets that have forms and instructions for filing or responding to a Petition to Establish Parentage, or a Petition for a Parenting Plan/Residential Schedule or Child Support. **We also have packets that may help you get Court orders quickly or immediate help in responding to a case filed by someone else.** For a complete listing of our family law packets, visit the Washington LawHelp web site at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org), or call CLEAR at 1-888-201-1014.

There are several different types of legal actions to determine parentage. We don't (due to cost limitations) have do-it-yourself packets for all of them. Check with your County Court Clerk or

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<sup>1</sup> Paternity (or parentage) cases establish the parent-child relationship for a child of a man and a woman who aren't married to each other. If you and the other parent of your child are of the same gender or sex, this publication won't help you. You'll need information about adoption, or non-parental custody and visitation cases. Consult an attorney or contact the Legal Voice (206-621-7691).

<sup>2</sup> In this packet, you'll see footnotes, like this one. These footnotes will tell you the law or court case that supports the statement that comes before the footnote. RCW stands for [Revised Code of Washington](#), the law of Washington State. Court cases have names, such as *In re the Parentage of Child*. Use 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. Keep in mind: 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.

Courthouse Facilitator (if your county has one) to see if your county has the packet you want. Local packets may be easier to use. They include required local forms and procedures or may have packets that we don't have that will tell you how to file different actions.

Try to meet with a family law attorney before you file anything in court. **A consultation with an attorney before using one of our do-it-yourself publications is especially important if you are (or were) married to a person who's not the biological parent of your child; if you believe paternity was established in another state or country; if the other parent's going to disagree with any part of what you're requesting; or if you think that Washington shouldn't have jurisdiction over you or your children.** If you're very low income and you don't live in King County, call CLEAR at 1-888-201-1014.

To help you understand the key words used in this publication, there's a section at the end entitled "**Words You May Need to Know.**"

## **Section 2: Some Reasons to Establish Paternity for Your Child**

The main reason to establish paternity (in Washington, it's called parentage) is to make sure that the child and the father<sup>3</sup> have a legally recognized relationship. For example, if parentage isn't established, the child may not be able to inherit or receive benefits (such as Social Security death benefits) from the child's father. Or, an unmarried father may be uncertain about his rights to custody of or visitation with the child.<sup>4</sup>

You may want to establish your child's parentage if:

- You want to establish a legal relationship between the child and the father (or mother);
- You want to prove there's no legal relationship between your partner and child (such as might be the case if your spouse isn't the child's biological parent);
- You want a custody order (parenting plan or residential schedule) that states who the children will live with, how much time they'll spend with the other parent, and who will make important decisions about the children;
- You're afraid the other parent might take the child and deny you contact;
- You want to set child support or give the child rights to inherit from the other parent;
- You want to travel outside the U.S. with the child; OR
- You want to change the child's last name.

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<sup>3</sup> The mother-child relationship usually is legally established when the mother gives birth to the child, so this publication talks about establishing the father-child relationship (paternity, or parentage as it is called in Washington). See [RCW 26.26.101\(1\)\(a\)](#). However, if in your case the mother-child relationship must be legally established (or disestablished), you may also be able to use a paternity affidavit acknowledgment or parentage action.

<sup>4</sup> If you're the child's mother, don't assume that the father has no legal rights to contact with the child just because parentage hasn't been legally established. It's possible, for example, to be charged with a crime for denying another parent contact with a child without a lawful reason, even if parentage hasn't been established. See [RCW 9A.40.060-.070](#).

## Section 3: How is Parentage Established?

Parentage is established by either paternity affidavit or by court order.

### A. Establishment by Paternity Affidavit

Since July 1997, the most common way that the paternity of a child has been officially established is by having the parents sign a paper called an *acknowledgment of paternity*, or *paternity affidavit*. (Sometimes it's called a *paternity acknowledgment*.)

By signing the affidavit, the parents are swearing under penalty of perjury that the person named as the father on the acknowledgment form is the child's only possible father. A paternity affidavit form is usually given to an unmarried mother while she's in the hospital after the child's birth. The parents often sign it before the child goes home for the first time. However, a paternity affidavit can also be signed later.

A paternity affidavit isn't a court order, but if it's filed with the Washington State Department of Health on or after July 1, 1997, it has the same legal effect as a court order establishing the person named as the child's legal parents.<sup>5</sup> A paternity affidavit is legally binding even if one or more of the people who signed it is a minor (under age 18).<sup>6</sup>

The person named as a child's father on a paternity affidavit has all the legal rights and responsibilities of the child's parent, including rights to request custody or visitation, and the responsibility to provide financial support for the child. However, a paternity affidavit doesn't by itself establish custody or visitation or child support. Once a paternity affidavit is filed, either parent (or, if the children receive public assistance, the State) may ask for a child support order through the Division of Child Support's administrative process, or in court. Either parent may also file an action to enter a custody order or a child support order. This action is called a Petition for Parenting Plan/Residential Schedule or Child Support.

### B. Establishment by Court Order

Another way to establish a child's parentage is by filing a legal case in court to ask the court to determine who the child's father is. In Washington, this type of legal case is called a parentage case (or Petition to Establish Parentage). If you don't want the State to file this petition or if the State refuses to do so (see below), then you'll need to hire an attorney or use our do-it-yourself packet, [Filing a Petition to Establish Parentage](#).

If you don't have a paternity affidavit, or if your affidavit was signed before July 1, 1997, you may ask the State to file a parentage case on behalf of your child. The prosecuting attorney's office in your county has a special group of prosecutors who work on parentage and child support cases. The prosecutor won't represent either parent, but the prosecutor will file the case and help keep it moving through the court system. However, having the prosecutor file the case also means that any settlement of your case that's approved by you and the other parent will also need to be approved by the State. To ask the State to start a parentage case, contact your local prosecutor's office, or your region's Division of Child Support office, or check the DCS website: [www1.dshs.wa.gov/dcs](http://www1.dshs.wa.gov/dcs).

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<sup>5</sup> [RCW 26.26.320](#).

<sup>6</sup> [RCW 26.26.315\(4\)](#).

If there's no paternity affidavit that establishes a child's parentage, the court will decide a child's parentage based upon the evidence presented to the court by the people involved in the court case (the "parties" to the case). If the parties all agree as to who the child's father is, the court may decide that parentage should be established according to the parties' agreement. However, it's more common for the court to order the mother, child and the man believed to be the father to take a genetic test<sup>7</sup> to determine who the child's biological father is.<sup>8</sup> If the father isn't available for testing, the law says that the court may order genetic tests of the father's parents or other close relatives.<sup>9</sup> If the court orders genetic tests and a person refuses to be tested, that person may be held in contempt of court.<sup>10</sup>

After genetic testing is done, the court usually rules that the person who's the child's biological father (or is more than 99% likely to be the child's biological father) is the legal father of the child. There are some situations where the court may decide that someone who isn't the child's biological parent will be the child's legal parent.<sup>11</sup> The court may even rule that no genetic tests can be done.

◆ Example: if a person signs a paternity affidavit swearing under penalty of perjury that s/he is the child's parent, and the period for rescission or challenge to the acknowledgment passes before that person takes legal action to prove s/he isn't the parent, that person may be permanently established as the child's parent, even if someone else is actually the child's biological parent. Or, if a person acts as a child's parent for several years and then later decides to challenge his parentage of the child, the court may decide that it's not in the child's best interest to allow the challenge and may decide that the person will be the child's legal parent permanently.<sup>12</sup> This is particularly common where the child has a close relationship with the person, or has believed that the person was his/her parent for a long time.

## **Section 4: Where Should My Petition for Establishment of Parentage or Petition for Parenting Plan Be Filed?**

### **A. Does Washington have personal jurisdiction over the alleged parent?**

**If you want to file a Petition to Establish (or Disestablish) parentage in Washington, make sure that Washington has *personal jurisdiction* over the alleged parent.<sup>13</sup> Whether or not**

<sup>7</sup> People often call genetic tests "blood tests." However, the actual test almost never requires the parties to have a blood test. Instead, a lab gets some skin cells from each party by swabbing the inside of their mouths. The test, known as a "buccal swab," is painless.

<sup>8</sup> See [RCW 26.26.405](#).

<sup>9</sup> [RCW 26.26.435](#).

<sup>10</sup> [RCW 26.26.575](#).

<sup>11</sup> For a list of reasons the court might deny genetic testing, see [RCW 26.26.535](#).

<sup>12</sup> See, for example, *In re Marriage of Wendy M.*, 92 Wn. App. 430, 962 P.2d 130 (1998).

<sup>13</sup> [RCW 26.26.515\(1\)](#).

Washington has personal jurisdiction over the alleged parent will be determined under the Uniform Parentage Act (UPA) and the Uniform Interstate Family Support Act (UIFSA).

◆ NOTE: If you also want to ask for a parenting plan or residential schedule as part of the parentage action, make sure that Washington has jurisdiction over the child. See discussion in Subsection B, below.

The person whose parentage is being determined is the “alleged parent” or “alleged father.” The mother typically isn’t an “alleged parent” unless there’s doubt about whether she gave birth to the child.

