



Northwest Justice Project

Filing a Petition for a Parenting Plan (Custody) and Child Support When Parentage Has Already Been Established

**Instructions and Forms
March 2009**

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

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Section 1: Introduction and Important Information

A. Should I use this packet?

This packet will help you fill out and file the forms and papers that you need if you're not married to the other parent of your child, the parentage (paternity) of your child has already been established by paternity affidavit in Washington State,¹ and you want to ask the court in Washington for a residential schedule, parenting plan or child support court order. Generally, you may use this packet if paternity was established in Washington State by signing a *Paternity Affidavit* after July 1, 1997 and you don't have a parenting plan or residential schedule.²

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

If paternity was established by court order, but the court didn't sign a Parenting Plan or Residential Schedule, you MIGHT be able to use the general procedure in this packet (with some changes to the forms, not covered in this packet), or you may need to file a Petition for Modification, or a different motion specific to your county. It depends upon the exact language of your court order and the practice in your county. Ask an attorney to review your parentage order, tell you the procedure to follow in your county, and, if you can use this packet, ask him/her to write in the necessary information about your court order and explain how to add to the forms in this packet.

If you need to file a modification case, see the packet [Filing a Petition to Modify/Adjust Your Parenting Plan, Residential Schedule, or Custody Decree in a Parentage Case](#).

¹ We don't have a packet covering paternity affidavits from other states. For help, see a lawyer.

² If you already have a parenting plan or residential schedule and you want to change it, you may need to file a Petition for Modification of your Parenting Plan.

◆ If you were married at or near the time of the child's birth³ and you believe the husband is not the child's biological father, talk with an attorney before using this packet. DON'T use this packet to establish or disestablish parentage.

◆ If you're using this packet after paternity was established by a Paternity Affidavit, make sure that you signed your affidavit after July 1, 1997 AND that at least 60 days have passed since your Paternity Affidavit was filed with the Washington State Department of Vital Statistics.⁴

You may use this packet to request a parenting plan/residential schedule, or a child support court order, or both. Most people who ask for this packet want a parenting plan or residential schedule, so this packet was written to assume that you do, too.

If you only want to ask for child support, consider whether to simply ask the Division of Child Support to start an administrative child support case for you instead.

For more information, see our publications [How Can I Collect Child Support?](#) and [Parentage and Parenting Plans for Unmarried Parents in Washington](#)

This packet doesn't cover other types of claims for child custody/visitation that a person who isn't a biological or adoptive parent might make, such as a petition for recognition as a "de facto" parent⁵.

Before using this packet, you should:

- 1) **Visit the Washington LawHelp web site** (www.washingtonlawhelp.org) and **read our publications** called [Parentage and Parenting Plans for Unmarried Parents in Washington](#) and [Understanding the Washington State Child Support Schedule](#).
- 2) **Talk with an attorney.** (See "What If I have Questions" item below for referral information if you're low income.) We strongly recommend that you talk with an attorney before filing for a parenting plan/residential schedule/child support order using this packet. The law about parentage changed in Washington in 2002. Figuring out whether you can and should file a case is complicated. Even if you can't afford to pay an attorney to handle your case for you, an attorney may advise you about important legal rights that may be affected by your case. Example: if you file a petition to establish a parenting plan, the court will decide which parent the children will live with, and how much time the children will spend with each parent. The court won't necessarily order the parenting plan that you ask for.
- 3) **Find out if your county has local Do-it-Yourself Parentage Resources.** Some counties have their own do-it-yourself packets on filing for a parenting plan when your

³ See the definition in the "Words to Know" section below for the definition of "presumed father."

⁴ [RCW 26.26.370\(1\)](#); [RCW 26.26.375\(1\)](#). You can find out how long it's been since your Paternity Affidavit was filed by calling the Department of Health at (360) 236-4300.

⁵ See *In re Parentage of L.B.*, 155 Wn. 2d 679, 122 P.3d 161 (2005), cert denied, 547 U.S. 1143 (2006) and *In re Parentage of J.A.B.*, 146 Wash.App. 417 (2008), and *In re Parentage of M.F.* 141 Wn. App. 558 (2007).

child's paternity has been established, which are available from your local Family Law Facilitator or court clerk. It may be easier to use a local publication. They'll include the rules and forms for your county.

- 4) **Make sure you have a certified copy of your paternity affidavit.** See the information below about requesting a certified copy.

B. How much does a Petition to Establish a Residential Schedule, Parenting Plan and Child Support cost?

The costs involved in establishing a parenting plan include a filing fee of \$200-\$250, photocopying fees, and (possibly) fees for service (delivering the papers to the other parent or other parties). If you can't afford the filing fee, fill out a special form which may let you file without paying the filing fee. See the Section called "What Other Documents or Forms Will I Need?" for more information.

C. In which county should my Petition be filed?

You may file a petition for a parenting plan in the county where the child lives.⁶ If the child isn't living in Washington now, you may file in the county where the other parent lives.⁷ If another state or tribal court has entered an order about custody of the child, or the child hasn't lived in Washington for very long, or has moved from Washington, you may not be able to file in Washington. If you have questions about whether you may file in Washington, talk with an attorney. Our publications called [*Parentage and Parenting Plans for Unmarried Parents in Washington*](#) and [*Which Court Has the Right to Enter A Custody Order: Frequently Asked Questions and Answers About Whether A Washington Court Has Jurisdiction*](#) have basic information.

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

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

E. How do I request a copy of my Paternity Affidavit?

You should file a photocopy of your Paternity Affidavit form with your Petition. If you don't have a copy of your Paternity Affidavit (and you're the child's mother or father as listed on the

⁶ [RCW 26.26.520.](#)

⁷ [RCW 26.26.520.](#)

affidavit), get one from the Washington State Department of Health's Center for Health Statistics.

1. Write a letter to: **Center for Health Statistics, P.O. Box 9709, Olympia, WA 98507-9709**. Ask for a certified copy of your Paternity Affidavit so that you can show the court that the affidavit is the "official" one.
2. In your letter, include the following information:
 - Your full name and your mailing address;
 - A copy of your photo identification (examples: your current driver's license, or current state ID card)
 - Full name of each child for whom you need an affidavit
 - Date of birth of each child of whom you need an affidavit
 - City and state of each child's birth
 - Full name of the child's father
 - Full name of the child's mother
3. **You must also enclose a check or money order for \$35 for each affidavit** that you're requesting, made payable to the **Department of Health**.

Usually it'll take a few weeks for the Center for Health Statistics to send your paternity affidavit to you. If you have other questions about the paternity affidavit, call the paternity department at the Department of Health at (360) 236-4300, or check the Department of Health's website at www.doh.wa.gov.

Section 2: Words You May Need To Know

This list of words is in our parentage, dissolution, and parenting plan modification self-help materials. You may not need every definition in this section.

Adequate Cause Hearing: (sometimes called a threshold hearing) a hearing required before trial in some kinds of cases, such as parenting plan modifications. The purpose of the hearing is to decide whether or not the requesting party has presented enough basis to allow the case to go to trial.

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.)

Alleged father - The man (or men) who might be the father of a child, but whose paternity hasn't been legally established. See [RCW 26.26.011\(3\)](#).

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

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

Bailiff: A member of the judge's staff 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.

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

Certified Copy: A copy of a document from the court file made by the court clerk that has an official stamp on it stating it'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. Each courthouse has a Superior Court Clerk's Office. Someone from the clerk's office staff is also usually in the courtroom during hearings.

Commissioner/Court Commissioner: This person is 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 cases⁸.

⁸ 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."

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

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

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

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

Custodian (also Custodial Parent): The person the children live with most of the time.

Custody Decree: a court order, other than a parenting plan or residential schedule, that decides custody of a child. Since the law changed in 1987, most court orders in Washington dissolution and parentage cases are called "residential schedules" or "parenting plans," not custody decrees. (The final order in a nonparental custody case is still called a decree.) Orders from other states may still be called custody decrees, and in some circumstances, a Washington court has the right to modify another state's custody decree.⁹

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

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

Decree: One type of final court order.

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

Default Order: An order that can be requested if

- the respondent (or in modification cases, the nonmoving/nonrequesting party) fails to file a Response before the deadline, or,
- if s/he's appeared in the case, if s/he fails to file a Response after being served with a Motion for Default.

Dispute Resolution: the part of the parenting plan that states how the parties will try to resolve disagreements about the parenting plan (examples: mediation, counseling, court action). A Residential Schedule form usually has no dispute resolution provision.

Dissolution: The legal word in the state of Washington for divorce.

Docket: the court's schedule of cases to be heard on a particular day.

⁹ Our publication, [Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether or Not a Washington Court Has Jurisdiction](#) gives general information about when Washington has the right to consider modifying another state's custody decree and when it doesn't.

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

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

Ex Parte Restraining Order: An order signed by the judge if emergency circumstances require protection before a temporary hearing can be held.

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

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

Guardian ad Litem (GAL): a person the court appoints in some cases to investigate the issues and make recommendations to the court about the children’s best interests. If a GAL is appointed, you must serve him/her with any papers filed. The GAL may be considered a party, and his/her signature may be required on court orders.

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

In Forma Pauperis (IFP): A Latin term, meaning the judge may allow you to file your papers in court without paying the filing fee if you’re low income and can show you can’t afford the fee.

Judgment: One type of final 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 authority to make orders over the person or subject affected.

LEIS: abbreviation for Law Enforcement Information Sheet.

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

Mediation: A meeting between the parties to a court case and a neutral third party (examples: a mental health professional, judge, retired judge, or attorney not otherwise involved in the case), during which the parties try to mediate, or reach an agreement, about all of the legal issues in their case.

Modification/adjustment case: a court case for a major or minor modification or an adjustment of a parenting plan/residential schedule/custody decree. Modification/adjustment cases are also sometimes filed to change child support.

Motion: A formal request to the court for an order, usually about a specific issue.

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

Moving Party:

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

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

Noncustodial parent: The parent the child does not live with most of the time.

Nonmoving party:

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

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

Nonrequesting party:

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

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

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

Notice of Appearance: A paper filed with the court and served on the other parties showing that a party wants to participate in the case and where to send papers filed about the case in the future.

Order: A court document signed by a judge that requires someone to do (or not do) something. Examples: restraining orders, orders re adequate cause, Residential Schedules or decrees. The judge must have signed them for them to take effect. If you disobey an order of the court, you may be held in contempt of court. *Note*: An order isn't in effect until a judge has signed it. Check if an order you're served with is only a proposed order or if the judge has actually signed it. (See "proposed order" definition.)

Order to Show Cause: A court order scheduling a hearing and requiring a person to come to court at the time and place set for the hearing.

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

Parent the child lives with most of the time: Many people would say this means the parent who has “custody.” However, the law doesn’t usually use the words “custody” and “visitation” between parents anymore. The “parent the child lives with most of the time” is usually the one the parenting plan/residential schedule in paragraph 3.1 or 3.2 says the child “resides” with.

Parent the child does not live with most of the time: Many people would say this is the parent who has “visitation.” However, the law doesn’t usually use the words “custody” and “visitation” between parents anymore. The parent the child doesn’t live with most of the time is usually the parent whose residential time is shown in paragraphs 3.1 or 3.2 of the parenting plan/residential schedule after the words “except for the following days and times when the child(ren) will reside with or be with the other parent:”

Paternity (or Parentage): A legal determination of who the father of a child is, generally either through a court order in a paternity case, or with a valid paternity affidavit or by an un rebutted presumption of paternity (the presumption usually appears where a man and woman were married to each other when the child was born or shortly before or after the child’s birth). See [RCW 26.26.101\(2\)](#) for a complete definition.

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

Parenting Plan: A proposal or, if signed by a judge, a court order which states when the child will be with each party, who’ll make major decisions about the child, and how future disputes about the child will be resolved. In parentage cases, the parties may ask the court for either a parenting plan or a residential schedule. (The residential schedule form has no dispute resolution or decision-making parts. A parenting plan form does.)

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

Paternity Affidavit: A special form, also known as an Acknowledgment of Paternity or Paternity Acknowledgment, 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 must have been filed after July 1, 1997, to be a conclusive legal determination of paternity. For more information, see our publication [Parentage and Parenting Plans for Unmarried Parents in Washington](#). Signed paternity affidavits may be rescinded or challenged for a limited time.

Petition: The document that starts a case and asks the court for a decree, judgment, or final order. (Parentage cases filed by the State of Washington are often filed as “the State of Washington on behalf of” the child.)

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 presumed by law to be the father of a child. The legal definition of presumed father is in [RCW 26.26.116](#). In general, a man is the presumed father of a child if:

- The child was born while the man was married to the child's mother; OR
- The child was born within 300 days after the man's marriage to the child's mother was ended by divorce, separation, annulment, declaration or invalidity, or death. In general, if the man and the woman thought they'd gotten married, even if the marriage is found to be invalid, the child is presumed to be the man's child.
- The man and the child's mother married each other after the child was born, the man has voluntarily said he was the child's father AND the man agreed to be on the child's birth certificate, or signed an affidavit of paternity, or promised (in writing or another record) to support the child as his own.¹⁰

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

Process: Written notice to appear in court.

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

Requesting Party:

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

The requesting party can be either a Petitioner or the Respondent in the original case.

Residential Schedule: A proposal or, if signed by a judge, a court order which states when the child will be with each party.

- In dissolution cases, the Residential Schedule is one part of the Parenting Plan.
- In parentage cases, the parties may have a Residential Schedule without the decision-making or dispute resolution parts of a Parenting Plan, or the parties may have a full Parenting Plan.

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

Response: A formal written answer to a Petition filed with the court. The term can also be used to describe the papers a person files in response to a motion, so it can be confusing. Here,

¹⁰ This definition of presumed father has been simplified to try to make it easier to understand. It's current as of the date of this publication. If you have questions about whether there is a presumed father in your case, read [RCW 26.26.116](#), and consult an attorney.

“Response” with a capital “R” refers to the Response form. We’ll say “response” with a small “r” for all types of responses, including for example, responses to motions as well as to petitions.

Restraining Order: A court order to prevent a party from doing some act that may harm the other party or child.

Ruling: A decision by the court.

Service: Giving court papers to the other party. The law defines ways of service that are legally acceptable. When a petitioner starts a case, such as dissolution or parentage case, or files a petition to modify a parenting plan/residential schedule, s/he must arrange for the Summons and Petition and other papers that begin the case to be properly hand-delivered or, in some cases, and with advance court permission, sent by certified mail or published in a newspaper. After the initial Summons and Petition have been served, many later papers can be served by first class mail, with legally sufficient advance notice.

Settlement Conference: A formal meeting between the parties to a court case and a neutral third party (such as a judge, retired judge, or attorney not otherwise involved in the case), during which the parties try to settle, or reach an agreement, about all of the legal issues in their case. Some counties require parties to family law cases to have a settlement conference before going to trial. Some counties have programs to provide family law settlement conferences available free of charge.

Summons: A written notice that a case has been started.

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. Some temporary orders may end at a fixed time, even before the case ends.

Time to Respond (or deadline to respond): The length of time a party has to respond to something filed by another party. The length of time to file a Response to a Summons is 20 to 90 days after service, depending upon the type and location of service. The length of time to respond to motions is usually much shorter.

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

Trial: The proceeding at which the judge listens to live testimony from parties and witnesses, considers evidence properly introduced, hears argument, and decides the outcome of the case.

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

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

Section 3: Steps to Take to File a Petition for a Residential Schedule/Parenting Plan and Child Support

Following are the steps to follow in filing a Petition for Residential Schedule/Parenting Plan and Child Support.¹¹ This is a very general description. Many of the steps listed in the paragraphs below are explained in more detail later in this packet.

◆ Many counties have case schedules that must be followed in addition to these timelines and steps. Some counties require classes, mediation or a settlement conference before a judge will sign final orders. Call your court clerk's office or check with the Family Law Facilitator, if there is one in your county, to find out about case schedules and local court rules for parentage cases.

- ❑ **Learn About Parentage, Parenting Plan and Child Support Law in Washington.** If you're filing a petition for a parenting plan on your own, try to learn more about the laws affecting parentage in Washington. Visit the Washington LawHelp website (www.washingtonlawhelp.org). Read our legal information publication called *Parentage and Parenting Plans for Unmarried Parents in Washington* and our publications about how child support is set and collected.

- ❑ **Learn about Local Requirements.** Local court requirements will affect how to handle your case. Many counties have special forms, or have other local rules you must follow. Many counties require case schedules, classes, or settlement conferences. **You must learn and follow local court requirements.**

Call the court clerk's office or family law facilitator for the court where your case is taking place to find out about these local requirements. Tell them the kind of family law case you have (examples: dissolution with or without children, nonparental custody petition, parentage case, contempt, modification of child support or parenting plan, a motion for _____). Requirements may differ, based upon the type or stage of your case.

Read your local court rules. They're available at your county's law library and often online at http://www.courts.wa.gov/court_rules/?fa=court_rules.local&group=superior

Look at the "Words You may Need to Know" section of this packet if you don't know any words used here.

Find out about at least the following:

- whether the county has its own packets or forms for your type of family law case. If so, use those instead of ours. If you use our packet, get any additional local forms that you'll need

¹¹ The form used for this case is called a Petition for Residential Schedule/Parenting Plan and Child Support. We refer to it in this packet as a Petition for Parenting Plan, for short.

- whether case schedules are used (and whether the court requires the person filing the case to serve the schedule on the other parties)
 - whether parenting classes, mediation, or settlement conferences are required
 - what the deadlines are for filing and serving motions and responses to motions
 - whether there is a limit on the number or length of documents you file with motions or responses
 - whether you need to confirm hearings a few days beforehand and give working papers to the judge before the hearing
 - if a party wants a GAL to be appointed, whether there is any program allowing a GAL or evaluator to be appointed at no or reduced cost, and whether there are special local forms to have a GAL or evaluator appointed
 - procedures for the court to check the judicial information system and databases before entering a permanent or modified parenting plan to identify any information relevant to placing the child¹² and
 - in cases where a limiting factor such as domestic violence or child abuse is claimed, local court procedures for having both parties screened to determine whether a comprehensive assessment is appropriate to determine the effect of the limiting factor on the child and the parties¹³
- Make sure you know the Other Parent’s Address.** Get the other parent’s address to serve him/her with your petition. If there are other parties, get their addresses too.
 - Get a copy of the Paternity Affidavit for each child for whom you would like to establish a Parenting Plan or Residential Schedule.**
 - Complete the Forms for Starting a Petition for a Parenting Plan.**
 - Complete the Forms you need from our packet called [Parenting Plans, Residential Schedules and Child Support for Parentage \(Paternity\) Cases and for Modifications of Parentage Cases.](#)**
 - Complete other forms you need from the checklists in this packet.**
 - Make the necessary Copies of the Completed Forms you’re filing with the court.**
 - File Your Papers with the Court Clerk’s office** in the Superior Courthouse of the county where you’re filing your petition.
 - Arrange to serve the Appropriate Papers on the Other Parties.**
 - Consider asking the Other Parties to Accept Service. If they refuse (or if you decide not to do this), then
 - Try to get personal service on the other parties. If you can’t personally serve the other parties and they won’t accept service, then

¹² [RCW 26.09.182](#)

¹³ [RCW 26.09.191\(4\)](#).

- Serve by other means. The forms and instructions to do this are in our packet called [Service by Certified Mail or Publication](#). Warning: certain kinds of relief may not be available if you serve by mail or publication.

- ❑ **File the Completed Acceptance of Service or Return of Service.**
- ❑ **File a Motion for Temporary Orders or a Motion for Emergency Orders, if you want one.** If you need help deciding whether to file a motion for temporary or emergency orders, read our publication called [Parentage and Parenting Plans for Unmarried Parents in Washington](#). In general, you should file a motion for emergency orders only if you need a court order immediately (such as when the other parent is harassing you or is endangering you or the children). If you decide to file a motion for temporary orders, get the forms and instructions to do this in our packet called [Filing a Motion for Temporary Orders for Parentage Cases](#). If you decide to file a motion for emergency orders, get the forms and instructions to do this in our packet called [Filing a Motion for Emergency Orders for Parentage Cases](#).

◆ **Note for Survivors of Domestic Violence or Unlawful Harassment:** If another party has a history of physically harming you or the children, or has threatened to do so, and if you've had a dating, roommate, marital, or family relationship with that party, or if you're a victim of unlawful civil harassment by the other party, then think about filing a petition for an Order for Protection if you need immediate protection. Orders for Protection offer strong safety restraints. Protection order forms are available from the court clerk, from your local domestic violence program, or call the 24-hour domestic violence hotline at 1-800-562-6025. For general information, see our publication [Domestic Violence: How the Legal System Can Help Protect You](#).

Orders of Protection may also sometimes be combined with final court orders in parentage cases. If you need to ask for a permanent Protection Order or a Protection Order covering the child/ren for longer than one year, see the instructions later in this packet for how to make this request in your Petition form.

Talk to an attorney before filing for an Order for Protection if the court has entered a temporary parenting plan or custody order very recently.

- ❑ **Give other parties proper notice of other papers you file in your case, as the case goes on.** After a party has been served with the Summons and Petition, you must still give him/her copies of most documents you file with the court. See [CR 5\(a\)](#).
- ❑ **Keep a copy of all documents that you file with the court or that you receive from other parties for your own records.** Create your own file folder for these papers and that you take them with you when you have hearings in your case.

- ❑ **File a Motion to Appoint a Guardian ad Litem (GAL), if you want one.** If you need help deciding whether to file a motion to appoint a Guardian ad Litem, read our publication called [Parentage and Parenting Plans for Unmarried Parents in Washington](#). If you decide to file a motion to appoint a GAL, get the forms and instructions for how to do this in our packet called [Filing a Motion for Temporary Orders for Parentage Cases](#).
- ❑ **Participate in locally required conferences, classes, or mediations.** Many counties require the parties to attend parenting classes. Some counties require mediation, settlement conferences, or status conferences. Find out the procedures in your county and follow them.
- ❑ **Wait until the Other Party’s Time to File a Response to Your Petition Ends.** In a Petition for a Residential Schedule/Parenting Plan and Child Support, there are several different things that the other party may file in response to your petition. It’s also possible that the other party won’t file any response. What the other party files will help you decide what steps you need to follow to finish your Petition for a Parenting Plan. For more information, see our publication called [Parentage and Parenting Plans for Unmarried Parents in Washington](#).
- ❑ **Ask for Discovery, if you want it.** Discovery is the process of gathering information that may be needed to reach a settlement or to present your case at trial. Through the discovery process you can learn about how the parties view the case, and you can ask the other parties or witnesses for information and documents that could help you prove your case if you go to trial. To find out about discovery and how to request it, see an attorney. The family law facilitator may be able to give basic information.
- ❑ **Participate in a GAL investigation if one has been ordered, and complete steps necessary under local rules** (examples: parenting classes, settlement conferences, etc.).

◆ A 2007 law¹⁴ requires that the court:

*check the judicial information system and databases to identify any information relevant to placing the child before entering a permanent or modified parenting plan and

*in cases where a limiting factor such as domestic violence or child abuse is claimed, have both parties screened to determine whether a comprehensive assessment is appropriate to determine the effect of the limiting factor on the child and the parties.

This law is recent, so ask your local court clerk or family law facilitator about procedures your court is using under this law in parentage cases. You may need to use local forms and procedures not described in this packet.

- ❑ **Finish your Petition for a Parenting Plan or Child Support.** See our packet called [Finishing a Petition for a Residential Schedule, Parenting Plan or Child Support when Parentage has already been Established](#).

¹⁴[Ch 496, Laws of 2007](#)

Section 4: What Forms are in this Packet?

This packet contains many of the forms you'll need to file your Petition for Parenting Plan

Also read the next section to decide what additional forms and packets you'll need.

Following is a list of the blank forms in this packet:

A. Forms you'll need to start your Petition for a Parenting Plan that are in this packet:

Form Title	Form Number
Petition for Residential Schedule/Parenting Plan and Child Support	WPF PS 15.0100
Summons for Residential Schedule/Parenting Plan and Child Support	WPF PS 15.0200
Confidential Information Form and Addendum	WPF DR PSCU 09.0200 & WPF DR PSCU 09.0210
Sealed Acknowledgment/Denial of Paternity (Cover Sheet) (to keep your Paternity Affidavit confidential)	WPF PS 15.0150
Return of Service	WPF DRPSCU 01.0250
Declaration re: Service Members' Civil Relief Act	WPF All Cases 01.0200
Notice re: Dependent of a Person in Military Service	WPF DRPSCU 01.0185
Civil Case Cover Sheet	Cover Sheet

B. Forms you may also need that are in this packet:

Form Title	Form Number
Acceptance of Service	WPF DRPSCU 01.0310
Declaration Regarding Personal Service Outside the State of Washington	WPF DRPSCU 01.0180
Waiver of Rights Under Service Members Civil Relief Act	Non-Mandatory Form

C. Sealed Records Forms you may need:

If you file certain confidential information any time during the case, use the following forms to protect the private information from being included in the public court file. These forms aren't in this packet. You can get them individually at www.courts.wa.gov/forms.