If the alleged parent lives in Washington, you may file a parentage action in Washington. If the alleged parent doesn’t live in Washington, you may be able to file your case in Washington anyway. Washington may have personal jurisdiction over the alleged parent for several different reasons, including that the alleged parent:

- signed a paternity affidavit or denial in Washington,
- lived in Washington and provided financial support for the child before the child was born (even if the child wasn’t in Washington),
- lived in Washington with the child,
- brought the child to Washington to live or caused someone else to bring the child to Washington to live,
- had sexual intercourse in Washington that may have resulted in the child’s conception,
- agrees to personal jurisdiction in Washington,
- responds to the parentage action without challenging personal jurisdiction, or
- is personally served with the summons and petition for the parentage action in Washington.<sup>14</sup>

If there’s more than one alleged parent (for example, two possible fathers), you may file a parentage action in Washington even if Washington has personal jurisdiction over only one of the alleged parents. However, you’ll only be able to establish parentage of the parent over whom Washington has personal jurisdiction. If genetic tests show that the Washington alleged father isn’t your child’s biological father, you may need to file a second parentage action in the state that has personal jurisdiction over the other alleged parent to determine that father’s parentage of the child.<sup>15</sup> If you need to file parentage actions in more than one state, ask for help from the Division of Child Support. DCS can refer you to government agencies in other states that may be able to help you establish parentage or child support. Call DCS at 1-800-442-KIDS.

If the children haven’t always lived in Washington, read Paragraph B of this Section for help in deciding whether Washington has jurisdiction over the children. If Washington doesn’t have jurisdiction over the children, you may still file a parentage action in Washington, but you must file a petition for a parenting plan or custody order in the state that has jurisdiction over the children.

<sup>14</sup> [RCW 26.26.515\(2\)](#); see also [RCW 26.21A.100](#).

<sup>15</sup> [RCW 26.26.515\(3\)](#).

◆ **NOTE:** If the alleged parent is a Native American who's living on reservation land (even if it's not the alleged parent's tribe of origin), you may have to file your parentage action in tribal court.<sup>16</sup> Consult an Indian law attorney to find out where to file.

## **B. Does Washington have jurisdiction over the child?**

**If you're filing a Petition for a Parenting Plan/Residential Schedule or Child Support in Washington,** and you want a parenting plan or custody order, make sure that Washington has jurisdiction over the child. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) determines whether Washington has jurisdiction over your children.

If you want to ask the court to set child support against the other parent as part of your Petition for a Parenting Plan or Child Support case, make sure that Washington has personal jurisdiction over the children's other parent. See discussion above in Subsection A of this Section.

If Washington doesn't have jurisdiction over your children, you may not file for a parenting plan or custody order in Washington.<sup>17</sup> You may need to file a parenting plan or custody action in another state. Because a petition for parenting plan is a custody action, you may not file in Washington if Washington doesn't have jurisdiction over the child. However, if Washington has jurisdiction over the alleged father, you may file a Petition for Parenting Plan/Residential Schedule or Child Support to ask only for child support.

◆ If you want only child support and not a parenting plan or custody order, you may file a Petition for Parenting Plan/Residential Schedule or Child Support in Washington and limit your petition to asking for child support. Or you could ask the Washington State DSHS Division of Child Support to help set support through an administrative process. The administrative process often is quicker and easier for people representing themselves without an attorney. Contact DCS at 1-800-442-KIDS, or see <http://www.wa.gov/dshs/dcs/contact.shtml> for information about local offices and DCS services.

- **If your children have always lived in Washington and no other state has entered a custody order regarding your children, then Washington has jurisdiction over your children.** *Skip the rest of this Section.*
- **If your children haven't always lived in Washington,** make sure that Washington has jurisdiction over them before you file a request for a parenting plan or residential schedule in Washington. Following are some basic guidelines to help you decide if Washington has jurisdiction over your children. However,

<sup>16</sup> [RCW 37.12.010](#).

<sup>17</sup> The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), [RCW 26.27 et. Seq.](#), and the Parental Kidnapping Prevention Act (PKPA), [28 U.S.C. §1738A](#), determine whether Washington has jurisdiction over your children.

jurisdiction is complicated. **If you have questions about whether Washington has jurisdiction over your children, talk with an attorney.**

1. **If you already have a court order about custody of the children**, and one of the parties to that case or the children still live in the state that entered the court order, that state will continue to have jurisdiction over the children and must file a custody action there (this is called *continuing jurisdiction*).<sup>18</sup> If another state has *continuing jurisdiction* over your children but there's jurisdiction in Washington over the parent, you may still file a parentage action or a Petition for Parenting Plan/Residential Schedule or Child Support but that action will be limited to the issue of child support. If Washington has continuing jurisdiction over your children, you may get a parenting plan in Washington.
2. **If no court's ever entered an order about custody of your children, Washington has jurisdiction over your children if:**
  - A. Your children have lived in Washington with a parent or a person acting as parent for at least six months in a row before your court case is filed – Washington is your child's *home state*;
  - OR
  - B. Your child is less than six months old and has lived in Washington with a parent or a person acting as parent since birth at the time your court case is filed – Washington is your child's home state.
  - OR
  - C. Washington was your child's *home state* (either a. or b. were true) within six months before your court case is filed, and one parent or person acting as parent has continued to live in Washington since the child left the state.
3. **If Washington doesn't have continuing jurisdiction (under 1. above) or home state jurisdiction (2. above) over your children, you may still be able to obtain a parenting plan or custody order in Washington, if you can show that there's an emergency, or that no other state is the children's home state (meets the requirements of 2.a., 2.b., or 2.c. above).**<sup>19</sup>

If another state is your children's home state, or was your children's home state within the last six months, then Washington probably won't have jurisdiction over your children until they've lived in Washington for six consecutive months.

◆ You can't give Washington jurisdiction to decide custody of your children by agreement.<sup>20</sup> If Washington doesn't have jurisdiction over your children under the UCCJEA, then you must file a court case asking for custody in the state that does have jurisdiction over the children, or you'll need to ask the

<sup>18</sup> [RCW 26.27.211.](#)

<sup>19</sup> [RCW 26.27.201;](#) [RCW 26.27.021.](#)

<sup>20</sup> *Campbell v. Campbell*, 180 Ind. App. 351, 388 N.E.2d 607 (1979).

other state to decline jurisdiction and allow Washington to take jurisdiction. If you want to ask another state to decline jurisdiction, talk with an attorney.

**4. Emergency jurisdiction:** In certain limited cases in which an emergency exists that requires a court to enter orders to protect your children from abuse, Washington may be able to take *emergency jurisdiction* over the children.<sup>21</sup> However, emergency jurisdiction usually is temporary. Washington's orders typically will last only until someone files a legal case in the state that is the children's home state, or the home state declines. Your children must actually be in the state of Washington at the time you file your petition for Washington to take emergency jurisdiction.

◆ If Washington takes emergency jurisdiction over your children and you want custody of your children to be decided by the children's home state, you must file a custody action in the children's home state as quickly as possible and have the Washington court communicate with the other state. If you wait too long, and Washington becomes the children's home state, the other state can lose jurisdiction to Washington.<sup>22</sup>

Again, jurisdiction is very complicated. If you have any questions about whether Washington has jurisdiction over your children, talk with an attorney as soon as possible.

**C. What should I do if I've been served with a Petition to Establish Parentage or a Petition for Parenting Plan/Residential Schedule and Child Support and I don't think my case should be in Washington?**

If you think that the Washington court shouldn't have jurisdiction over you, you must argue about jurisdiction BEFORE you file anything else in the case. Try to see an attorney for advice. If you can't afford one, be careful not to do anything that could give Washington jurisdiction over you, such as filing a response, signing agreed orders, or asking the court to grant relief to you (other than dismissing the case).

If you don't tell the court that you don't think Washington has personal jurisdiction over you right at the beginning, you're likely to lose your chance to object.<sup>23</sup> Although you can object to jurisdiction over your children at any time, it's best to do it early in the case.<sup>24</sup>

If possible, write to the court before you have a hearing. Tell the court why you believe that Washington doesn't have jurisdiction over you. You may also file a motion to dismiss for lack of jurisdiction. For more information on filing a motion to dismiss for lack of jurisdiction, talk with an attorney or see your Courthouse Facilitator.

<sup>21</sup> [RCW 26.27.231\(1\).](#)

<sup>22</sup> [RCW 26.27.231\(2\).](#)

<sup>23</sup> [Civil Rule \(CR\) 12\(b\), \(g\), \(h\)](#); *Sherrer v. Sherrer*, 334 U.S. 343, 92 L. Ed. 1429, 68 S. Ct. 1087 (1948).

<sup>24</sup> [Civil Rule 12\(h\)\(3\)](#). Whether Washington has jurisdiction over your children (also called subject matter jurisdiction) is determined by the UCCJEA, [RCW 26.27 et. Seq.](#)

If you already have a hearing scheduled, and you can't write to the court before the hearing, go to the hearing in person (or try to take part in the hearing by phone, by calling the court and arranging it in advance). Tell the judge why you think there's no jurisdiction over your case. If the judge decides in your favor, then the case should be dismissed. If s/he doesn't, then be prepared to respond to the case in Washington.