Sealed Personal Health Care Records (Cover Sheet)	WPF DRPSCU 09.0260	In the packet <i>Filing a Motion for Temporary Orders for Parentage Cases</i> or <i>Filing a Motion for Emergency Orders</i>
Sealed Confidential Reports (Cover Sheet)	WPF DRPSCU 09.0270	In the packet <i>Filing a Motion for Temporary Orders for Parentage Cases</i> or <i>Filing a Motion for Emergency Orders</i>
Sealed Financial Source Documents Cover Sheet	WPF DRPSCU 09.0220	In the packet <i>Parenting Plans, Residential Schedules and Child Support for Parentage (Paternity) Cases and for Modifications of Parentage Cases</i>

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

Our do-it-yourself packets are designed to provide you with only the forms you need at the stage you need them. You'll need more than one packet to file and finish your case. How many other packets you need depends on the facts of your case. Read the information below carefully and check the boxes by the other packets you need. Then get the other packets you need from www.washingtonlawhelp.org or, if you're low-income, by calling CLEAR at 1-888-201-1014.

A. Other packets you'll need to start your Petition for Parenting Plan:

- [Parenting Plans, Residential Schedules and Child Support for Parentage \(Paternity\) Cases and Modifications of Parentage Cases](#) – This packet contains the forms and instructions you'll need to complete the parenting plan or residential schedule forms, and the child support forms. Get this packet to file your Petition for Parenting Plan case. This packet also contains the sealed records form for filing personal financial information.

B. Other packets you may need to start your Petition for Parenting Plan:

- [Filing In Forma Pauperis](#) - If you can't afford to pay the filing fee (usually \$200-\$250), ask the court to waive (forgive) the filing fee. Get this packet to find out how to file the motion you need.
- [Service by Certified Mail or Publication](#) - if you've tried to serve any other party in person, but could not do so, ask the court for permission to serve by certified mail or publication. Note: service by mail or publication isn't usually enough to get certain kinds of relief from the court, such as a child support order.
- [Serving Papers on the State](#) - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical coupons/Medicaid or is in foster care or out of home placement, get this packet. You must include the state as a party and serve them with all papers you file.

C. Other packets you may need during your case or to finish your case:

- [Filing a Motion for Temporary Orders in a Parentage Case](#) and/or [Filing a Motion for Emergency Orders in a Parentage Case](#) - If you want an order that will cover the time period between the date you file your petition and the date your case is final, get one or both of these packets. For help deciding whether to file a motion for temporary orders or a motion for emergency orders, see our publication [Parentage and Parenting Plans in](#)

[Washington for Unmarried Parents](#). These packets also contain the sealed records forms and instructions for confidential court reports and personal health care records. These packets also contain the order form for appointing a Guardian ad Litem on behalf of the child.

- [Responding to a Motion for Temporary or Emergency Orders in a Parentage Case](#)** - if the other party has filed a motion for temporary orders and/or an ex parte restraining order/order to show cause, get this packet. This packet also contains sealed records forms and instructions for confidential court reports and personal health care records.
- [How to Subpoena Witnesses and Documents](#)** - to make sure important witnesses or documents are at trial.
- [Finishing Your Petition for a Parenting Plan and Child Support When Parentage Has Already Been Established](#)** – Tells you how to finish your case. Whether you or someone else started the action, the court must sign final papers before the case is complete.

D. Forms you may also need that aren't in our packets:

- Order Setting Domestic Case Schedule** - This form is used in some counties, such as King. If your county has a case schedule, the court clerk will give it to you when you file your case.
- Declaration Regarding Public Assistance:** WPF SRPSCU 01.0600: We don't include this form in our packets. It's optional. Our instructions tell you to serve the State in any case where TANF, Medicaid, or foster care are involved, and we instruct you to get the state's signature on all default and agreed orders where the state might have an interest in the child support obligation in your case. However, some people may need the form if required in your county, or if you need to verify that no public assistance has been paid or that the children aren't in foster care or out of home placement. If you need this form, you can get it at the Administrator of the Courts website <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>.
- Petition for Order for Protection (Domestic violence: WPF DV 1.015):** You must complete this form, and perhaps related forms, if you want an Order for Protection as part of your petition for a parenting plan case, or if you're asking the court to change your Order for Protection as part of the parenting plan case. Get the forms from your county clerk's office, domestic violence advocacy program, or online at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16>. **Important: attaching a Petition for an Order of Protection to your Petition for Residential Schedule/Parenting Plan doesn't give you any immediate protection order. It only asks the court to enter a protection order at the end of your case.** (Note: the "Petitioner" on the Protection Order form is always the protected person, even if s/he's the respondent in the family law case.)
- Other:** Local Do-it-Yourself packets: In some counties, you may need other forms or packets during your parenting plan case as required by local court rules. Consult your

court clerk's office, or Family Law Facilitator (if your county has one), to find out if your county requires more information.

- ❑ **Your paternity affidavit** –See the Introduction and Important Information section of this packet for instructions on obtaining a certified copy.

Section 6: Follow These General Instructions

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

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

Name of the court. Write in the name of the county where you're filing your case in the blank space where the form reads "Superior Court of Washington County of _____."

Case name. In the blank after "In re the Parenting and Support of:" write the name of each child for whom you're trying to get a parenting plan/residential schedule and /or child support. In the next blank, above "petitioner," write your name. In the next blank, above "respondent," write the other parent's name. If there are additional parties, you'll also need to name them

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

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

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

◆ **Format:** Pleadings (legal forms) that you file with the court and attachments to those pleadings must follow the court rules about size and margins (GR 14(a)). You must use regular size (8 ½ x 11") white paper and you may write on only one side of the paper. The first page of each paper that you file must have a 3 inch margin (3 inches of space) at the top. The other margins (left, right and bottom, and the top from the second page on) must be at least one-inch wide. You should use black or dark blue ink. If

your forms do not follow these rules, the court clerk may refuse to file them or may make you pay a fine.

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

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

Signatures.

- **Your signature**

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

- Some forms have one signature line for “petitioner” or “respondent.” After you fill out a form such as the petition, sign at the place that applies to you. Some forms require you to sign in more than one place, so look carefully. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
- When you prepare and file motions, you are the moving party. After you prepare a motion look for each place marked “signature of moving party or lawyer.” Some forms require you to sign in more than one place, so look carefully. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
- When you prepare an order and plan to present it for the judge to sign, look for each place marked “presented by,” and sign in the space underneath.

- **Judge’s Signature:** Leave the judge’s signature line and the date blank.

- **Other party’s signature:** Certain forms you prepare have a place for other parties to sign. You cannot force another party to sign a court paper – he/she can choose to sign, or not. However, if you have prepared an order after a hearing, the other party may be willing to sign the form you have prepared if s/he agrees it accurately states the judge’s decisions, (or the judge may require the other party to sign), even if the party is not happy with the decision itself.

- Agreed orders. If the other party agrees with the orders you have written, that party should sign in the appropriate place (petitioner/respondent/moving or nonmoving party) on each court order that is agreed.
- Approved for entry/Notice of Presentation Waived. If you are the respondent or nonmoving party, or if you did not prepare the order, you may be asked to sign in a blank under these words. If you check “Approved for entry,” this means that you are agreeing that the judge should sign the order as it is written. If “Notice of

Presentation Waived” is checked, that means that you are agreeing that the other party can give the order to the judge for him/her to sign without letting you know when the other party is going to take that order to the judge.

- **Other signatures/Declarant’s Signature:** If someone else must sign a form (such as a witness or the person serving papers), be sure they fill out all information correctly and sign in the proper space provided. In a declaration form, the “declarant” is the person who is writing the declaration.

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

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

Box #1

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

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

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

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

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

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

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

Box #2:

Private Information That Should Be Filed With Sealed Cover Sheets:

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

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

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

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

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

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

Box #3

When You Should Write Private Information In Court Forms:

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

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

SAMPLE FORM

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

Fill in the name of the Petitioner here.

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

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

**or Court of Washington
County Of Evergreen**

Fill in Respondent's name.

In re the Marriage of:

JANE DOE,

and

JOE DOE,

Petitioner,

Opposing party.

NO. 08-3-99999-9

**Note for Motion
Docket**

**(No Mandatory Form
Developed)**

Form title.

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

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

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

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

LOCATION: **Treelane Superior Courthouse**

COURTHOUSE ROOM: **2**

ADDRESS: **102 West Broadway**

Treelane, WA 98000

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

Jane Doe, Petitioner

Section 7: Instructions for Filling Out Individual Forms

A. Petition for Residential Schedule/Parenting Plan and Child Support WPF PS 15.0100

Caption. Caption. Fill out the caption as shown in the General Instructions. On the right side, check the box(es) for “Residential Schedule/Parenting Plan” and/or “Child Support,” depending on the requests in your petition. Check one of the types of protection orders only if you ask for a protection order in Paragraph 1.10.

Section I. Basis

Paragraph 1.1. Cause of Action. Fill in your name.

Check the box(es) that show what you’re asking for.

- If you want a parenting plan or residential schedule, check the first box.
- If you want to set child support, check the second box.

In the blanks, write the name and age of each child covered by the petition, the name of the person with whom the child is now living, and the county where the child is now living.

Paragraph 1.2. Acknowledgement of Paternity and Denial of Paternity. Fill in the child’s father’s name in the first blank, and the mother’s name in the second blank. Then, write the date that your Acknowledgment of Paternity form (also known as a paternity affidavit) was filed with the Registrar of Vital Statistics. Find this out by looking at the first page of the certified copy of your form.

If someone filed a Denial of Paternity (as might be the case, for example, if the child was born during a marriage but the husband was not the father), check the box and fill in the blank.

Paragraph 1.3. Jurisdiction. Check every box that applies in your case. Remember: the “respondent” is the other party. Also, check the box(es) at the end of the paragraph to show which parent(s) live in Washington.

Paragraph 1.4. Period for Challenge to the Acknowledgement or Denial of Paternity.

If it’s been at least two years since you signed & filed your paternity affidavit, check the first box.

If it’s been less than two years, check the second box.

If a denial of paternity was filed, check the box (in the middle of the text of the appropriate paragraph) before the words “denial of paternity.”

Paragraph 1.5. Jurisdiction Over the Child. Check all of the box(es) that apply to your case. If you check one of the boxes that is farthest to the left (under the beginning of the word “Jurisdiction”), you should also check at least one of the boxes that are indented under that box.

Example: if you check the box that says “This state is the home state of the child because,” check one of the four boxes that follow that box. . Fill in the blanks(s) where necessary in any item you check.

For more information on deciding whether Washington has jurisdiction over your children, talk with an attorney, or, for general information, read our publications [Parentage and Parenting Plans in Washington for Unmarried Parents](#) and [Which Court Has the Right to Enter A Custody Order: Frequently Asked Questions and Answers About Whether A Washington Court Has Jurisdiction](#).

Paragraph 1.6. Child Support. If you already have an administrative child support order, check the first box. Then check the box indicating whether or not you’d like to have child support set by the court when your parenting plan is established. If you don’t have an administrative child support order, check the second box, then check the box indicating whether you’d like to have child support set by the court as part of this case. In most cases, the court will want to make sure the arrangements for support of the child are adequate, so usually the court will want to order support if there is no administrative order and if the parent(s) have had enough contact with the State of Washington to give the court personal jurisdiction over the respondent.

◆ **Do I Have an Administrative Child Support Order?** You may have an order that was set administratively if you or the child has ever received public assistance (welfare), you received a Notice and Finding of Financial Responsibility (NFFR) or similar notice from the Division of Child Support, or you’ve been through a child support administrative hearing or if you ever requested child support services from the State. If you have an open case with the DSHS Division of Child Support, contact your Support Enforcement Officer (SEO) to ask whether you have an administrative order. More information is available on DCS’ website: <http://www.wa.gov/dshs/dcs>.

Paragraph 1.7. Residential Placement.

- If you’re only requesting a child support order (and not a parenting plan or residential schedule), check the first box.
- If you’re requesting a parenting plan or residential schedule, check the second box, then write your name in the blank. Follow the instructions for the rest of this paragraph. You must also fill out and file a parenting plan form or residential schedule form.

If you checked the second box, fill in the information requested in the rest of the paragraph for the child/ren covered by the petition.

“During the past five years . . .” In this section, if the child/ren have lived **only** in Washington and only with you or another named party (a person listed as a petitioner or respondent) in this case for the past five years, check the first box. Skip to “*Claims to Custody...*”

If the child/ren have lived outside of Washington sometime in the last five years, or if the child/ren have lived with someone other than a named party (a petitioner or respondent) in the last five years, check the second box. Then list by date, starting with the most recent place the child/ren lived, each city and state where the child/ren have lived, who else lived there, and for how long. Include as much information as you can. Example:

Date(s) lived there	Place the children lived between those dates	Person(s) the children lived with between those dates
6/07– present	Treelane, Washington	Mother
2/07 – 6/07	Portland, Oregon	Mother and Father
2-06 – 2-07	Longview, Washington	Jim and Gloria Johnson (mother’s parents)
9-03 – 2-06	Seattle, Washington	Mother and father

If the children lived in the custody of anyone other than a named party in that last five years, include the name and current address of that person on the Confidential Information Form.

“*Claims to custody and visitation.*” If anyone *besides* the petitioner or respondent in this case has physical or legal custody of the child/ren, or court-ordered visitation, or claims to have custody or visitation rights with the child/ren, check the second box. List their name(s) and the name of the child/ren concerned. If there is no other person who has or claims custody or visitation rights, check the first box.

“*Involvement in any other proceedings concerning the children.*” If you’ve never been involved in any other court cases about the child/ren, check the first box. If you’ve been involved in ANY legal proceeding about the child/ren, check the second box. Examples: protection orders, juvenile court cases, dependency cases (CPS), parentage cases, Division of Child Support cases. Include cases in other states. List the date of the order in each case, the child/ren concerned, the court’s name, case number, and the type of case. Example:

5/07	Grant Co. Superior Court, Oregon	Case No. 1234567	Child support
6/06	WA Div. of Child Support	IVD#123456	Child Support
4/04	Pierce Co. Superior Court, WA	Case No. 99-7-01112-8	Dependency

“*Other legal proceedings concerning the children.*” If there have never been any other court cases about the child/ren that you are aware of, check the first box. If you know of other court cases about the child/ren that you yourself haven’t been involved in, check the second box. Then list the date of the order in each case, the name of the court, case number, and the type of case.

Paragraph 1.8. Reimbursement. If the children have ever received welfare (TANF) or Medicaid, or if the children are in foster care or out of home placement, or if you want to be reimbursed for the children’s expenses or other child support expenses, check the second box

and, if you're asking for reimbursement for yourself, write your name in the blank. Otherwise, check the first box.

Paragraph 1.9 Continuing Restraining Order. If you don't want a restraining order at the end of the case, check the first box.

If you want a restraining order that will tell one party not to harass or bother the other party, check the second box. Then write in the name of the person to be restrained and the person(s) to be protected. You may list children in the persons to be protected.

If you want a restraining order that will tell one party not to come to the other's home, work, or school, or the daycare or school of your children, check the third box. Then write in the name of the person to be restrained and the person(s) to be protected.

If you want a restraining order that will tell one party not to come near the other party or the children's home, school, work, etc. (or the child's school or day care), check the fourth box. Then write in the name of the person to be restrained and the person(s) to be protected, and write how far you want the person to stay away.

If you want a restraining order that will tell one party not to molest¹⁵, harass, assault or stalk the other, check the fifth box. Then write the name of the person to be restrained and the person to be protected.

If there are other restraining orders you want, check the fourth box. Then write what you want the court to restrain the party from doing in the blank.

If you ask for a restraining order, when you get to trial, you must prove to the judge that you need the protection that you're asking for.

◆ If you want a restraining order before trial, you must file a motion for an emergency order, a motion for a temporary order or a petition for a protection order.

Paragraph 1.10 – Protection Order

The law allows domestic violence survivors and victims of unlawful civil harassment to request a long-term Order for Protection as part of their petition for a parenting plan case. Protection orders can cover yourself and your children. However, the procedures for combining protection orders with family law cases can be confusing.

Requesting a protection order in your petition for a parenting plan doesn't give you any protection before your case is final. If you need an immediate protection order, you must complete the appropriate protection order forms and start a separate protection order case and go to the hearings associated with that case. For information on requesting an immediate Order for Protection, call the WA State Domestic Violence Hotline at 1-800-562-6025.

¹⁵ The term "molest" can be confusing. If you check this box, you're not accusing the other party of sexually molesting you or the children. You're asking the court to order the other person not to bother you or the children.

The main benefit of combining protection orders with family law cases is that a judge in a family law case can enter an Order for Protection that restrains a person from contact with his/her minor children for more than one year.¹⁶ Orders for Protection issued outside a family law case can only restrain contact between a parent and his/her minor child for one year at a time, although those orders can be renewed.

If there is no protection order between you and another party to this case, and you don't need one, check "does not apply."

If there is a protection order between you and another party to this case, check the second box, "there is a protection order," and fill in the requested details about that protection order. You must inform the court about any existing protection order whether or not you want to make any changes to it.

If you want the judge in the parenting plan case to issue a new protection order, or to extend or make changes to an existing protection order, at the end of the parenting plan case, check the third box, "the court should grant." The main reason to request a protection order in this case, rather than in a separate protection order case, is if you need a protection order that restrains a parent's contact with his/her children for longer than one year. Another reason to combine the protection order with your parenting plan case is if the other parent will be in prison until the case is finalized and you're not worried about getting immediate protection. If you check this box, check the text box showing what kind of protection order you're asking for. Then check one of the indented boxes.

- To get a new protection order at the end of your parenting plan case, check the first indented box, "attached to this petition." Then fill out and attach a petition for a protection order showing what you want and how long you want the protection order to be in effect. Protection order forms are available from the court clerk or from a local domestic violence program (call 1-800-562-6025 for more information). Name yourself as the petitioner on the protection order petition even if you're the respondent in the parenting plan case.
- To extend or change your existing protection order, check the second indented box, "filed separately under." Then check the second box in the middle of the sentence, "case number," and fill in the case number of the separate protection order case you now have. Follow the additional instructions under the "other" and the "requests for relief" paragraphs below to describe the specific extension or changes you want the court to make to your existing protection order. **Caution: there is no settled state-wide procedure for combining a protection order you have in another case into your parenting plan case. If possible, ask about the procedure in your county before you begin.**

◆ Requesting a protection order in your petition for a parenting plan doesn't give you any immediate order. If you want to request an immediate Order of Protection or an Order to be in effect during your parenting plan case, you must file a separate protection order case and follow the hearing procedures

¹⁶ [RCW 26.50.060\(2\)](#).

under [RCW 26.50](#) (domestic violence) or [RCW 10.14](#) (unlawful harassment). Our packets don't give any instructions on combining a protection order you obtain after the parentage case is filed into your parenting plan case. Adding a protection order request to your parenting plan case after the parenting plan case has been filed may require amending the petition for a parenting plan and re-serving the other party.

Paragraph 1.11 Other. Most people can skip this paragraph and leave it blank. However, if you have other information you believe you should provide in the petition, state it here.

Consolidation of Existing Protection Order. If you have a Protection Order that was entered under a different case number, and you want to change it or extend the expiration date, write in what you want the court to do. Example: "The Protection Order entered on [date] under Case No. XXXX should be consolidated under this case number, and incorporated into this case, and modified only as follows: 1) The no contact and custody provisions should be changed to follow the Final Parenting Plan or Residential Schedule, and 2) the expiration date should be changed so that the protection order is permanent, as authorized under RCW 26.26.130(9) and RCW 26.50.060(2)."

Section II. - Relief Requested

Complete this section by telling the court what you want the court to order in your petition for a parenting plan. Check every box to the left of a request that you want to make to the court. Make sure you check any necessary boxes in the paragraph as well.

If you have other requests, check the last box and write your requests in the blank next to "Other."

If you're asking for a protection order you have in another case to be consolidated with your petition for a parenting plan case, check the "other" box. Then add "consolidate the RCW 26.50 protection order proceeding with this case and enter a permanent order of protection changing the existing order of protection only as follows: 1) The no contact and custody provisions should be changed to follow the Final Parenting Plan or Residential Schedule, and 2) the expiration date should be changed so that the protection order is permanent, as authorized under RCW 26.26.130(9) and RCW 26.50.060(2)."

Signature. Date the form and sign where it says "Petitioner or Lawyer." Sign again at the end of the Declaration paragraph, in the space indicated, and print or type your name. Write the place (city, state), date, and your signature under the sentence that says "I declare under penalty of perjury..."

Joinder. If the other parent agrees with the Petition, s/he should check the box next to the word "Joinder," write his or her name in the blank, and sign and date the form.

If you file the petition without the other parent's signature in the joinder paragraph, but s/he later decides to agree with the Petition, ask him/her to sign a joinder form (in the packet [Responding to a Petition for Parenting Plan or Child Support When Parentage Has Already Been Established](#)).

Respondents can choose whether or not to sign a joinder.

◆ If the other parent signs the joinder at the end of the petition and agrees with your petition, skip the sections on filling out the Summons and on Serving the Petition. Don't file either the Acceptance of Service or Return of Service forms.

B. Summons (Petition for Residential Schedule/Parenting Plan or Child Support) - WPF PS 15.0200

If the other parent hasn't signed the joinder paragraph (at the end of the petition), fill out the Summons form.

This packet contains the blank form and instructions for filling out a Summons for personal service, either in Washington or another state. You must always try to personally serve the other party first. If you can't serve him/her personally or by abode service (described below), you must file a motion in court for permission to serve by publication or certified mail and use a different Summons form. The forms and instructions to do that are in our packet called [Service by Certified Mail or Publication](#).

◆ If you can't have the other party personally served, the court may not have jurisdiction to give you all that you ask for. Talk with an attorney before asking the court for permission to serve by mail or publication.

Caption. Fill out the caption for the Summons.

- **After "To the Respondent," fill in the respondent's name(s).**
- **Signature.** Date the form and sign where it says "Signature of Petitioner or Lawyer," then print or type your name in the blank below that.
- **File Your Original Response with the Clerk of the Court at:** Write in the name and complete address of the courthouse where you'll file your petition.
- **Serve a Copy of your Response on:** Check the first box. In the blanks, write your name and address. If you don't want the other party to know where you live, write in a Post Office Box number if you have one, or put the address of a friend or family member whom you trust to tell you immediately if you receive any legal papers. You must provide **some** address to which the respondent may send you his or her response.

◆ If the mailing address you use in the Summons later changes, prepare a notice called "change of mailing address." Write your case caption and case number on the top of the page as with other papers you've prepared. Under the case number, write "Clerk's Action Requested." In the body of the page, explain that your address for service of papers and notices in this case is changing, and state the new address the court and other parties should use. File this notice with the court and provide a copy to the other parties.

◆ If you're a survivor of domestic violence, and you want to keep your address secret, get information about the Address Confidentiality Program offered through the state of Washington. For more information, call 1-800-822-1065.

C. Confidential Information Form and Addendum - WPF DRPSCU 09.0200 & 09.0210

In family law cases, you must give the court information about your address and telephone number, your social security number, date of birth, driver's license, and the name and address of your employer, as well as certain information about the other people involved in the case.¹⁷

Complete this form. File it with the court clerk. Keep a copy for yourself. **Don't serve the Confidential Information Form and Addendum upon the other parties.**

The Confidential Information Form is normally not available to the other parties or the other parties' attorneys. However, note: the form could be provided to DCS (Division of Child Support) and to other divisions of DSHS (Washington State Department of Social and Health Services). Under some circumstances, they may release information in this form to another party. In addition, another party could get access to the Confidential Information Form by following certain court procedures.

◆ Update the court by filing a new Confidential Information Form when your address changes, even after your case is finished. If you don't, legal papers may be sent to you at your old address and orders may be entered against you without actual notice to you.¹⁸

1. Write in the county where the case is filed and the case number. If you have no case number yet, write in the case number when the clerk gives it to you.
2. Check the first box (*divorce/separation...nonparental custody/paternity/modification...*). If you're updating a form you filed earlier in the same case number, check the box "Information Change."
3. If restraining orders or protection orders are in place, check the related boxes on the form. Show who is protected. If they go into effect later, file a revised and updated form.
4. If you believe the safety of an adult or child would be in danger by giving out address information, even if you don't have a restraining order or a protection order, check the box "[t]he health, safety, or liberty..." Explain the risk of harm.
5. The law requires a residential address on page 2 of the Confidential Information

¹⁷ [RCW 26.23.050\(5\)\(l\) & \(7\); GR 22\(g\) & \(h\).](#)

¹⁸ [RCW 26.23.055\(2\) & \(3\).](#)

Form. If you're afraid to give your residential address, try to give an alternate address and see if the court clerk will accept it. If the court clerk won't accept your Confidential Information Form, talk with an attorney, your local domestic violence program, or call CLEAR at 1-888-201-1014.

6. Write in the information requested on the form concerning the petitioner and respondents and the child/ren. Fill in the information about yourself, including your driver's license number and social security number (if you have one). If you're filing this form as part of a nonparental custody case, list the other adults in petitioner's household on page 2 in the place indicated.
7. Fill out the information requested about the adults the child/ren have lived with in the last 5 years (and the current address of each of those adults), and the names and current addresses of people besides petitioners and respondents who have custody or who claim rights to custody or visitation with the children.
8. If there is any information you don't have, explain why you couldn't provide it in the space after "This information is unavailable because..." right above the signature line.
9. If there are more than 2 children in your case, or there is more than one petitioner or more than one respondent, write the information about those children or parties in the Addendum. Check the box near the bottom of the second page of the Confidential Information form next to "Addendum to Confidential Information Form Attached."
10. Sign and date the form and write in the place it was signed.

◆ If you're afraid to fill in any of the information requested in this form, talk with an attorney about what to do.