◆ If you're going to a hearing to tell the judge that you think Washington lacks jurisdiction, you should still prepare a response to the motion or petition *before* the hearing. Don't file the response, but bring it with you to the hearing. If the judge decides that Washington has jurisdiction, you can then ask the judge to read your response.

#### **D. What if my paternity affidavit isn't from Washington?**

If the paternity affidavit was signed in another state, you may still be able to file a Petition for a Parenting Plan. First, make sure that Washington has jurisdiction over the children (see Subsection B of this Section). Second, you must prove to the court in Washington that your paternity affidavit legally established paternity under the laws of the state where it was signed and filed. You'll also need to be able to show that it's final (can no longer be rescinded or cancelled). Start by contacting the agency in the other state where your paternity affidavit was filed. Try also to consult an attorney in the other state, or research the law about paternity affidavits in that state. Be prepared to give written proof of the other state's law to the court in Washington.

#### **E. What if my paternity court order isn't from Washington?**

If you have a court order establishing parentage that was entered in another state, but you need a parenting plan or custody order, you may be able to file a Petition for a Parenting Plan in Washington. However, you must make sure that Washington has jurisdiction to enter a custody order as discussed above in Subsection B of this Section. It's recommended that you discuss your case with an attorney. Before you do so, try to get a certified (official) copy of the court order establishing parentage in the other state, as well as any other court orders from that case, including any court orders that state has made about whom the children will live with or how much visitation the other parent should have.

#### **F. In which county should my parentage or petition for parenting plan case be filed?**

If the child lives in Washington, you must file your parentage or petition for parenting plan case in the county where the child lives. If the child doesn't live in Washington, file your parentage action in the county where the alleged parent lives or is found.<sup>25</sup> If the child doesn't live in Washington, you probably can't file a petition for parenting plan in Washington. See discussion above in Subsection B.

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<sup>25</sup> [RCW 26.26.520](#).

## Section 5: Frequently Asked Questions About Paternity

### A. What's a Paternity Denial?

A paternity affidavit form may also be used to establish that a presumed father isn't the legal father of a child.<sup>26</sup> (It's called a *paternity denial* when it's used this way, but it's the same form as an acknowledgment.) Example: if a married woman gives birth to a child who isn't her husband's, the child's correct paternity can be established by paternity affidavit. The husband must sign the acknowledgment form stating that he's not the father of the child. The child's mother and biological father must also sign a paternity affidavit stating that the husband isn't the father, and that the biological father is the father. In this situation, the husband, biological father and mother must all sign the paternity affidavit in order for the acknowledgment to be legally effective. If someone won't sign, a party will need to file a Petition for Establishment of Parentage.

### B. What if my Paternity Affidavit was filed before July 1, 1997?

If your paternity affidavit form was signed and filed with the Department of Health before July 1, 1997, your acknowledgment isn't a permanent legal determination of paternity. It did, however, create a legal presumption of parentage.<sup>27</sup> If you're the parent named in a paternity affidavit that was filed before July 1, 1997, you can be ordered to pay child support, but you don't have a clear legal right to request residential time with your child in court. If you want to establish parentage to ensure a child has inheritance rights or to establish a parenting plan, you must file a [Petition to Establish Parentage](#), using form WPF PS 01.0100. Or, contact your county prosecuting attorney's office, or the Division of Child Support, to ask the State to start a parentage case.

### C. What if I want to cancel the paternity affidavit or paternity denial?

If you signed a paternity affidavit but you want to rescind (cancel) it, act very quickly. Your deadline for rescinding the acknowledgment is probably very short. The date your paternity affidavit was filed with the Department of Health determines your deadline and how to challenge it.

◆ If you don't know the date your paternity affidavit was filed, contact the Department of Health at (360) 236-4300. The receptionist may be able to tell you whether there's an acknowledgment on file with the Department, but can't tell you other information, such as the date your acknowledgment was filed. To find out your filing date or other information about your acknowledgment, write to the Department of Health for a certified copy of your acknowledgment. For more specific instructions about how to request a certified copy of your paternity affidavit, see our do-it-yourself packet

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<sup>26</sup> [RCW 26.26.320](#).

<sup>27</sup> [RCW 26.26.370\(2\)](#).

called [How to Get a Copy of Your Washington Paternity Affidavit](#). Note: It could take a couple of weeks to get a copy of your paternity affidavit.

**If your paternity affidavit was filed after July 1, 1997**, you have, **at most, 60 days** from the date the acknowledgment was filed with the Department of Health to rescind it. If you have any court hearings about the child before your 60 days have passed, **you must rescind your acknowledgement by the date of the first court hearing even if that's earlier than 60 days.** To rescind the acknowledgment, you must file a court action. The Summons and Petition for Rescission of Paternity affidavit Within 60 Days and other forms you'll need to file that case are available on the Administrator for the Courts website, [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms).

**If your paternity affidavit was filed before July 1, 1997**, your paternity affidavit isn't a final legal determination of paternity.<sup>28</sup> Generally, you may challenge it no matter how much time has passed, by filing a Summons and Petition for Establishment of Parentage, Form WPF PS 01.0100. See our do-it yourself packet, [Filing a Petition for Establishment of Parentage](#). However, once you've filed the case, the court may decide that it's against the child's interests to have paternity disestablished. (See Section 3 B.)

#### **D. What if I want to challenge paternity and the rescission deadline has passed?**

If you signed your paternity affidavit on or after July 1, 1997, and more than 60 days have passed since it was filed, you may challenge the acknowledgment only for a few very specific reasons.

**You must file a challenge within two years** after the acknowledgment was filed with the Department of Health. If less than two years have passed, you may challenge the paternity affidavit by filing a court case. However, you'll have to prove that there was fraud, duress, or material mistake of fact.<sup>29</sup> To find out whether you can prove fraud, duress or material mistake of fact, consult an attorney about your specific case. (You might, for example, be able to show material mistake of fact if you have genetic tests demonstrating that the father named on the acknowledgment isn't the biological father.)

If more than two years have passed, Washington law says that you may not file any type of legal challenge to the paternity affidavit. However, if more than two years have passed since your paternity affidavit was filed, consult an attorney to see if there may be some legal grounds for challenging an acknowledgment after two years (such as might be possible if your acknowledgment is void under [RCW 26.26.305\(2\)](#)).

#### **E. The father's name is on the birth certificate – doesn't that establish paternity?**

No. If the child's father is named on the birth certificate, but you and the other parent didn't sign a paternity affidavit and no court order establishing parentage has been entered, the birth certificate

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<sup>28</sup> [RCW 26.26.370](#).

<sup>29</sup> [RCW 26.26.335](#).

alone doesn't legally establish the father-child relationship.<sup>30</sup> You can probably use the birth certificate for some purposes, such as getting veteran's benefits, but you'd need to establish parentage to get a custody order or to get the right to inherit money or property or Social Security death benefits for your child if the other parent dies.

## **F. What if the mother's husband isn't the father of the child?**

When a child is born during a marriage, or within 300 days after a marriage ended (or the husband dies), the child is legally presumed to be the mother's husband's child – the husband is known as the child's *presumed father*.<sup>31</sup> This means that the husband will have all legal rights and responsibilities for the child, unless someone takes steps to “disestablish” the husband's parentage of the child. Example: the husband may be ordered by the court to pay child support for the child, and the husband can ask for custody of or visitation with the child. You ask the court to disestablish the husband's legal relationship with the child by filing a Petition for Establishment of Parentage case. Or you can do this by having the husband, the mother and the child's biological father sign a paternity affidavit.<sup>32</sup>

## **G. What if the wrong person is established as the father?**

If you have a paternity affidavit or a court order that names one man as the child's father, but you believe that he's not the father, you must file a legal case to ask the court to name the right man as the child's father. Take action as quickly as possible. Many of the deadlines for filing a legal challenge to a parentage court order or paternity affidavit are very short. Also, consult an attorney, if possible, to get advice about what to do in your specific situation.

### **1. What If The Paternity Affidavit or Denial Is Wrong?**

◆ This subsection only applies where the paternity affidavit or denial was signed on or after July 1, 1997. If the affidavit or denial was signed before July 1, 1997, go to Subsection B below.

If you believe you're the child's father but you didn't sign the paternity affidavit, you may file a legal challenge to the paternity affidavit using a “Summons and Petition for Establishment of Parentage Pursuant to RCW 26.26 (Ch. 302 L 2002 § 509(2)),” which is form number WPF PS 16.0100. You can also use our do-it-yourself packet, [Filing a Petition to Establish Parentage](#).