D. Sealed Acknowledgement/Denial of Paternity Form

1. **Caption.** Fill out the caption as shown in the General Instructions. Check the box under the title showing which document(s) are attached. You should always have an acknowledgment of paternity form to attach and you may also have a denial form.
2. **Check the first box** (acknowledgment of paternity). Check the box next to the word "petition." Don't fill in the date until you know what day you're filing your petition with the court. If you're filing a denial of paternity (usually from a presumed father), check the second box.
3. **Signature.** Date the form and sign where it says "Signature," then print or type your name in the blank below that.
4. At the top of the first page of your Paternity Affidavit, write the word "Sealed." Attach the copy of your Paternity Affidavit to the Sealed Acknowledgement/Denial of Paternity form. If you're also filing a Denial of Paternity, attach it as well, after writing "sealed" at the top

5. Read the notice at the bottom of the page, and follow the instructions there if you're concerned about your safety.

E. Instructions for Declaration Re Service Members' Civil Relief Act - WPF All Cases 01.0200

This declaration states whether or not you believe another party is a member on active duty in the military¹⁹ or the dependent of a service member who's a resident of Washington on active duty and a National Guard member or a Reservist. Dependents are usually spouses or minor children, although they may also be people for whom the service member provided most of the support for the last six months.²⁰

When you prepare the papers to begin your case, fill out a separate declaration for each respondent or nonmoving/nonrequesting party.

It's your job to try to find out whether or not the other party is on active duty in the military, or is a protected dependent.²¹

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

To try to make sure the other party is not a dependent of a service member, have the Notice re: Dependent of a Person in Military Service form served with the other papers that begin your case. That form is also in this packet.

Write your name on the first line before "Declare."

Paragraph 1. Service member status.

¹⁹Service members who are protected by the federal Service Members Civil Relief Act, 50 U.S.C. App. Sections 501 *et seq.* include all members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at http://www.uscg.mil/legal/la/topics/sscra/sscra_guide.htm#coverage.

For Washington State's Service Members Civil Relief Act, see [RCW 38.42.010](#) *et seq.*

²⁰[RCW 38.42.010](#)

²¹ The Service Members Civil Relief Act, [RCW Ch. 38.42](#) (state law), and the Service Members Civil Relief Act of March 4, 1918, as amended, [50 U.S.C. App., 501 et seq.](#) (federal law) provide special protection for members of the military, including National Guard and Reservists, who are on active duty, and their dependents. If the other party's on active duty or is the dependent of someone on active duty, consult an attorney for more information about these special rights. The court's likely to appoint an attorney to represent the other party and may stay (delay or stop) your case until the other party comes back from active duty.

Paragraph 1 A.

Fill in the other party's name in the blank.

Check the box(es) next to the item(s) that shows his/her service member status.

Paragraph 1 B, after Factual Basis

If you checked the website <https://www.dmdc.osd.mil/scra/owa/home> and the site reported the other party's military status, check the first box. Staple the report you received to this form.

If you have another factual basis for your answer in Paragraph 1 A, check the second box. Write in what you know about whether the other party is in the military and whether they're on active duty. Describe all the efforts you made to find out about the other party's military status and the results of each effort. Example: describe contacts with the other party's friends, family, and employers. If you contacted the Defense Manpower Data Center by fax or mail, explain that contact. Attach any certificate about military service you received in reply.

Paragraph 1 C. If the other party is on active duty, check the box at the beginning of 1 C and the box(es) under it that apply. If you check the last item, you must check the appropriate box in the text of that item.

Paragraph 2 Dependent of a Service Member Status:

Paragraph 2A. Write the other party's name in the first line. Check the box below that applies.

Paragraph 2 B. Factual Basis:

- If you had a Notice re: Dependent of a Person in Military Service mailed to the other party at least 23 days ago (or served more than 20 days ago), and s/he didn't respond to it, check the box next to "the nonmoving party failed to respond to a notice." Check the box that applies. Fill in the date requested. Otherwise, skip that box.
- If you have another factual basis for your answer in Paragraph 2 A, check the second box and explain.

Paragraph 2 C. If the other party is a dependent of a resident of Washington who's on active duty and is a national guard member or a Reservist, check the box at the beginning of 2 C, and the box(es) under it that apply. If you check the last item, you must check the appropriate box in the text of that item.

Sign your name on the signature line at the end of the declaration. Fill in the city, state and date of your signature. Print your name on the line below your signature.

◆ If another party is covered by the service members civil relief acts and is willing to give up his/her rights under those acts, s/he may be willing to sign the waiver form in the section on the military later in this packet.

F. Instructions for Notice re: Dependent of a Person in Military Service - WPF DRPSCU 01.0185

Certain members of the military²² and certain service member dependents (usually spouses or minor children or people who have received most of their recent support from the service member) can receive special protections under the law. This form tells military dependents that if they don't report their dependent status to you within 20 days, they risk having you and the court presume they're not a military dependent if you apply for an order of default. This form is "optional," but we recommend that you have this notice served on each respondent/nonmoving party with the Summons and Petition, even if you believe the respondent/nonmoving party has no connection all to the military.²³

Fill in the caption.

Sign and date the form at the bottom of the page. Print or type your name in the space indicated.

G. Civil Case Cover Sheet

Some local courts have their own forms. Check with the clerk.

Skip Case Type 2. Under the words "Case Types 3-6" write the county where you're filing.

Write in the case number when the clerk assigns one.

Write in the Title of the case from your Petition.

Then in the first column, under "Domestic Relations," check "Parenting Plan/Child Support (PPS 3)".

◆ **Before you file your papers:** remember - you'll need forms from our packet [*Parenting Plans and Child Support for parentage Cases and Modifications of Parentage Cases.*](#)

If a respondent is in the military or the dependent of a person in the military, follow the instructions in the Section "If the Other Party is in the Military or the Dependent of a Military Service Member." Otherwise, you're ready to file and serve your papers.

²² See footnote elsewhere in this packet for members of the military who are protected.

²³ In some circumstances, the law allows for mailing of this notice separately, but this packet doesn't explain how to do that.

Section 8: Instructions for Filing and Serving Papers

After you've filled out the forms, you must file them with the court and have them served on the other parties. This section gives information about how to do that. **Before filing and serving your papers, make sure you've completed all the forms you need, including forms from any other packets.** Remember: you'll need forms from our packet [Parenting Plans and Child Support for Parentage Cases and Modifications of Parentage Cases](#). Use the checklists in this packet to be sure you've included what you need.

A. Filing your Petition with the Court

When you're ready to file the petition, write the date that you're filing your petition in the "date" blank on the *Sealed Acknowledgement/Denial of Paternity* form.

You'll file the original forms in court.

If you're applying for an emergency order, you may request it at the same time you file your Petition. See our packet [Filing a Motion for Emergency Orders for Parentage Cases and for Custody/Parenting Plan Modifications of Parentage Cases](#) for information and forms on emergency orders.

- Make one copy of every form you filled out.** (You'll need more copies of most forms later. Just make one copy now, and the other copies later, after you have the case number and date filed stamps from the court clerk.)
- Organize your forms into sets** by putting all the originals in one set and the copies in the other set. Each set should have each form you've filled out. Compare each set with the checklists in this packet to be sure you have the forms you need.
- Take the originals and the copies to the county court clerk's office** in the superior courthouse where you're filing your case. Tell the clerk you want to file a petition. Give the clerk the originals of your forms and the necessary filing fee. If you can't afford the filing fee, ask the court to waive it (allow you not to pay it). Use our packet called [Filing in Forma Pauperis](#), or contact the Court Clerk or the Family Law Facilitator (if there is one) for forms used in your county.
- If you're asking for a waiver of the filing fee**, an Ex Parte Restraining Order, or other orders at the start of your case, ask the clerk or family law facilitator how to present your requests to a judge. Follow those instructions. (Our packets on these subjects contain more information.)
- Pay the filing fee, or give the clerk your In Forma Pauperis (IFP) order signed by the judge.**
- The clerk may give you some forms.**
 - Depending on the case, the clerk may give you a Vital Statistics form to fill out and return.

- In some counties, the clerk will give you a case schedule, a parenting seminar form, and/or other local forms. Case schedules tell about some important dates in the case. Parenting seminar forms tell you how to sign up for a class about the effect of conflict on children. (Many courts require parents to complete the parenting seminar for cases involving children before the court will sign a final parenting plan/residential schedule.) If you get a case schedule and a parenting seminar form, **you must serve copies of them on the other parties.**
- ❑ **The clerk will take your originals for filing and assign a case number** (except for modification cases filed in the same county as the original case, where you already have a case number). Write or stamp the case number on the front page of the copy of every form.
- ❑ **Stamp** the top of the front page of the copy of every form with the clerk’s file- date stamp. This way you and the other parties will have a record of the filing date.
- ❑ **If the judge has signed any orders,**
 - file the original order as signed by the judge, and
 - ask the clerk to stamp the judge’s signature on your copy of the order.
 - also, if the judge has signed an Ex Parte Restraining Order,
 - ask the clerk to make two certified copies of it: one for you to keep with you at all times, one to be served on the restrained person. There is an extra fee for certified copies.
 - Fill out the Law Enforcement Information Sheet (LEIS), available at the clerk’s office. Don’t serve the LEIS on the other parties.
 - never leave the courthouse with the original of an order that has been signed by the judge. Never change an order after it has been signed by the judge.
- ❑ **Take the stamped copies back from the clerk.** The clerk keeps the originals.
- ❑ If you have upcoming hearings and need to **deliver working papers to the judge**, do that before leaving the courthouse.²⁴
- ❑ **If you’re scheduling upcoming hearings and have prepared any proposed orders²⁵ for them, ask the clerk where those proposed orders should be delivered.** Follow those instructions. In some counties, the clerk takes your proposed orders. In other counties, you deliver them to a different office or as part of the working papers, or the clerk may tell you just to bring them to the hearing.

²⁴ If you have hearings already scheduled in your case, local rules may require you to deliver “working papers” (additional copies of the papers you filed for the judge to read) several days before the hearing.

²⁵ The definitions in the Words You May Need to Know section explain the difference between a “proposed order” and a “signed order.” Signed orders are always filed with the clerk.

B. Preparing to Serve Your Petition

In addition to filing your papers, **you** must have them properly served on (delivered to) the other parties. **The court doesn't serve the other parties.** You must arrange for service and make sure your server delivers the papers properly. **You can't serve the papers on another party yourself.** The following paragraphs explain the rules for service. **Carefully follow the rules. If you don't do service properly, your court orders could be set aside, even years later.**

Who to serve. Every party to the case. Usually, the other parent is the only other party. However, if your child has ever received public assistance (TANF) or Medicaid, or if a child in the case is in foster care or out of home placement, you must serve copies on the State of Washington. If someone besides the other parent has legal or physical custody of any child in your parenting plan, or claims a right to custody or visitation, talk to an attorney for individual advice about adding that person to your case as a party or otherwise giving them notice of the case.

What to serve. All the papers you filed with the court need to be served, **except don't serve** the Confidential Information form and addendum and any Law Enforcement Information Sheet²⁶. The papers to be served include at least the following: Summons, Petition, Declaration re Service Members' Civil Relief Act, Notice re: Dependent of a Person in Military Service, Sealed Acknowledgment/Denial of Paternity and Paternity Affidavit, and, in many cases, Parenting Plan or Residential Schedule (depending on the form you used), child support worksheets, financial declaration, case schedule, etc. Use the checklist to be sure you have the forms you need.

How to serve.

You can't serve the other parties yourself.

- Try to ask another party to agree to accept service of the Petition. If you ask them to accept service, and they agree, you must give them copies of the papers you filed²⁷ and they must sign an Acceptance of Service form admitting they have received the papers you filed. Accepting service is explained below.
- If you decide not to ask a party to accept service, or if they refuse, or if they agree to sign but then don't follow through, you must have them personally served. Personal service is explained below.
- If you need to serve the State of Washington, see our packet [Serving Papers on the State](#).

How to copy and organize your papers for service.

- Make the correct number of copies: Figure out how many copies of each form you'll need.
- You'll need:

_____ one for you

²⁶ The Law Enforcement Information Sheet (LEIS) is in the emergency orders packets, not in this packet. Use it only when restraining orders are entered.

²⁷ Except for the Confidential Information Sheet and Added um and any LEIS.

_____ one for each respondent (1 x _____ number of respondents = _____)
(except you don't serve the Confidential Information Form and addendum
or LEIS (used if you have a restraining order) on any other parties, so
make just one copy of these forms, for you to keep)

_____ one for the judge if you have upcoming hearings ("working papers")²⁸

_____ one for the State (if you're serving the State)

_____ Total = _____ This is how many copies you need of each document.

You'll also need an extra copy of each Summons to attach to the Returns of Service.

- Make one copy of every form you filed with the court (except the Confidential Information Form and any LEIS) for every person you need to serve, and one copy for yourself. Make an extra copy of the Summons to attach to the Return of Service.
- Organize the forms into sets. Each set should have a copy of each form you've filled out, except for the Confidential Information form and any Law Enforcement Information Sheet. The Confidential Information and LEIS forms aren't served on any other party.
- Compare each set with the checklists in this packet to be sure you have the forms you need.
- Make sure you keep a full set of copies for yourself. Put the Confidential Information form and any LEIS form into the set you're keeping
- Put each of the other parties' sets of papers in an envelope, addressed to that party, with your return address. These are the sets you'll use for service.

How to show that service has been completed

After service is complete, you'll need a signed Acceptance of Service or Return of Service for each party and you'll file these with the court clerk.

C. Acceptance of Service

The other party might agree to receive the papers informally (called to "accept service"), even if s/he doesn't agree with the requests you've made in your petition. If s/he "accepts service," that doesn't mean that s/he is agreeing to the things you asked for in your petition. S/he is only agreeing to say that s/he received the court papers you filed. If s/he won't accept service of the papers, or if s/he agrees but then doesn't sign the Acceptance of Service form, or if you don't want to ask him/her to accept service, skip to the instructions for Personal Service.

²⁸ We recommend you always make a copy for the judge. Even if the local court doesn't require you to give the judge a copy (sometimes called "working papers"), take the papers with you to your hearings anyway. Sometimes the judge doesn't have the case file in the courtroom, or papers you've filed in the clerk's office haven't yet been placed in the court file.

1. Instructions for the Acceptance of Service Form - WPF DRPSCU 01.0310

Complete this form only if the other party agrees to sign a paper saying that s/he has received the court papers you've filed.²⁹ If the other party completes and files this form (or gives it to you to file), don't file a Return of Service for that party. Give the other party copies of all the documents you filed with the court (except the Confidential Information form and addendum and any LEIS), before s/he signs the Acceptance of Service.

Caption. Fill in the caption.

Paragraph 1. Acceptance of Service. Write the name of the party accepting service in the blank. Read the list of forms. Make sure to check the box to the left of every form that you give him/her. If a form is not listed, check the "Other" box. Write the title of the form (examples: if you're giving the other party the Notice Re: Dependent of a Person in Military Service form at the beginning of the case, check the "other" box and write in this title. Or, if you gave him/her a Declaration, check the "other" box, and write in "Declaration of ____ (name of the person who signed the declaration). You must list every form that you're giving the other party. If you don't list a form on this Acceptance of Service, you'll have no proof that the other party received it.

Paragraph 2. Consent to Personal Jurisdiction. If the other party agrees that Washington has personal jurisdiction over him/her, check the second box. Write in the other party's name. If the other party won't agree that Washington has jurisdiction over him/her, then check the first box, or the third (and write in the blank that s/he objects to personal jurisdiction). For more information about personal jurisdiction issues, see our publications for your type of case, or talk with an attorney.

Signature. The other party should date the form, sign where it says "Signature of Party or Lawyer," and then print or type his/her name and address in the blank.

◆ If you obtain a signed Acceptance of Service form from all the parties you need to serve, skip to the section on Filing Proof of Service. If any party hasn't signed an Acceptance of Service form, you must arrange to have them personally served, as described below.

D. Instructions for personal service and the Return of Service

If the other parties don't each sign an acceptance of service, then you must try to have them personally served. If you've diligently tried to have them personally served but fail, and need to have the other parties served by a method other than personal service, the forms and instructions to do so are in our packet called [*Service by Certified Mail or Publication*](#).

²⁹ If one party accepts service, but there are additional parties in the case, you must still serve other parties or have signed Acceptance of Service forms from each of them.

1. Instructions for personal service in Washington

- **You must properly follow the rules when you're having the other parties personally served. Don't serve the documents on the other parties yourself.** Find a person who is over age 18 to serve the papers for you.
- **Consider hiring a professional process server.** If you can afford it, think about hiring a professional process server or the sheriff to serve the papers for you. It usually costs \$30-\$80. Using a professional process server may be best because the sheriff may not be willing to try more than once to serve the other party who may not be at home when the sheriff tries to serve him/her. Process servers are listed in the yellow pages of the telephone book.
- **Ask an adult friend to be your process server.** If you can't afford a process server or the sheriff, any adult over age 18, who is not a party in the case and who has no mental disability making that person incompetent, may serve the papers for you. That person must understand how important it's to serve the papers and fill out the return of service form correctly. If you don't serve the other parties properly, then your court orders could be set aside, even years later.

Give your server (the sheriff, a process server, or the adult friend who has agreed to serve the papers for you) the envelope of papers you prepared for service on the other party, together with the other party's home and work address, a physical description of the other party, and any other information that'll help the server locate the other party for service.

Give your server a Return of Service form to fill out and return to you once service is complete. (Some process servers have their own Return of Service form that they'll fill out and give to you instead.)

- **If possible, your server should hand the papers directly to each party.** Your server may hand the papers to each party at home, work, or anywhere else that s/he can be found. **If the State of Washington is a party, see our packet [Serving Papers on the State](#).**
- **If the other party isn't home, your process server may do "abode service" at the home. The server may give the papers at the other party's home to any adult (who's not mentally disabled) who lives in that home with the other party.** If your server does this, your server should ask that person for his/her name and age, whether s/he lives at that address, and whether the other party also lives at that address. Your server should write this information on the Return of Service form. (See instructions for this form, below.).

2. Instructions for Return of Service WPF DRPSCU 01.0250

Your server must complete a separate Return of Service for each party s/he serves. After your server has completed service and signed the Return of Service form(s), follow the instructions in this packet for filing it with the court.

Caption.

Fill out the caption.

Paragraph 2.

Write the name of the party being served in the blank. Read the list of forms. Check the box to the left of each form served on that party. Sometimes you must fill in a blank to better describe a form. (Example: if you check the box after “declaration,” write in the name of the person who wrote the declaration). If you had the other party served with any forms not listed, check the box marked “other.” Write in the names of those additional forms. You **MUST** list all the forms that were served on the other party. If you leave a form off your list, you’ll have no proof that the other party received it.

Paragraph 3.

The server should fill in the date, time (show a.m. or p.m.) and address where the papers were served.

Paragraph 4.

If the server gave the papers directly to the other party, check the first box. If the server did abode service³⁰, check the second box. Fill in the name of the person to whom the papers were given.

Paragraph 5.

If your server included the Notice re: Dependent of a Member of a Person in Military Service form in the packet of papers served (and we recommend that it be served whenever the forms to be served include a summons), check the first box in this paragraph and the first box in the middle of the sentence. Fill in the date at the end of the paragraph.³¹ If this form wasn’t served, skip this paragraph.

Paragraph 6.

In the “Other” section, your server may write additional information. Example: if your server tries several times to serve the other party but s/he is never home or can’t be found, the server should write the dates and times and descriptions of each time the server tried to serve the other party. Or, if the server gave the papers to an adult living with the other party who wouldn’t give his/her name, the server should write what the person who received the papers looks like.

Signature.

The server should write the city and state where s/he signed the form, write in the date, and sign where it says “Signature” and then print or type his/her name where it says “Print or Type Name.”

Usually, only professional servers will use the box for fees and mileage.

Staple a copy of the summons to the Return of Service.

After your server completes this form, s/he should give it to you for filing with the court.

Staple a copy of the summons to the Return of Service.

³⁰ If you don’t know what “abode service” means, look back at the explanation for abode service in the instructions for personal service section

³¹ The law allows for service of this notice later by mail, but we don’t include instructions for later service or for proving that the notice was mailed.

E. Personal service in another state

If necessary, you may have the other party personally served in another state using the same general directions as for personal service in Washington. However, in addition to the Return of Service, you must fill out a *Declaration Regarding Personal Service Outside of the State of Washington*.

A person served outside the state has a longer deadline for responding to the petition.

1. Instructions for Declaration Regarding Personal Service Outside the State of Washington - WPF DRPSCU 01.0180

Use this form if any party is served outside the State of Washington.³²

This declaration is in addition to the return of service form.

1. **Caption.** Fill in the Caption.
2. **Paragraph 2.** In the blank on the first line, fill in the name of the person who can't be served inside the State of Washington. In the blank space at the end of the paragraph, write the reason that the papers can't be served on the other party in the State of Washington. (Example: if the other party lives and works out of state, write that "____ (fill in name of the person served outside the state) lives and works in ____ State and _____ (add other details showing that the person cannot be served within Washington.").
3. **Signature.** The person who signs this form prints the date and place (city and state) of signature, sign the form, and prints his/her name.

If you use this form, file it with the court clerk. Keep a conformed copy for your records.

F. Filing your proof of service

Gather your original signed proof(s) of service (*Acceptance of Service* or *Return of Service*). You'll need proof of service for each party. If any party is served in another state, you'll also need the *Declaration Regarding Personal Service Outside the State of Washington* for that party. Make one copy of each original. Take the originals and the copies to the court clerk's office. Give the originals to the clerk. Ask the clerk to stamp the date of filing on your copies.

If the papers served included a protection order or restraining order (example: an Ex Parte Order, or a Temporary Order with restraining order paragraphs), you must also deliver a copy of the Return of Service to the law enforcement agency covering the place where you (the protected person) live. This agency is named in the order.

³² If you're serving any other party out of state, you must complete and file this form before the judge will sign the final order. The party personally served out of state has **60 days** to Respond if the papers are personally handed to him/her.

Keep the copies in a safe place. Take them with you to hearing(s). You may need them to prove to the judge that service was done correctly.

If the other parent is in the military or is a protected military dependent, follow the instructions in the section. “Instructions if the Other Parent is in the Military.” Otherwise, you’re finished filing your petition for parenting plan.

You must wait until the other parent’s time for responding to your petition has passed before finishing your parenting plan case. (In general, that’ll be 20 days from the date of service if the other parent was served in Washington, and 60 days if the other parent was served outside of Washington.) Look back at the “Steps to Take” section for more information about next steps.

To ask the court to enter orders before your trial (or before you get final orders), get our packets called [*Filing a Motion for Temporary Orders in a Parentage Case*](#) and [*Filing a Motion for Emergency Orders in a Parentage Case*](#).

For information about how to finish your case, get our packet called [*Finishing Your Petition for a Residential Schedule/Parenting Plan and Child Support When Parentage Has Already Been Established*](#).

G. Serving Additional Papers as the Case Goes On

Follow the procedures explained above to have every party served with the Summons, Petition, and other documents you used to begin the case.

Even after a party has been served with the Summons and Petition and other beginning documents, you must still give him/her copies of most documents you file with the court as the case goes on. See [CR 5\(a\)](#). (Exception: don’t keep giving papers to a party against whom you have an Order of Default.) Often, ongoing service can be done by mail, or personal delivery and proof can be made with a Certificate of Mailing or Personal Delivery. Instructions and forms for this type of service are in our temporary orders packets.

◆ Important: don’t use the Certificate of Mailing procedure to serve the Summons and Petition or other documents you must serve to start your case.

Section 9: Instructions if the Other Parent is in the Military or the Dependent of an Active Duty Service Member

If the other party is, or may soon be, on active duty in the military³³, or is the protected dependent³⁴ of a service member, when you serve him/her with your court papers, include a copy of the *Waiver of Rights Under Service Members Civil Relief Act and Admission of Service* form. If the other party is willing to give up protections under these laws, s/he must sign the form and either return it to you or file it with the court. **If s/he won't agree to do this, see a lawyer.** There are special rules for members of the military or their dependents. Those rules limit the court's ability to make orders adversely affecting the rights of the service member or his/her protected dependent.

Ways to try to find out if another party is on active duty include

1. checking the following website: <https://www.dmdc.osd.mil/scra/owa/home>

or

2. contacting:

Defense Manpower Data Center
1600 Wilson Blvd., Suite 400
Attn: Military Verification
Arlington, VA 22209-2593
Telephone (703) 696-6762 or 5790
Fax (703) 696-4156

(If you mail a request for information, include a stamped, self-addressed return envelope.)

³³ The Service Members Civil Relief Act of March 4, 1918, as amended, 50 U.S.C. App., 501 et seq. protects service members including:

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

³⁴ Dependents are usually the spouse or minor child or a person who received more than half his/her support in the last six months from a resident of Washington who is on active duty and is a national guard member or a reservist. [RCW 38.42.010](#).

A. Instructions for the Waiver of Rights Under Service Members Civil Relief Act form

Caption. Fill in the Caption.

In the first blank, write the other party's full name.

Talk with the other party or write a letter about the form. Include the form with the court papers when you serve the other party. Call or write the other party to ask him/her to fill out the rest of the form with the date that s/he was served with the summons and petition, the service member's name, rank, serial number and unit. If s/he is willing to sign this form, the other party should do so in front of a notary public. S/he can either return the form to you for you to file, or file the form with the clerk's office. The clerk can give you a copy.

◆ **Finding a Notary:** Often, your local bank has a notary. If you have a bank account there, the bank will sometimes provide the notary service for free. Or, look up notary public in the yellow pages of your telephone book.