Under Washington law, you must start your court case no more than two years after the parentage acknowledgment you're challenging was filed with the Department of Health.<sup>33</sup> However, you won't be able to ask the Department of Health for the filing date of the acknowledgment because you didn't sign it. If you think it's been close to or less than two years, file your case anyway and make a motion to ask the court to help you find out the filing date. Even if more than two years have passed, you may still be able to file

<sup>30</sup> If the father and mother of the child marry each other after the child's birth, however, the birth certificate may create a legal presumption of paternity. See [RCW 26.26.116\(d\)](#).

<sup>31</sup> [RCW 26.26.116\(1\)](#).

<sup>32</sup> [RCW 26.26.310](#).

<sup>33</sup> [RCW 26.26.540\(2\)](#).

a legal challenge (see, for example, [RCW 26.26.305\(2\)](#)). Consult an attorney for more information about your specific case.

## **2. What if the Court Judgment and Order Establishing Parentage is wrong?**

If you were a party to the court case in which parentage was established, you must file a Motion to Vacate the Judgment and Order Establishing Parentage under [Civil Rule 60](#). The legal reasons for filing a motion to vacate are limited and motions to vacate must be made within a reasonable time after the court entered the final order. Read [Civil Rule 60](#) and consult an attorney about your specific case. You may also want to review our packet called [Filing a Motion to Vacate](#).

If you were not a party to the legal case in which parentage was established, you can try to challenge the Judgment and Order Establishing Parentage. You may file a “Petition for Establishment of Parentage Pursuant to RCW 26.26 (Ch. 302 L 2002 §509(2)),” which is form WPF PS 16.0100. You can also use our do-it-yourself packet, [Filing a Petition to Establish Parentage](#).

Washington law says you must file your Petition no later than two years after the Order Establishing Parentage was entered with the court.<sup>34</sup> However, if more than two years have passed, consult an attorney to see if you can still file a challenge to the court order.

## **H. When may the child challenge the paternity acknowledgement or paternity order?**

If you were the child whose parentage was established by paternity affidavit or by court order, and you believe the wrong person was named as your father, you may file a legal action to challenge the acknowledgment or order if no guardian ad litem (GAL) was appointed to represent you, and the acknowledgment or order isn’t supported by genetic tests showing that your legal father is your biological father.<sup>35</sup> You may file a challenge no matter how much time has passed since the acknowledgment or order was entered using a “Petition for Establishment of Parentage Pursuant to RCW 26.26 (Ch. 302 L 2002 §509(2)),” form WPF PS 16.0100.<sup>36</sup>

## **Section 6: Who Will Get Custody Of Our Children?**

As part of your parentage or petition for parenting plan case, the court can decide which parent the children will live with the majority of the time (or whether they’ll live with each parent half of the time) and how much time the children will spend with the other parent. If the court only deals with the child’s residence and visitation, it will enter a court order called a Residential Schedule. If the court enters a Parenting Plan instead of a Residential Schedule, the court will make decisions about the child’s residence and visitation, and will also decide who will make decisions about the children’s school, medical care and other issues, and how the parents will resolve disagreements about the parenting plan in the future. In Washington, the courts generally don’t use the words *custody* and *visitation* when talking about how much time each parent spends with a child. They talk about the *residential schedule* and *decision-making authority* for the children. The way in which the

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<sup>34</sup> [RCW 26.26.540\(2\)](#).

<sup>35</sup> [RCW 26.26.630\(2\)](#).

<sup>36</sup> [RCW 26.26.540\(2\)](#).

court makes decisions about your temporary and permanent parenting plan is complicated. We'll try to give you an overview of the law, but talk with an attorney about your specific case if at all possible.

### **A. Who needs a Parenting Plan?**

If you and the other parent have any children together who are less than eighteen years old, you must fill out a parenting plan or a residential schedule. If you were served with a petition and a parenting plan or residential schedule by the other parent and disagree with what the other parent's asking for, you must file your own parenting plan/residential schedule so the court knows what you want. The court may enter a temporary parenting plan (to cover the period while the case is pending) and will enter a permanent parenting plan when your case is finished.

### **B. How does the Parenting Plan affect my rights to see my children?**

After a judge or court commissioner signs a parenting plan or residential schedule, it's a court order. Both parents are required to follow it.

If you don't follow the parenting plan or residential schedule, you could be found in contempt of court or even prosecuted for custodial interference unless you have a good excuse. A good excuse for not following an order would be if following it would cause serious harm to you or the child. And even then, you can't simply refuse to follow the court order. You must return to court to ask for a change in the order.

Therefore, if you don't want to follow part of a parenting plan which has been ordered by the court, get the permission of the other parent, in writing, or contact an attorney. File your action to modify the parenting plan as soon as possible so that a new, more appropriate schedule gets approved by the court. If you believe your child may be in danger, you can also contact Child Protective Services, State of Washington Department of Social and Health Services (CPS).

### **C. How will the court decide who the children should live with?**

Under Washington law, there are several factors that the court must consider when deciding who your children should live with.

### **D. What are some reasons that one parent's time with the children may be restricted?**

The court must first consider whether there's a reason under [RCW 26.09.191](#) that one parent's residential time with the children should be limited, or whether that parent should be prevented from having any contact at all with the children. In most cases, the court **must** limit a parent's residential time with a child (and can't order joint decision-making or alternative dispute resolution) if that parent, or a person who lives with that parent, has engaged in any of the following:

- Willful abandonment of the children that continues for a long time, or the parent substantially refuses to perform parenting functions (care for the children); OR
- Physical, sexual or a pattern of emotional abuse of any child (whether it's your child or someone else's); OR

- A history of acts of domestic violence<sup>37</sup> or an assault or sexual assault that causes serious bodily harm or the fear of such harm; OR
- The parent has been convicted as an adult of one of a number of sex crimes, including rape of a child, child molestation, sexual misconduct with a minor, incest, or sexual exploitation of children, or the parent has been found to be a sexual predator.<sup>38</sup>

The court may choose to limit a parent’s residential time (and order that there’ll be no joint decision-making or alternative dispute resolution) if the court finds any of the following:

- The parent neglected or substantially failed to provide care for the children; OR
- The parent has a long-term emotional or physical problem that interferes with his/her ability to parent the children; OR
- The parent has a long-term substance abuse problem (including alcohol) that interferes with his/her ability to parent the children; OR
- There’s no emotional bond between the parent and the child or that bond is seriously damaged; OR
- That parent has engaged in the abusive use of conflict which has created a danger of serious damage to the child’s psychological development; OR
- The parent has denied the other parent contact with the child for a long time without a good reason; OR
- The court finds another reason that unrestricted contact with the parent would be bad for the child.<sup>39</sup>

**E. How will the court limit a parent’s residential time if the court finds a limiting factor under [RCW 26.09.191](#)?**

If the court decides that a limiting factor applies to one or both parents, there are a variety of restrictions the court may order. In most cases, the court won’t allow the children to live the majority of the time with a parent to whom a limiting factor applies. In very rare and serious cases, where the court decides that no other limits will protect the child from harm, the court must order that the parent to whom the limiting factor applies may not have any contact with the child.<sup>40</sup>

There are very specific and detailed rules that the court must follow if a parent or a person who lives with a parent has been convicted of a sex crime against children, or has been found to have molested or otherwise harmed children in a civil case such as a dependency (CPS case). There are only very limited cases in which that parent may again have unsupervised contact with his/her child or children. If you or the other parent in your case has been convicted of such a crime, talk with an attorney and read [RCW 26.09.191](#) very carefully. We don’t address here all of the specific restrictions that apply to parents convicted of sex crimes or sexual abuse.

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<sup>37</sup> Domestic violence is defined in [RCW 26.50.010\(1\)](#).

<sup>38</sup> [RCW 26.09.191](#).

<sup>39</sup> [RCW 26.09.191\(3\)](#).

<sup>40</sup> [RCW 26.09.191\(m\)\(i\)](#).

In the parenting plan, the court may order any restriction that would be “reasonably calculated to protect the child from the physical, sexual or emotional abuse or harm that could result if the child has contact with the parent requesting residential time.”<sup>41</sup> Some common restrictions include requiring that parent to:

- See the children only when supervised by a professional supervisor or neutral third party;
- Complete domestic violence or substance abuse treatment;
- Submit to random drug or alcohol tests (often urinalysis or UAs);
- Complete a parenting class;
- Participate in mental health counseling, or take any physician-prescribed medication for his/her mental health condition;
- Complete a sexual deviancy evaluation;
- Stop interfering with the other parent’s contact with the children;
- Stop creating conflict or getting into disputes with the other parent without good reason.

**F. If none of the [RCW 26.09.191](#) limiting factors applies, how will the court decide who the children will live with?**

If no limiting factors apply, [RCW 26.09.187](#) requires the court to consider a number of specific factors to decide on the residential schedule. The court’s goal is to “encourage each parent to maintain a loving, stable and nurturing relationship with the child, consistent with each child’s developmental level and the family’s social and economic circumstances.”<sup>42</sup>

The most important factor that the court must consider is “the relative strength, nature and stability of the child’s relationship with each parent, including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child.”<sup>43</sup> This means that the court’s more likely to order that the children will live with the parent with whom they’re most closely bonded, and who’s done more of the day-to-day care of the children. The court will also consider:

- Agreements of the parents, if entered knowingly and voluntarily;
- Each parent’s past and future potential for parenting the children;
- The emotional needs and developmental level of each child;
- The child’s relationship with brothers and sisters and other adults important to the child, as well as the child’s involvement with school, the child’s activities & community;
- The parents’ wishes;
- The child’s wishes, if s/he’s mature enough to give his/her opinion (the court will usually not consider the child’s wishes until s/he’s a teenager);

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<sup>41</sup> [RCW 26.09.191\(m\)](#).

<sup>42</sup> [RCW 26.09.187\(3\)\(a\)](#).

<sup>43</sup> [RCW 26.09.187\(3\)\(a\)\(i\)](#).

- Each parent's work schedule.<sup>44</sup>

Note: the court should give little weight to factors such as which parent earns more money or is going to remarry.

In Section 7, we provide Yakima County Superior Court's suggested residential guidelines, to show one idea of the amount of residential time the children should spend with each parent. These guidelines were designed for families in which there's been no abuse of the children or domestic violence. If you believe that the other parent may present a danger to the children or you, consider a different type of schedule. Talk with an attorney for advice on what to ask for in your parenting plan.

### **G. I want to have equal time with the children. Will the court order this?**

The court can enter a parenting plan or residential schedule that gives each parent 50% of the residential time with the children. However, the court can only do so if all of the following are true:

- Neither parent has a limiting factor under [RCW 26.09.191](#); AND
- The parents knowingly and voluntarily agreed to the schedule; OR
- The parents have a history of cooperation and shared parenting, and they live close enough to one another to ensure that they can share parenting of the children; AND
- The court finds that such a schedule is in the children's best interests.<sup>45</sup>

### **H. How will the court decide who should make important decisions about the children?**

In the parenting plan, the court will also decide which parent will make important decisions about the child. Either parent will be permitted to make emergency decisions about the child, and may make day-to-day decisions (such as what the child will eat, or who will babysit the child) when the child is in that parent's residential care.<sup>46</sup>

For non-emergency decisions, such as where the child will go to school, what doctors or other health care providers the child will see, when the child receives medical care, and what religious institution the child attends (if any), the court may allow one or both parents to make these decisions. The court must order that only one parent can make these non-emergency decisions if there's a limiting factor under [RCW 26.09.191](#) against the other parent that requires that no joint decision-making can be ordered, or if both parents say that they don't want joint decision-making. The court may order sole decision-making to one parent if that parent disagrees with joint decision-making because (1) one of the limiting factors under [RCW 26.09.191](#) applies to the other parent; (2) the other parent doesn't have a history of participating in the decision-making about the children; (3) the parents don't have a demonstrated ability and desire to

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<sup>44</sup> [RCW 26.09.187\(3\)\(a\)](#).

<sup>45</sup> [RCW 26.09.187\(3\)\(b\)](#).

<sup>46</sup> [RCW 26.09.184\(4\)\(a\) & \(b\)](#).

cooperate with each other in decision-making; or (4) the parents don't live close enough to each other to make joint decisions in a timely way.<sup>47</sup>

Note: in most cases, the court should treat decisions about the children's religious upbringing differently from decisions about school and medical care. Unless the court decides that the children may be harmed by being exposed to a parent's religious views, the court should allow each parent to provide the child with the religious instruction the parent chooses while the children are with that parent.<sup>48</sup> This isn't "joint" decision-making. It's each parent making decisions on that parent's residential time and not interfering with the other parent's decisions.

### **I. What's alternative dispute resolution, and what does it have to do with the Parenting Plan?**

The parenting plan includes provisions that govern how you and the other parent will solve disputes about the parenting plan in the future. Alternative Dispute Resolution (ADR) refers to ways of solving disputes instead of going to court. For disagreements over parenting plans, you and the other parent may choose options other than going to court, such as counseling, mediation, or arbitration.

If a limiting factor under [RCW 26.09.191](#) applies to one parent, the parents can't participate in dispute resolution equally, or one of the parents can't afford alternative dispute resolution, the court shouldn't order alternative dispute resolution but should just require the parents to return to court if they have disagreements about the parenting plan in the future.<sup>49</sup>

Some people find ADR helpful. If you choose counseling, you'll typically meet with a mental health professional who will use counseling techniques to help you and the other parent solve your disagreement. If you choose mediation, you'll meet with a mediator: a neutral third party who may be a lawyer, retired judge or court commissioner, or a mental health professional. The mediator will try to get you to come to an agreement. If you choose an arbitrator, you'll meet with a neutral third party (often a lawyer, retired judge or court commissioner) who may try to help you reach agreement, but who'll make a decision that you both must follow if you can't reach agreement. If arbitration's ordered in your parenting plan, you'll still have the right to file a motion with the court to ask for a review of the arbitrator's decision if you disagree with it. You'll need to pay a counselor, mediator or arbitrator in most cases, and the fees can be very expensive. However, ADR can also help you avoid the stress, expense and unpredictability of going to court.

For more information about whether mediation might be right for you, read our publication called [Mediation](#), available on our website.

### **J. What if I want to move to a different state with the children?**

In 2000, the law changed about when and how one parent can move a child's residence when the parents don't live together and there's a parenting plan or other custody/visitation order in place. As a result, all parenting plans must now talk about what must happen if one of the parents wants

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<sup>47</sup> [RCW 26.09.187\(2\)](#).

<sup>48</sup> See *In re Marriage of Jensen-Branch*, 78 Wn. App. 482, 899 P.2d 803(1995).

<sup>49</sup> [RCW 26.09.187\(1\)](#).

to move (relocate). That language is part of the parenting plan form and CAN'T be changed or taken out, even if the other parent agrees. The new requirements include:

- ⇒ having to give the other parent notice before a move;
- ⇒ giving the parent who isn't moving a chance to object to the move; and
- ⇒ being able to ask the court to change a parenting plan, including which parent the children live with, based on a parent's relocation.

Read the law in at [RCW 26.09.405](#) through [.560](#). Also, read our publication called [Moving with Children: Washington's Relocation Law](#).

## **Section 7: Residential Schedule Guidelines Used in Yakima County Superior Court When Parents Get Along and There's No Need for Restrictions on Either Parent**

When parents live away from each other because they're divorced, separated, or never lived together, it's important to set a schedule of time for the children to spend with each parent. These guidelines should give you an idea of what one court decided was generally best for a child at each stage of development given somewhat ideal circumstances. Since each case is unique, your court may choose to order a different schedule.

*These guidelines are appropriate in cases in which the parents get along well and there are no reasons why either parent's access to the children should be limited. Parents will have to change the suggested guidelines if they live far away from each other, where there's been domestic violence or another limiting factor which makes visits with one parent restricted, or where the parents are uncooperative with each another to the point that their relationship interferes with the schedule.*

Children are influenced by each parent they spend time with. Parents and stepparents must support an ongoing relationship with the other parent. Both parents should help the child know that it's normal and healthy to feel good about both parents and to enjoy time with each.

These guidelines were developed by child development experts and were adopted by the Yakima Superior Court. They're arranged by the normal developmental stages of children. Children are all different, though. Some children may fit into an older or younger stage, depending on their individual personalities and abilities. Design the parenting plan to fit the stage you believe your children to be in despite the age guidelines.

### ***INFANTS (Birth to 18 Months)***

#### **Birth to 6 Months**

**RECOMMENDATION:** two hours, at least twice per week

A baby must have consistent physical care and sensitive, cooperative interaction between the infant and caregiver. The pattern of access shouldn't interrupt the ability of the parents to provide smooth child care routines. Visitation should happen often enough to help the infant and parent bond. Daily contact of a few hours in the primary residence of the infant is ideal, with

both parents sharing in feeding, bathing, changing, and otherwise caring for and playing with the infant.

It's best if both parents are committed to the infant developing a good relationship with both parents. Cooperation is important at any age, but it's the most important factor in designing a plan for infants. When parents can't restrain themselves from fighting or arguing in front of the infant, visitation should be somewhere besides the residential home. Special family circumstances may require that visitation be in a protected setting or the office of a mental health professional.

During this stage of infancy, frequent and predictable contact with the infant is best. Unless circumstances allow several contacts each week, time with the infant away from the residential parent should be limited to one or two hours at a time.

### 6 to 18 Months

**RECOMMENDATION:** Two hours, twice per week and four hours, once per week

The major issue at this age is the forming of secure attachments. The most important features of care giving are stability and responsiveness. Young children can quickly lose feelings of attachment to people they don't see often. Like with younger infants, the more frequent and stable the visitation is, the longer each visit can be. If visits are less than once or twice a week, visits shouldn't be more than three hours at a time. Children this age need routine contact with familiar people. Overnights away from the primary caregiver should be discouraged unless the instability for the child is outweighed by other factors.

### ***TODDLERS (18 Months to 3 Years)***

**RECOMMENDATION:** two hours, twice per week and eight hours, once per week. Alternate holidays at eight hours each day for Easter, July 4th, Thanksgiving, Christmas Eve, and Christmas Day. Overnights not generally recommended.

Toddlers develop a sense of separateness from the parents and learn to master their limits. Toddlers should have adequate freedom to explore and permission to resist the parent on unimportant issues, but must be required to obey in areas of safety, self-control, and social interaction.

Frequency and consistency are still important, but children of this age can handle a schedule of access that provides less frequent contact. An 18 month old who visits with a parent only on weekends can handle an additional half-day or less during the week. For older toddlers, when the nonresidential parent has been a regular and significant caretaker, an overnight per week is possible once the toddler's used to the other parent's home. Weekend long access is still not recommended.

### ***PRESCHOOLERS (3 to 5 Years)***

**RECOMMENDATION:** Two hours, twice per week and alternating weekends from Saturday at 9:00 a.m. until Sunday at 6:00 p.m. Alternate Easter, July 4th, and Thanksgiving for an overnight visit each holiday. Alternate Christmas Eve plus the two days before and Christmas Day plus the two days after. Add visits of two non-consecutive (not in a row) one-week periods.

Preschool children are developing sex role identification and peer relationships as well as learning to manage their impulses. Parents must model clear roles and values and use effective parenting skills.

The level of conflict between parents appears to be more important than the schedule of contact for preschool children. Almost as important is the predictability of the contact. Frequent contact also is preferred. Weekly access of one overnight for younger preschoolers and full weekends for older preschoolers throughout the year is recommended. More frequent contact is even better, assuming a low level of conflict between the parents. A few week-long contacts for holidays and summer vacation can be handled well by the preschooler who's familiar with the parent. If circumstances make visits longer than a week at a time necessary, the parents should consult with a professional to help the children handle the lengthier time period.

### ***EARLY ELEMENTARY (5 to 9 Years)***

RECOMMENDATION: Every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. If Friday is a school holiday, the weekend begins Thursday at 6:00 p.m. If Monday is a school holiday, the weekend ends Monday at 6:00 p.m. Add one weekday from 5:30 p.m. until 7:30 p.m., once per week. Alternate Thanksgiving for 4 days, the first half of Christmas vacation one year, and the second half of Christmas vacation the next year. Alternate spring vacation. During the summer, visit of 30 days, unless the parents agree to a shorter or longer period, or the Court finds a different period would be better. During the summer, the primary residential parent should have one weekend visit (exceptions can be made for long trips, etc. with the nonresidential parent, such as the nonresidential parent taking the child on a week-long vacation during the year).

For children this age, the primary influence of the parent is now shared with teachers, peers, and often community contacts. Schedules of access must take into account various organized activities in which children can be involved.

The recommended schedule is a minimum of two weekends per month, and assuming the parents get along reasonably well, more frequent access including midweek contacts. At 7 to 8 years of age, children are most satisfied when they have contact with the nonresidential parent several times a week. Extended time with the other parent is possible at this age because of the child's developed sense of time. Up to six weeks may be appropriate, but not necessarily to be taken all at one time. When staying for long periods with the nonresidential parent, contact with the residential parent, by phone and visits, should be arranged.

### ***LATE ELEMENTARY (9 to 12 Years)***

RECOMMENDATION: Same as 5 to 9 Years

The schedule here can be much the same as for ages five to nine. However, children of this age generally need to be involved in the decisions affecting them. Also, by ages 11 to 12, their friends and school activities have more importance which may lead children to want less contact with both parents and a more flexible schedule.

### ***ADOLESCENTS (12 to 18 Years)***

RECOMMENDATION: Same as 5 to 9 Years, with the children having increasing say in a flexible or different schedule.

#### 12 to 15 Years

The younger adolescent needs more support and guidance from parents than does the older one. The recommended schedule is much the same as for ages nine to twelve, recognizing that the younger adolescent needs the flexibility to opt out of occasional visits or vary from the schedule for time with peers or school activities.

## 15 to 16 Years and older

The older adolescent and the nonresidential parent should set the schedule together. The schedule should take into account that teenagers don't need contact of long duration with either parent, but need to know they can count on both parents. At least brief contact on a weekly or every other week basis is strongly recommended for the teenager and the nonresidential parent.

There's no legally designated age at which children have the right to decide with whom they live or whether or not they'll have time with the other parent. In practice, the adolescent's need for independence should be balanced against his/her (sometimes unfelt) need for at least minimal contact with both parents. To some teenagers, spending a full weekend with one parent may be seen as being grounded, especially if that parent's location or desire to spend time with the adolescent interferes with the adolescent's social schedule with peers.

### ***OTHER CONSIDERATIONS***

#### Holidays

In addition to the above suggested schedules, the parents must provide for specific holiday visits, which should be structured according to the family's traditions. Religious or other holidays with significance to the family should be defined and stated in the holidays or special occasion portions of the parenting plan. Sharing of time should be the main consideration. (Example: major holidays such as Thanksgiving and Christmas can be alternated.) Some parents prefer to establish a tradition of Christmas Eve in one home and Christmas Day in the other. Minor holidays that usually make a three-day weekend can be included with a weekend visit. School vacations can be divided between the parents in ways consistent with the children's needs. It's especially important to be flexible with the other parent when special occasions which are important to that parent come up during time the child is scheduled to be with you. Example: if the mother's big family reunion is scheduled during the father's weekend, the parents could agree to switch weekends that month so the children could go to the reunion.

#### Distance

These recommendations may not work because the parents live far away from each other. When that happens, the parent will have to meet the children's needs for a relationship with both parents with an individualized visitation schedule. If a pre-school child is mature enough to separate from the residential parent, extended time with the other parent may be appropriate. When the child reaches school age, the parent can consider the child spending major portion of school vacations with the nonresidential parent.

#### Fathers' Day and Mothers' Day

Regardless of the schedule suggested here, the mother should have residential time of at least 4 hours on Mothers' Day, and the father should have residential time of at least 4 hours on Fathers' Day.

*Modified with permission from the Yakima Superior Court Guidelines Updated 3/96*

## Section 8: I Was Served With Parentage (Or Petition For Parenting Plan Or Child Support) Papers -- What Should I Do?

### A. Find out what county your case is in.

Look at the papers you received. They should say “Superior Court of the State of Washington, County of \_\_\_\_\_” at the top. Make sure your case was filed in the right county. See Section V.

### B. Find out whether you’ve been served with a Motion for Temporary Orders or Ex Parte Restraining Order/Order to Show Cause

Look carefully at the title of your papers (in the upper right section of the first page, under the case number). Under the Uniform Parentage Act, there are many new types of court cases that deal with a child’s parentage.

- If the papers you got include forms called a *Summons*, and a *Petition*, the first page of the *Petition* tells you what type of parentage case you have. You’ll need forms and instructions for responding to the particular *Petition* you received. For example, if you got a *Petition for Establishment of Parentage*, with a form number WPF PS 01.0100, get our packet called [Responding to a Petition for Establishment of Parentage \(For Cases with Pre-July 1, 1997 paternity affidavits or no adjudicated or acknowledged father\)](#). If you got a *Petition for a Parenting Plan/Residential Schedule or Child Support*, get our packet [Responding to a Petition for Parenting Plan/Residential Schedule or Child Support When Paternity Has Already Been Established](#). If you got another type of *Petition*, see the Table in Section X to find out what forms you’ll need to respond.
- If the papers you got include a *Notice for Hearing* or *Note for Calendar Motion*, and a *Motion and Declaration for Temporary Order*, then you have a Motion for Temporary Orders. You may receive both a *Petition* and a Motion for Temporary Orders. If you received a Motion for Temporary Orders, get our packet called [Responding to a Motion for Temporary or Emergency Orders in a Parentage Case](#).
- If the papers you got include an *Ex Parte Restraining Order/Order to Show Cause*, then you have a Motion for an Ex Parte Restraining Order/Order to Show Cause. You may receive both a *Petition* and a Motion for an Ex Parte Restraining Order/Order to Show Cause. Get our packet called [Responding to a Motion for Temporary or Emergency Orders in a Parentage Case](#).

◆ An Ex Parte Restraining Order/Order to Show Cause is a court order which the other party got without advance notice to you. Be careful to obey the Ex Parte Restraining Order until your court hearing.<sup>50</sup> At your hearing, the court will decide whether the ex parte restraining order will remain in effect.

**C. Remember: You Must Respond on Time!**

When you're served with legal papers, you must take steps right away to figure out how to respond. In many cases, if you don't respond on time, the other party will automatically win what they're requesting. **For a motion, you can have as few as four business days after you receive the papers to file your response.** It may take time to locate legal resources, and to read through this packet. Begin as soon as possible after you receive the papers. If you can't respond in time, you must file a *Notice of Appearance* and ask for a *continuance* (explained below).

**D. Talk with an attorney.**

**Even if you can't afford to hire an attorney to file your case, talk at least once with an attorney to get advice about your situation.** If you're very low income, and you don't live in King County, call CLEAR. If you're in King County, call the King County Bar Association for referrals to low or no-cost legal advice clinics for family law cases.

**E. Get the Do-it-Yourself Packets that you need.**

See Section 11 below.

## **Section 9: What If I Need A Court Order Very Soon?**

In many cases, you may want the court to enter orders before you go to trial, settle, or otherwise finish your case. You may want to request *temporary orders* – court orders that are entered very quickly and last until trial or the end of your parentage case.

Example: you should ask for temporary orders if you want the court to enter a parenting plan before trial that says which parent the children will live with and how much time they will spend with the other parent. Another example: you might want the court to appoint a guardian ad litem (GAL) for the children. Do this through a *Motion for Temporary Orders* or, in emergency situations, through a *Motion for an Ex Parte Restraining Order/Order to Show Cause*.

**A. What if I want genetic testing performed?**

If you want Genetic Testing, you must file a special motion for genetic tests. We have no packet that tells you how to file this type of motion. However, if your local Courthouse Facilitator doesn't have a packet to tell you how to file a Motion for genetic testing, fill out the following forms and

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<sup>50</sup> You may file a Motion to Quash the Ex Parte Restraining Order before the hearing. If so, you'll need an attorney. It's easier to simply respond to the Motion for an Ex Parte Restraining Order/Order to Show Cause and wait for your scheduled hearing to let the court decide whether the restraints in the order should stay in effect.

follow the instructions for filing and serving a motion in our packet entitled [Filing a Motion for Temporary Orders in a Parentage Case](#). You'll need:

- ✓ Motion and Declaration for Order to Require Genetic Tests
- ✓ Order Requiring Genetic Tests
- ✓ Declaration re: Chain of Custody

## **B. What's a temporary order?**

A temporary order is a court order that gives you certain rights and/or protections before your case is finished. You may request a temporary order at any time between when you file your Summons and Petition and the day your case is final. To get a temporary order, you must file a Motion for Temporary Orders and give the other parties notice and a chance to respond to your motion. You'll have a hearing within about a week to three weeks at which the judge will decide whether to grant what you asked for in your motion.

## **C. Do I need a temporary order?**

To decide if you need a temporary order, think about the following things:

- Are you happy with the way things are going right now, without the temporary order? Do you need to ask the court for help to order the other party to do something (or to stop doing something)?
- You may ask the court to order many types of things in a temporary order, including:
  - ⇒ A parenting plan or residential schedule that says how much time the children will spend with each parent until the case is finished. Example: a parenting plan can also give you scheduled visitation with the children if you're being denied visitation.
  - ⇒ Restraining orders that order one party not to harass or come near the other one
  - ⇒ Restraining orders that order a parent not to take the children out of state
  - ⇒ Orders for temporary child support or attorney's fees
  - ⇒ Appointment of a guardian ad litem (GAL) to represent the child in the case, or to make recommendations about whether genetic testing should take place
  - ⇒ Appointment of a GAL or a parenting evaluator to do an investigation and make recommendations to the court about which parent the children should live with and whether a parent poses a risk to the children.

## **D. Do I need an emergency order?**

If there's an emergency, you may need protection from the court right away. An *Ex Parte Restraining Order/Order to Show Cause* takes effect right away, and is often entered without any prior notice to the other party. (The other party will then have a chance to have a hearing at which the judge will decide whether the order will continue.) You may need an emergency order if you can't wait a week to three weeks for a hearing to get help from the court. This happens, for example, when the other party is harassing or harming you, has harmed the children or is a danger to them, or has threatened to take the children. If you file a Motion for an Ex Parte

Restraining Order, you may also ask for the same types of orders that you can get in a Motion for Temporary Orders. You don't need to file both types of motions.

### **E. What if I want to change my temporary order?**

A Temporary Order may be changed at any time before your case is final.<sup>51</sup> To change a temporary order, you must file another Motion for Temporary Orders.

### **F. What if the other parent has hurt you or the children?**

If you're afraid that the other party may injure or threaten you or your children, the court can issue special orders to help protect you and your children from harm. If you've been a victim of domestic violence,<sup>52</sup> or have been threatened with injury, you may ask the court to award you a Protection Order. It's best to do this before you file a parentage action, but you may also ask for a permanent protection order to be entered as part of the final orders in your case.

Depending upon what the judge or commissioner decides at your hearing in your case, a Protection Order can:

- Give care of children to one parent;
- Set up a schedule of time children will have with the other parent (or stop the other parent from seeing the children);
- Keep a person away from your home, work or school;
- Order a person not to threaten, assault, harass or stalk another; and
- Order a person to attend treatment for domestic violence and/or alcohol/drug treatment.

For more information about getting a Protection Order, contact your court's protection order advocates, your local domestic violence program, or call the 24-hour statewide domestic violence hotline at 1-800-562-6025.

### **G. What's a Guardian ad Litem and a Parenting Evaluator?**

You may ask the court for in a Motion for Temporary Orders to appoint someone to make a recommendation about parenting arrangements to the court. There's some limited information about GALs and parenting evaluators in this publication. For more detailed information get our separate packets, [How to Request a GAL in Custody Cases](#), and [Working with GALs and Parenting Evaluators: 20 Tips for Parents in Family Law Cases](#).

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<sup>51</sup> [RCW 26.09.060\(10\)\(b\)](#).

<sup>52</sup> "Domestic violence" means acts of violence or threats of harm by a family or household member against another family or household member or their children. [RCW 26.50.010\(1\)](#). If you or your children have been injured or threatened with bodily injury by your partner, you may be a victim of domestic violence.

◆ If a GAL is appointed in your case, the GAL is a party who must receive notice of all court hearings and be served with any legal documents in the case.

Generally, a GAL may be appointed in a parentage case for two different, but related purposes: (1) to represent a minor child in the legal case; or (2) to conduct an investigation and make recommendations to the court regarding the child's best interests. Before June 2002, the law required that the court appoint a GAL to represent the child in any parentage case that wasn't filed by the State. In 2002, the law changed. A GAL is no longer required in every parentage case. The court may appoint a GAL, however, if it thinks one is necessary.<sup>53</sup> In some counties, judges and court commissioners still regularly appoint GALs in parentage cases.

In cases in which a person tries to disestablish their parental relationship with a child, the court may appoint a GAL to make recommendations about whether or not it's in the child's interests to have genetic testing. Example: In case where a child was born during a marriage but isn't the husband's child a GAL may provide information to the court about whether the child would be harmed emotionally if the person known to be the child's father proved to be different than the actual father.

A GAL may also conduct an investigation of the parents and child. The GAL looks at the parenting history, and abilities of all the parties and the child's situation. Then the GAL makes a recommendation to the court about what type of custody and visitation would be in the children's best interests. A GAL isn't appointed to just tell the court what your child wants.

A parenting evaluator may fulfill the same type of role. The main difference between a parenting evaluator and a GAL is that a GAL is a party to the case (who must get notice of all court hearings) and a parenting evaluator isn't. In addition, parenting evaluators typically deal only with parenting plan evaluations and don't fulfill the other roles a GAL can play.

In some counties, the GAL or parenting evaluator will be a privately employed person who charges by the hour for his/her time. The parties usually share the fees for a GAL. If you can't afford to pay for a private GAL, ask the court if your county has a volunteer family law GAL program called Court Appointed Special Advocates (or a CASA) who can be appointed for free.

You should ask the court to appoint a GAL or parenting evaluator if there's been any physical or sexual abuse of you or the children, if one of the parents is seriously mentally ill, or if one of the parents has an alcohol or drug addiction. The court may sometimes decide to appoint a GAL or parenting evaluator in your case even if you don't ask for one. The court isn't required to accept or follow a GAL or parenting evaluator's recommendations. However, their recommendations usually are very influential with the court and are frequently followed by the court.

◆ GUARDIAN AD LITEMS ARE NOW "MANDATED REPORTERS:"

Effective July 26, 2009, state law requires a guardian ad litem to report a family to law enforcement or to CPS when the GAL has a reason to believe that a child in a family the GAL is investigating has been abused or neglected.

<sup>53</sup> [RCW 26.26.510](#).

## Section 10: Will The Other Parent Have To Pay Child Support?

### A. What is child support?

Child Support is money paid by a parent to a party taking care of the children (usually, the other parent) to help support the children. The parent usually must pay child support monthly. The amount is based on the Washington State Support Schedule, which considers the children's needs and both parents' incomes.

A parent has a legal duty to help support his/her children. However, unmarried fathers usually can't be ordered to pay support until parentage is established.<sup>54</sup> So in most cases in which parentage is established after unmarried parents separate, the parent with whom the children don't live most of the time will be required to pay child support to the other parent. Even if the parents each have 50% of the time with the children, one parent may be required to pay support to the other if there's a big difference in the amount of income each parent earns.

### B. How is the child support amount established?

Child support is calculated based upon the income of both parents and the number and ages of the children, using the Washington State Child Support Schedule. Try to read through the Schedule to understand all of the factors that the court will take into account when setting support.

The Schedule works a little like an income tax table. The court figures out each parent's income, adds it together, and finds the amount of support on the Schedule that applies to the number and ages of children that you have. Washington uses this schedule to try to ensure that children get enough support to meet their needs, and that parents who make similar amounts of money across the state pay or receive similar amounts of support.

The court's main concern in setting child support is to make sure that your children have enough money to meet their needs.<sup>55</sup> Support is meant to pay not only for clothes and food, but to give the children a place to live (rent/mortgage and utilities), have adequate daycare, and medical care. If the parents don't have enough money to meet the children's needs, the court also takes into account parents' ability to pay. Both parents may also be required to share costs for uninsured health care, day care, school tuition and long distance visitation expenses in proportion to their incomes and considering the number of children living with them.

For more information about child support, see our publication called [Understanding the Washington State Child Support Schedule and How Child Support is Set in Washington](#).

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<sup>54</sup> There are some exceptions. A man who signed a paternity affidavit acknowledgment or paternity affidavit before July 1, 1997 doesn't have his parentage of the child legally established for all purposes, but he may be required to pay child support. A man who's married to the mother of a child born during (or 300 days after) the marriage may be required to pay support for the child, even if the child isn't his, until the man's parentage of the child is disestablished. See [RCW 26.26.101](#), [RCW 26.26.111](#).

<sup>55</sup> *In re Marriage of Mattson*, 95 Wn. App. 592, 599-600, 976 P.2d 157 (1999).

## Section 11: What Forms or Packets Will I Need to File My Response?

The list below should help you decide which packets or forms you'll need to respond to the parentage case with which you've been served. Read the list carefully. Pay attention to the numbers of the forms. Some forms that are for different parentage cases have very similar names. Example: there's a Petition for Establishment of Parentage, form number WPF PS 01.0100 and there's a Petition for Establishment of Parentage pursuant to RCW 26.26 (Ch. 302 L 2002 §502(2)), form number WPF PS 16.0100. These two Petitions are for different parentage cases.

| Papers You Received Were:   | Packet or Forms You Should Use:  |
|---|--|
| <p><b>Summons and Petition for Establishment of Parentage</b>, WPF PS 01.0100</p>   | <p>Use our packet <a href="#"><i>Responding to a Petition for Establishment of Parentage</i></a> (For Cases with Pre-July 1, 1997 Paternity affidavits or No Adjudicated or Acknowledged Father).</p>  |
| <p><b>Summons and Petition for Establishment of Parentage Pursuant to RCW 26.26</b>, WPF PS 16.0100;</p> <ul style="list-style-type: none"> <li>▫ If you also received a <b>Proposed Parenting Plan or Residential Schedule</b></li> <li>▫ If you also received child support papers (<b>Child Support Worksheets</b>, a <b>Financial Declaration</b>, <b>Sealed Financial Source Documents Cover Sheet</b> with attachments),</li> </ul> | <p>File the form <b>Response to Petition for Establishment of Parentage Pursuant to RCW 26.26</b>, WPF PS 16.0300. Use our packet &lt;&lt;&lt;name&gt;&gt;&gt;.</p> <ul style="list-style-type: none"> <li>➤ File your own <b>Proposed Parenting Plan</b>, WPF PS 01.0400 or a <b>Proposed Residential Schedule</b>, WPF PS 01.0450</li> <li>➤ File your own <b>Washington State Child Support Worksheets, Financial Declaration</b> (WPF DRPSCU 01.1550), and attach your financial papers to a <b>Sealed Financial Source Documents Cover Sheet</b> (WPF DRPSCU 09.0220).</li> </ul> |
| <p><b>Summons and Petition for Residential Schedule/Parenting Plan or Child Support</b>, WPF PS 15.0100</p>   | <p>Use our packet, <a href="#"><i>Responding to a Petition for a Parenting Plan/Residential Schedule (Custody) or Child Support When Paternity Has Already Been Established</i></a>.</p>   |
| <p><b>Summons and Petition for Rescission of Acknowledgment of Paternity Within 60 Days</b>, WPF PS 11.0100</p>   | <p>File the form <b>Response to Petition for Rescission of Acknowledgment of Paternity Within 60 Days</b>, WPF PS 11.0300</p>  |
| <p><b>Summons and Petition for Rescission of a</b></p>  | <p>File the form <b>Response to Petition for</b></p>   |

| Papers You Received Were:  | Packet or Forms You Should Use:  |
|--|--|
| <b>Denial of Paternity Within 60 Days, WPF PS 12.0100</b>  | <b>Rescission of a Denial of Paternity Within 60 Days, WPF PS 12.0300</b>  |
| <p><b>Summons and Petition for Challenge to Acknowledgment of Paternity, WPF PS 13.0100</b></p> <ul style="list-style-type: none"> <li>▫ If you also received a <b>Proposed Parenting Plan</b> or <b>Residential Schedule</b></li> <li>▫ If you also received child support papers (<b>Child Support Worksheets, a Financial Declaration, Sealed Financial Source Documents Cover Sheet</b> with attachments)</li> </ul> | <p>File the form <b>Response to Petition for Challenge to Acknowledgment of Paternity, WPF PS 13.0300</b></p> <ul style="list-style-type: none"> <li>➤ File your own <b>Proposed Parenting Plan, WPF PS 01.0400</b> or a <b>Proposed Residential Schedule, WPF PS 01.0450</b></li> <li>➤ File your own <b>Washington State Child Support Worksheets, Financial Declaration (WPF DRPSCU 01.1550)</b>, and attach your financial papers to a <b>Sealed Financial Source Documents Cover Sheet (WPF DRPSCU 09.0220)</b>.</li> </ul> |
| <p><b>Summons and Petition for Challenge to Denial of Paternity, WPF PS 14.0100</b></p> <ul style="list-style-type: none"> <li>▫ <b>If you also received a Proposed Parenting Plan or Residential Schedule</b></li> <li>▫ <b>If you also received child support papers (Child Support Worksheets, a Financial Declaration, and Sealed Financial Source Documents Cover Sheet with attachments)</b></li> </ul>            | <p>File the form <b>Response to Petition for Challenge to Denial of Paternity, WPF PS 14.0300</b></p> <ul style="list-style-type: none"> <li>➤ File your own <b>Proposed Parenting Plan, WPF PS 01.0400</b> or a <b>Proposed Residential Schedule, WPF PS 01.0450</b></li> <li>➤ File your own <b>Washington State Child Support Worksheets, Financial Declaration (WPF DRPSCU 01.1550)</b>, and attach your financial papers to a <b>Sealed Financial Source Documents Cover Sheet (WPF DRPSCU 09.0220)</b></li> </ul>          |

**A. I have more questions about the law. Where do I get more information?**

We have other publications and packets on the Washington LawHelp website - [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) - and links to help you do legal research. For more information, or if you don't have access to the internet, visit your local law library (usually located in your county's Superior Court building). The library staff may be able to help you find what you need.

## Section 12: 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.

Bailiff: A member of the judge's staff who's 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, containing 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.

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's 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. Usually, there's one head clerk, but many people who work in the Clerk's Office are also clerks.

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 cases<sup>56</sup>.

Continuance: Delaying your court hearing to a later date.

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

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

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

Default Order: An order that can be obtained if the responding person doesn't respond on time.

Dissolution: The legal word for divorce.

Ex Parte: Going before the court without notifying the other party.

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

Hearing: Going before a judge or court commissioner to request a court order.

Jurisdiction: The court's authority to make decisions regarding certain people and issues. If a court doesn't have jurisdiction, it has no power to make orders.

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

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

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<sup>56</sup> 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."

Note/Notice of Hearing: A written request to the clerk to schedule your case for hearing.

Order: A court document signed by a judge or commissioner that requires someone to do or not do something. If you disobey an order of the court, you can be held in contempt of court.

Parentage: The legal name for the legal relationship between an unmarried parent and their child (paternity). Also the name of the type of court case.

Parentage Affidavit: See Paternity Affidavit.

Paternity Affidavit: A special form, also known as an Acknowledgment of Paternity or Paternity affidavit, typically used by unmarried parents to state who the father of the child is. In Washington, these forms are often offered to the mother in the hospital right after a child's birth. The form must be signed by the mother and the father (and presumed father) of a child and filed with the Washington State Department of Health. If the form is filed after July 1, 1997, and isn't rescinded, it's a final legal determination of parentage. If the form was filed before July 1, 1997, there's a legal presumption that the father named on the form is the child's father, but the form isn't a final legal determination of parentage.

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.

Presumed Father: A man who's recognized under law as the father of a child until the parent-child relationship is established (or disestablished) by court order or paternity affidavit. Under the Uniform Parentage Act, generally, there are two ways to become the presumed father of a child: (1) be married to the child's mother at the time of (or 300 days before) a child's birth; or (2) have signed a paternity affidavit before July 1, 1997.

Pro Se: Acting without aid of an attorney; representing yourself in court.

Process: Written notice to appear in court.

Respondent: The person against whom a legal case was originally filed.

Response: A formal written answer to a petition filed with the court.

Service: Giving court papers to the other party.

Temporary Order: An order entered after a case is filed and before it's finished which is only in effect while the case is going on.

Venue: The county where the case should be filed.

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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, July 2009.**

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