B. File the Waiver form

If and when you receive the form back from the other party, file it with the clerk's office as soon as possible. Keep a copy for yourself. Ask the clerk to stamp your copy to show the date that the form was filed.

Section 10: What to Do if You and the Other Parent Agree

If you and the other parent (and other parties in the case, if any) agree on the final papers, then you may complete fewer forms and follow a simpler process to finish your case. Here are the steps to take:

1. Complete the following forms from this packet:
 - Petition for Residential Schedule/Parenting Plan and Child Support
 - Confidential Information Form (each party should complete and file his/her own form)
 - Sealed Acknowledgement/Denial of Paternity (and attached Paternity Affidavit)
 - Waiver of Rights Under Service Members Civil Relief form (if other parent is in military or is the protected dependent of a service member)
 - Civil Case Cover Sheet
2. Complete the following form from the packet [*Parenting Plans, Residential Schedules and Child Support*](#):
 - Parenting Plan or Residential Schedule
3. If you also want to get a child support court order, complete the following form from the packet [*Parenting Plans, Residential Schedules and Child Support*](#).
 - Financial Declaration(s) (each party should complete his/her own)
 - Child Support Worksheets
 - Sealed Financial Source Documents Cover Sheet (with financial information attached)(each party should complete his/her own)
 - Order of Child Support
4. Complete the following forms from the packet [*Finishing a Petition for Parenting Plan \(Custody\) and Child Support When Paternity Has Already Been Established*](#):
 - Findings of Fact and Conclusions of Law on Petition for Residential Schedule/Parenting Plan or Child Support
 - Judgment and Order Establishing Residential/Parenting Plan or Child Support
5. If you're agreeing to a Protection Order as part of this case, complete any necessary protection order forms.
6. To show the court that you agree, you both need to sign the Parenting Plan or Residential Schedule, child support worksheets, Order of Child Support, Findings of Fact and Conclusions of Law, and Judgment and Order Establishing Residential Schedule/Parenting Plan or Child Support. The Respondent can sign either the Joinder at the end of the Petition or separate joinder form. If the respondent is in the military or is the protected dependent of a

service member, s/he'll need to sign the Waiver of Rights Under Service Members Civil Relief form.

7. If there are additional parties in your case, they'll also need to sign the final papers.
8. You should each submit your own Financial Declaration, with supporting financial information attached to a Sealed Financial Source Documents Cover Sheet, so that the court can see that you're setting child support correctly.
9. Find out how your county is implementing the 2007 changes in the law requiring JIS and database checks before final parenting plans are entered, and screening/assessments where limiting factors of domestic violence or child abuse are claimed. See the information box earlier in this packet. Follow necessary local procedures under this law.
10. Follow the directions in our packet [*Filing an Agreed Petition for Parenting Plan \(Custody\) and Child Support When Paternity Has Already Been Established*](#) for entering agreed final orders.

Section 11: Blank Forms

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

**Superior Court of Washington
County of**

In re the Parenting and Support of:

Child(ren),

Petitioner,

and

Respondent.

No.

Petition for

**Residential Schedule/
Parenting Plan**

**Child Support
(PT)**

**Para.1.10: check box if petition is
attached for:**

Order for protection DV (PTORPRT)

Order for protection UH (PTORAH)

I. Basis

1.1 Cause of Action

This action is brought pursuant to RCW 26.26.375 by (name) _____,
petitioner, for a

residential schedule/parenting plan

child support order

for

(Name) _____, (age) _____, residing with
(name) _____ in _____ County, Washington.

(Name) _____, (age) _____, residing with
(name) _____ in _____ County, Washington.

(Name) _____, (age) _____, residing with
(name) _____ in _____ County, Washington.

1.2 Acknowledgment of Paternity and Denial of Paternity

(Name) _____ is the child's acknowledged father and (name) _____ is the mother of the child. Both parents signed the Acknowledgment of Paternity, which was filed with the Washington State Registrar of Vital Statistics on (date) _____.

A copy of the Acknowledgment of Paternity is filed with this petition.

(Name) _____ signed a Denial of Paternity, which was filed with the Washington State Registrar of Vital Statistics on (date) _____.

A copy of the Denial of Paternity is filed with this petition.

1.3 Jurisdiction

The court has jurisdiction over the parties because more than 60 days have passed since the effective date of the acknowledgment of paternity and (check all that apply):

- The mother and acknowledged father engaged in sexual intercourse in the state of Washington as a result of which the child was conceived.
- Respondent was personally served with summons and petition within this state.
- Respondent submits to jurisdiction of this state by consent as evidenced by joinder or consent to jurisdiction signed by respondent.
- Respondent resided with the child in this state.
- Respondent resided in this state and provided prenatal expenses or support for the child.
- The child resides in this state as a result of the acts or directives of the respondent.
- Other:

and the following parties are presently residing in the state of Washington:

- Mother
- Acknowledged Father

1.4 Period for Challenge to the Acknowledgment or Denial of Paternity (Pick only one)

- A period of two years or more has passed since the date the acknowledgment and denial of paternity was filed with the Washington State Registrar of Vital Statistics.
- Less than two years has passed since the date the acknowledgment or denial of paternity was filed with the Washington State Registrar of Vital Statistics, and petitioner specifically alleges:
 - a) No man other than the acknowledged father is the father of the child; and
 - b) No proceeding to adjudicate the parentage of the child is currently pending; and
 - c) No other man is an adjudicated father of the child; and
 - d) Notice of this proceeding has been provided to all other men who have claimed parentage of the child.

1.5 Jurisdiction Over the Child

This court has jurisdiction over the child for the reasons set forth below.

- This court has exclusive continuing jurisdiction. The court has previously made a child custody, parenting plan, residential schedule or visitation determination in this matter and retains jurisdiction under RCW 26.27.211.
- This state is the home state of the child because
 - the child lived in Washington with a parent or person acting as a parent for at least six consecutive months immediately preceding the commencement of this proceeding.
 - the child is less than six months old and has lived in Washington with a parent or a person acting as parent since birth.
 - any absences from Washington have only been temporary.
 - Washington was the home state of the child within six months before the commencement of this proceeding and the child is absent from the state but a parent or person acting as a parent continues to live in this state.
- The child and the parent or the child and at least one parent or person acting as a parent have significant connection with the state other than mere physical presence, and substantial evidence is available in this state concerning the child's care, protection, training and personal relationships, and
 - the child has no home state elsewhere.
 - the child's home state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under RCW 26.27.261 or .271.
- All courts in the child's home state have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under RCW 26.27.261 or .271.
- No other state has jurisdiction.
- This court has temporary emergency jurisdiction over this proceeding because the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child is subjected to or threatened with abuse. RCW 26.27.231.
 - There is a previous custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. The requirements of RCW 26.27.231(3) apply to this matter. This state's jurisdiction over the children shall last until (date) _____.
 - There is no previous custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. If an action is not filed in (potential home state) _____ by the time the child has been in Washington for six months, (date) _____, then Washington's jurisdiction will be final and continuing.
- Other:

1.6 Child Support

Support and health insurance coverage for the minor child:

- has been determined administratively by the Division of Child Support and the petitioner does does not want the court to address child support.
- has not been determined administratively by the Division of Child Support and the petitioner does does not want the court to address child support.

1.7 Residential Placement

- Does not apply.
- It is in the child's best interests to enter the residential schedule/parenting plan proposed by (name) _____.

If residential placement is requested:

During the last five years, the child has lived:

- in no place other than the state of Washington and with no person other than the declarant or a named party.
- in the following places with the following persons (list each place the child lived, including the state of Washington, the dates the child lived there and the names of the persons with whom the child lived. The present addresses of those persons must be listed in the required Confidential Information form.):

Claims to custody or visitation:

- I do not know of any person other than a named party who has physical custody of, or claims to have custody or visitation rights to the child.
- The following persons have physical custody of, or claim to have custody or visitation rights to the child (list their names and the child(ren) concerned below and list their present addresses in the Confidential Information Form. Do not list the responding party.):

Involvement in any other proceeding concerning the child:

- I have not been involved in any other proceeding regarding the child.
- I have been involved in the following proceedings regarding the child (list the court, the case number, and the date of the judgment or order):

Other legal proceedings concerning the child:

- I do not know of any other legal proceedings concerning the child.

- I know of the following legal proceedings that concern the child (list the child concerned, the court, case number and the kind of proceeding):

1.8 Reimbursement

- Does not apply.
 The state of Washington or (name) _____ is entitled to reimbursement for support or assistance provided to the child, for expenses incurred on behalf of the child.

1.9 Continuing Restraining Order

- Does not apply.
 A continuing restraining order should be entered which restrains or enjoins (name) _____ from disturbing the peace of (name) _____.
 A continuing restraining order should be entered which restrains or enjoins (name) _____ from going onto the grounds of or entering the home, work place or school of (name) _____ or the day care or school of the child.
 A continuing restraining order should be entered which restrains or enjoins (name) _____ from knowingly coming within or knowingly remaining within (distance) _____ of the home, work place or school of (name) _____ or the day care or school of the child.
Other: _____
 A continuing restraining order should be entered which restrains or enjoins (name) _____ from molesting, assaulting, harassing, or stalking (name) _____. (If the court orders this relief, the restrained person will be prohibited from possessing a firearm or ammunition under federal law for the duration of the order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

1.10 Protection Order

- Does not apply.
 There is a protection order between the parties filed in case number _____, court _____, which expires on (date) _____.
 The court should grant the domestic violence antiharassment petition for order for protection:
 attached to this petition.
 filed separately under this case number case number _____.

If you need immediate protection, contact the clerk/court for RCW 26.50 Domestic Violence forms or RCW 10.14 Antiharassment forms.

1.11 Other

II. Relief Requested

The court is requested to enter an order that:

- determines support for the dependent child pursuant to the Washington State child support statutes and either or both parents be ordered to maintain or provide health insurance coverage for the child and pay extraordinary uninsured costs proportionate to their income.
- orders the acknowledged father mother to pay past support, medical, and other expenses incurred on behalf of the child.
- adopts the residential schedule/parenting plan for the child as proposed by petitioner.
- awards court costs, guardian ad litem, attorney, and other reasonable fees.
- makes provision for a domestic violence protection order.
- makes provision for an antiharassment protection order.
- makes provision for a continuing restraining order.
- other:

Dated: _____

Signature of Petitioner or Lawyer/WSBA No.

III. Declaration

I declare under penalty of perjury under the laws of the state of Washington that I am the petitioner hereinabove named, that I have made the allegations contained in this petition based upon my first hand knowledge, and therefore believe that they are true.

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

Signature of Petitioner

Print or Type Name

Joinder

I, (name) _____ join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition unless, prior to the entry of the decree or judgment and order, a response is filed and served.

I waive notice of entry of the decree.

[] I demand notice of all further proceedings in this matter. Further notice should be sent to the following address: (you may list an address that is not your residential address where you agree to accept legal documents.):

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Dated: _____

Signature of Joining Party

Print or Type Name

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

Child(ren)

Petitioner

and

Respondent.

No. _____

**Summons (Petition for
Residential Schedule/ Parenting
Plan or Child Support)
(SM)**

To the Respondent

1. The petitioner has started an action in the above court requesting that the court establish a Residential Schedule/Parenting Plan or an Order of Child Support. Additional requests, if any, are stated in the petition, a copy of which is attached.
2. You must respond to this summons and petition by filing a written response with the clerk of the court and by serving a copy of your response on the person signing this summons.

If you do not file and serve your written response within 20 days (60 days if you're served outside of the state of Washington) after the date this summons was served on you, exclusive of the date of service, the court may, without further notice to you, enter a default judgment against you ordering the relief requested in the petition. If you serve a notice of appearance on the undersigned person, you're entitled to notice before an order of default may be entered.

3. Your written response to the summons and petition must be on form WPF PS 15.0300, Response to Petition for Residential Schedule/Parenting Plan or Child Support (RSP). Information about how to get this form may be obtained by contacting the clerk of the court, by contacting the Administrative Office of the Courts at (360) 705-5328, or from the Internet at the Washington State Courts homepage:

<http://www.courts.wa.gov/forms>

4. If this action has not been filed with the court, you may demand that the petitioner file this action with the court. If you do so, the demand must be in writing and must be served upon the person

signing this summons. Within 14 days after you serve the demand, the petitioner must file this action with the court, or the service on you of this summons and petition will be void.

5. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.
6. One method of serving a copy of your response on the petitioner is to send it by certified mail with return receipt requested.

This summons is issued pursuant to RCW 4.28.100 and Superior Court Civil Rule 4.1 of the state of Washington.

Dated: _____

Signature of Petitioner or Lawyer/WSBA No.

Print or Type Name

***File Original of your Response with
the Clerk of the Court at:***

Serve a Copy of your Response on:

Petitioner [You may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.]

Petitioner's Lawyer

[Name of Court]

[Name]

[Address]

[Address]

Confidential Information Form (INFO)

County:	Cause Number:	Do not file in a public access file.
<i>Court Clerk: This is a Restricted Access Document</i>		

Divorce/Separation/Invalidity/Nonparental Custody/Paternity/Modifications
 Sexual Assault
 Other
 Domestic Violence
 Antiharassment
 Information Change (Check if you're updating information)

A restraining order or protection order is in effect protecting the petitioner the respondent the children.

The health, safety, or liberty of a party or child would be jeopardized by disclosure of address information because: _____

**The following information about the parties is required in all cases:
(Use the Addendum To Confidential Information Form to list additional parties or children)**

Petitioner Information	Type or Print Only	Respondent Information	
Name (Last, First, Middle)		Name (Last, First, Middle)	
Race	Sex	Race	Sex
Birthdate		Birthdate	
Driver's Lic. or Identocard (# and State)		Driver's Lic. or Identocard (# and State), (or, if unavailable, residential address)	
Mailing Address (P.O. Box/Street, City, State, Zip)		Mailing Address (P.O. Box/Street, City, State, Zip)	
Relationship to Child(ren)		Relationship to Child(ren)	

The following information is required if there are children involved in the proceeding. (Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault).)

1) Child's Name (Last, First, Middle)
Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts

2) Child's Name (Last, First, Middle)	
Child's Race/Sex/Birthdate	
Child's Soc. Sec. No. (If required)	
Child's Present Address or Whereabouts	
List the names and present addresses of the persons with whom the child(ren) lived during the last five years:	
List the names and present addresses of any person besides you and the respondent who has physical custody of, or claims rights of custody or visitation with, the child(ren):	
<u>Except for petitions in protection order cases (Domestic Violence/Antiharassment/ Sexual Assault), the following information is required:</u>	
Petitioner's Information	Respondent's Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
Telephone No.: ()	Telephone No.: ()
Employer:	Employer:
Empl. Address:	Empl. Address:
Empl. Phone No.: ()	Empl. Phone No.: ()
For Nonparental Custody Petitions only, list other Adults in Petitioner(s) household (Name/DOB):	

Additional information: _____

Addendum(s) To Confidential Information Form attached. List other parties or children in Addendum(s).

I certify under penalty of perjury under the laws of the state of Washington that the above information is true and accurate concerning myself and is accurate to the best of my knowledge as to the other party, or is unavailable. The information is unavailable because _____
 _____.

Signed on _____ (Date) at _____ (City and State).

 Petitioner/Respondent

Addendum to Confidential Information Form (AD)

County:	Cause Number:	Do not file in a public access file.
<i>Court Clerk: This is a Restricted Access Document</i>		

The following information about additional parties is required in all cases.

Additional Petitioner Information	Type or Print Only	Additional Respondent Information
Name (Last, First, Middle)		
Race	Sex	Birthdate
Drivers Lic. or Identicard (# and State)		
Mailing Address (P.O. Box/Street, City, State, Zip)		
Relationship to Child(ren)		
Name (Last, first, Middle)		
Race	Sex	Birthdate
Drivers Lic. or Identicard (# and State), (or, if unavailable, residential address)		
Mailing Address (P.O. Box/Street, City, State, Zip)		
Relationship to Child(ren)		

The following information is required if there are additional children involved in the proceeding. (Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault).)

3) Child's Name (Last, First, Middle)

Child's Race/Sex/Birthdate

Child's Soc. Sec. No. (If required)

Child's Present Address or Whereabouts

4) Child's Name (Last, First, Middle)

Child's Race/Sex/Birthdate

Child's Soc. Sec. No. (If required)

Child's Present Address or Whereabouts

Except for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault), the following information is required:

Additional Petitioner Information	Additional Respondent Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
Telephone No.: ()	Telephone No.: ()
Employer:	Employer:
Empl. Address:	Empl. Address:
Empl. Phone No.: ()	Empl. Phone No.: ()

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

Child(ren)

Petitioner

and

Respondent.

No. _____

**Sealed Acknowledgment
 Denial of Paternity
(Cover Sheet)
(SADP)**

**Clerk's Action Required: Access is
Restricted per GR 22(d)(2)**

(Complete the information below and write "Sealed" at least one inch from the top of the first page of the acknowledgment or denial of paternity.)

The attached Acknowledgment of Paternity Denial of Paternity is filed with the:

petition

response

other: _____ [name of document],

which I filed on _____ [date].

Submitted by:

Signature

Print or Type Name

Notice: The other party will have access to the acknowledgment or denial of paternity. If you're concerned for your safety or the safety of the children, you may redact (block out or delete) information that identifies your location.

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

Child(ren)

Petitioner

and

Respondent.

No. _____

**Return of Service
(Optional Use)
(RTS)**

I Declare:

1. I am over the age of 18 years, and I am not a party to this action.
2. I served the following documents to (name) _____:
 - summons, a copy of which is attached
 - petition in this action
 - proposed parenting plan or residential schedule
 - proposed child support order
 - proposed child support worksheets
 - sealed financial source documents cover sheet and financial documents
 - financial declaration
 - Notice Re: Dependent of a Person in Military Service
 - notice of hearing for _____
 - motion for temporary order
 - motion for and ex parte order
 - motion for and order to show cause re: _____
 - declarations of _____
 - temporary order
 - other:

3. The date, time and place of service were (if by mail refer to Paragraph 4 below):

Date: _____ Time: _____ a.m./p.m.

Address: _____

4. Service was made pursuant to Civil Rule 4(d):
- by delivery to the person named in paragraph 2 above.
 - by delivery to (name) _____, a person of suitable age and discretion residing at the respondent's usual abode.
 - by publication as provided in RCW 4.28.100. (File Affidavit of Publication separately.)
 - (check only if there is a court order authorizing service by mail) by mailing two copies postage prepaid to the person named in the order entered by the court on (date) _____. One copy was mailed by ordinary first class mail, the other copy was sent by certified mail return receipt requested. (Tape return receipt below.) The copies were mailed on (date) _____.

5. Service of Notice on Dependent of a Person in Military Service.
- The Notice to Dependent of Person in Military Service was served on mailed by first class mail on (date) _____.
 - Other: _____

6. Other: _____

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

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

Signature Print or Type Name

Fees:
 Service _____
 Mileage _____
 Total _____

(Tape Return Receipt here, if service was by mail.)

File the original Return of Service with the clerk. Provide a copy to the law enforcement agency where protected person resides if the documents served include a restraining order signed by the court.

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

Child(ren)

Petitioner

and

Respondent.

No. _____

**Declaration re: Service
Members Civil Relief Act
(Optional use)
(AFSCR)**

I _____ [Name] **Declare** that:

1. A. Service member status --- _____ [name of nonmoving party]:
 - is not a service member;
 - is on active duty in the U.S. armed forces (excluding National Guard and reserves);
 - is on active duty and is a National Guard member or a Reservist residing in Washington;
 - is not on active duty in the U.S. armed forces (excluding National Guard and reserves);
 - is not on active duty and is a National Guard member or a Reservist residing in Washington;
 - I am unable to determine whether the nonmoving party is or is not on active duty in the U.S. armed forces;
 - I am unable to determine whether the nonmoving party is or is not on active duty as a National Guard member or a Reservist residing in Washington.
- B. Factual basis:
 - See the attached Defense Man Power Data Center Report obtained from <https://www.dmdc.osd.mil/scra/owa/home>.
 - Other factual basis:
- C. As indicated above, the nonmoving party is on active duty and (check all that apply):
 - The nonmoving party is represented by an attorney.
 - The court has appointed an attorney to represent the nonmoving party.

A stay of these proceedings has has not been entered by the court.

2. A. Dependent of a service member status --- _____ [name of nonmoving party]:

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

is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;

I am unable to determine whether the nonmoving party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

B. Factual basis:

The nonmoving party failed to respond to a notice to him or her as a dependent of a person in Military Service that was served on mailed by first class mail on _____ [Date], therefore he or she should be presumed not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

Other factual basis:

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

The nonmoving party is represented by an attorney.

The court has appointed an attorney to represent the nonmoving party.

A stay of these proceedings has has not been entered by the court.

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

Signed at _____, [City] _____ [State] on _____ [Date].

Signature of Petitioner or Lawyer/WSBA No.

Print Name

Superior Court of Washington
County of _____

In re the Parenting and Support of:

Child(ren)

Petitioner

and

Respondent.

No. _____

**Notice Re: Dependent of a
Person in Military Service
(Optional Use)
(NTDMP)**

Notice: State and federal law provide protections to defendants/respondents who are on active duty in the military service, and to their dependents. This notice only pertains to a defendant/respondent who is a dependent of a member of the National Guard or a military reserve component under a call to active service for a period of more than thirty (30) consecutive days. Other defendants/respondents in military service also have protections against default judgments not covered by this notice. Dependents of a service member are the service member's spouse, a service member's minor child, or an individual for whom the service member provided more than one-half of the individual's support for one hundred eighty days (180) days immediately preceding an application for relief.

One protection provided is the protection against the entry of a default judgment in certain circumstances. If you're the dependent of a member of the National Guard or a military reserve component under a call to active service for a period of more than thirty (30) consecutive days, you should notify the plaintiff/petitioner or, if the plaintiff/petitioner is represented by an attorney, the plaintiff/petitioner's attorney in writing of your status as such within twenty (20) days of the receipt of this notice. If you fail to do so, then a court or an administrative tribunal may presume that you're not a dependent of an active duty member of the National Guard or reserves, and proceed with the entry of an order of default and/or a default judgment without further proof of your status. Your response to the plaintiff/petitioner or plaintiff/petitioner's attorney about your status does not constitute an appearance for jurisdictional purposes in any pending litigation, a waiver of your rights or a response to the petition, complaint or other application for relief that was filed against you.

Date

Signature of Petitioner

Print or Type Name

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

Child(ren)

Petitioner

and

Respondent.

No. _____

**Acceptance of Service
(ACSR)**

1. Acceptance of Service

_____ [Name] accepts service of:

- | | |
|---|---|
| <input type="checkbox"/> the summons and petition in this action. | <input type="checkbox"/> a proposed parenting plan. |
| <input type="checkbox"/> a proposed order of child support. | <input type="checkbox"/> a financial declaration. |
| <input type="checkbox"/> proposed Child Support Worksheets. | <input type="checkbox"/> other: |

2. Consent to Personal Jurisdiction

- Does not apply.
 _____ [Name] consents to personal jurisdiction.
 Other

3. Other

Dated: _____

Signature of Party or Lawyer /WSBA No. Accepting Service

Print or Type Name

Notice to party: You may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

[Address]

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

Child(ren)

Petitioner

and

Respondent.

No. _____

**Declaration Regarding Personal
Service Outside the State of
Washington
(DCLR)**

The undersigned makes the following declaration:

1. This declaration is made for the purpose of satisfying the requirements of RCW 4.28.185(4).
2. Personal service cannot be made upon _____ [Name] within the state of Washington for the following reasons:

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

Signed at _____, [City] _____ [State] on _____ [Date].

Signature

Print or Type Name

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

Child(ren)

Petitioner
and

Respondent.

No. _____

**Waiver of Rights Under Service
Members Civil Relief Act and
Admission of Service**

(No Mandatory Form Developed)

My name is _____. I am the Respondent/Nonrequesting Party in the above-entitled action. The Petitioner/Requesting Party has requested entry of a parenting plan/residential schedule and/or child support. I am a member or the dependent of a member of the United States military and I am informed of my rights under the Service Members Civil Relief Act of March 4, 1918, as amended and the Military Service Members' Civil Relief Act, RCW Ch. 38.42 . I waive my rights under the Service Members Civil Relief Act and the Military Service Members' Civil Relief Act, RCW Ch. 38.42 and I request the court to determine whether to grant the relief requested by the petitioner/requesting party.

I received a copy of the Summons and Petition, Proposed Parenting Plan and other documents listed on the Return of Service or Acceptance of Service in this matter on _____.

Name: _____

Rank: _____

**Filing for a Parenting Plan (Custody) and Child Support When
Parentage Has Already Been Established 3/09**

EVALUATION FORM

Your comments are appreciated and will help to make this packet more useful to others. Please take a moment to complete this form and return it to:

Danielle Rebar
Northwest Justice Project
500 W. 8th, Suite 275
Vancouver, WA 98660

1. Where did you get this packet? _____

2. What's your primary language? _____
3. Are you a *low-income person? yes no
[*\$1800 per month for household of 1; \$2400 for 2; \$3000 for 3; \$3675 for 4; \$4300 for 5]
4. What's the last grade you completed in school? _____
5. Did you read the instructions? yes no
6. Did you also need the help of an agency, court facilitator, or advocate to complete your case?
 yes no
6a. If yes, what agency or individual helped you? _____
7. Did you use the legal forms? yes no
8. Did you find anything difficult to understand? yes no
8a. If yes, please tell us what. _____

9. Did you find any mistakes? yes no
If yes, what mistakes were found? _____
10. Today's Date: _____
11. Other comments: