



Northwest Justice Project

Responding to a Petition for a Parenting Plan (Custody) or Child Support When Parentage Has Already Been Established

**Instructions and Forms
March 2009**

Table of Contents

Section 1: Introduction and Important Information	1
A. Should I use this packet?	1
B. You must respond on time!	2
C. What if parentage hasn't been established?	2
D. What if I think the court lacks the authority to order a parenting plan/residential schedule (decide custody) or to order support?.....	2
E. What if I want to challenge the other party's claim about who the father is?	2
F. What if I agree with the Petition?	3
G. What if I have questions that aren't answered in this packet?	3
H. What if I'm in the military or am the dependent of a military service member?	3
Section 2: Words You May Need To Know	4
Section 3: Steps to Take to Respond to a Petition for Parenting Plan	11
Section 4: What is in this Packet?	16
Section 5: What other Packets or Forms Will I Need That Aren't Included this Packet?	18
Section 6: Deadlines and Some Legal Issues to Consider	20
A. Figure Out How Much Time You Have To Respond	20
B. Jurisdiction	21
C. Decide whether to file your own motions	22
D. Dealing with deadlines	23
Section 7: General Instructions	27
Section 8: Instructions for Filling Out Forms Every Respondent Needs	32
A. Response to Petition – WPF PS 15.0300	32
B. Confidential Information Form and Addendum - WPF DRPSCU 09.0200 & 09.0210	39
C. Pro Se Notice of Appearance – WPF DRPSCU 01.0320.....	41
D. Instructions for Filling out a Parenting Plan or Residential Schedule	42

E.	Instructions for Completing Child Support Forms.....	42
Section 9:	Filing and Serving Your Response Forms and Other Papers	43
A.	Preparing to file and serve	43
B.	Filing your papers in court.....	44
C.	Serving the other parties.....	44
Section 10:	What if I Agree with Everything in the Petition?.....	47
Section 11:	If You're in the Military or If You're the Dependent of a Military	
	Service Member	49
A.	Waiver of Rights Under Service Member's Civil Relief Act form	49
B.	Notice by Military Dependent	50
Section 12:	If You and Another Party Don't Agree, Get Ready to Go to Trial	52
Section 13:	Checklists of Forms and Documents	54
Section 14:	Blank Forms	57

3605EN

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.

© 2009 Northwest Justice Project — 1-888-201-1014, TTY 1-888-201-9737
 (Permission for copying and distribution granted to the Alliance for Equal Justice
 and to individuals for non-commercial purposes only.)

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 you need to respond to a Petition for Parenting Plan/Residential Schedule or Child Support when you're not married to the other parent and parentage has already been established within Washington State.¹ The Petition will be on form WPF PS 15.0100. (The form number is on the bottom left of page 1 of the Petition.)

◆ **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.

Use this packet only if parentage of the child is not in question. If you have doubts about the parentage of the child (example: if you think you might not be the child's father), if you believe parentage hasn't been legally established, if you want to challenge parentage, or if fewer than 60 days have passed since your paternity affidavit was signed, **don't use this packet.** Talk with an attorney.

If you may want to challenge parentage of your child, don't wait! Often there are very short deadlines for challenging parentage of a child, especially if you've signed a paternity affidavit or were married to the child's other parent at or near the time the child was born and you believe the husband isn't the father. Our publication called [Parentage and Parenting Plans for Unmarried Parents in Washington](#) contains general information.

Before you use this packet, try to talk with an attorney. (See "What If I have Questions" item below for referral information if you're low income.) Even if you can't afford to pay an attorney to represent you, try to meet with an attorney once for advice. Many important legal rights can be affected in a parenting plan or parentage case, including custody and visitation.

Petitioners may file a case using the Petition form to ask for Child Support without also asking for a Parenting Plan or Residential Schedule. However, most people who file this type of case want the court to order a parenting plan or residential schedule and perhaps child support. So

¹ The full name of this type of case is Petition for Parenting Plan/Residential Schedule or Child Support. We'll call it a Petition for Parenting Plan for short.

we wrote this packet assuming that the petition you received asks for a parenting plan or residential schedule, as well as child support.

B. You must respond on time!

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

C. What if parentage hasn't been established?

In order for the other parent to proceed with a petition for parenting plan, the parentage of your child must already have been legally established a specific type of Affidavit of Paternity.² If you don't think paternity has been established, write that in your Response to Petition (see below) and maybe ask the court to dismiss the case.

D. What if I think the court lacks the authority to order a parenting plan/residential schedule (decide custody) or to order support?

See the "Deadlines and Some Legal issues to Consider" section below for general information about jurisdiction. Talk to an attorney for individual legal advice.

E. What if I want to challenge the other party's claim about who the father is?³

If you've been served with a Petition for Parenting Plan but you don't believe that you're the father of the child, **you must act very quickly to challenge parentage.** Talk with an attorney immediately. You have a very short time in which to challenge parentage in some cases. If you don't meet your deadline, you may be prevented from challenging at all.

Likewise, if you're the mother of the child and you think that the person who's been named the child's father may not be the right person, act as soon as possible to challenge parentage of the child. If you don't, you may be prevented from challenging the child's parentage.

Example: if you signed a Paternity Affidavit in Washington, and fewer than 60 days have passed since it was filed with the Department of Health, you should immediately file a Petition for

² For a Paternity Affidavit to be a legal determination of parentage in Washington, it must have been signed by the parents (and any presumed parents) and filed after July 1, 1997 AND at least 60 days must have passed since it was filed with the Department of Vital Statistics. [RCW 26.26.370\(1\)](#); [RCW 26.26.375\(1\)](#). Find out how long it's been since your Paternity Affidavit was filed by calling the Department of Health at (360) 236-4300.

³ Because most people who need to challenge or establish that they are the legal parent of a child are fathers, this packet refers to fathers and paternity. However, women may also challenge their parentage of a child in a similar way. If you're a woman who's challenging maternity, talk with an attorney for advice.

Rescission of Acknowledgment of Paternity. If more than 60 days have passed, you may still be able to challenge parentage. Talk to an attorney. Our publication [*Parentage and Parenting Plans for Unmarried Parents in Washington*](#) contains general information.

F. What if I agree with the Petition?

If you agree that you parents should have a parenting plan, but you don't agree with everything the other parent asked for in the legal papers you received, then follow the instructions in this packet for filing a response.

If you agree with EVERYTHING the other parent is asking for, including everything s/he requested in the parenting plan/residential schedule and child support worksheets, see the section below on agreed cases.

G. 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.

H. What if I'm in the military or am the dependent of a military service member?

If you're on active duty in the military or are the dependent of certain active duty service members, you may have special legal protections. Before you file any papers with the court and well before your deadline for filing, get legal advice about your rights. Talk with your JAG office or an attorney who knows about the federal and state Service Members Civil Relief Acts. For general information, see the section on military service members and their dependents later in this packet.

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 cases⁴.

⁴ 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.⁵

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.

⁵ 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.⁶

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,

⁶ 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 Respond to a Petition for Parenting Plan

Following are the steps to follow to file a response to a petition for parenting plan. Many of the steps listed in the paragraphs below are explained in more detail later in this packet. Check the boxes as you go through the process.

- Figure Out How Much Time You have to Respond.** Look at all of the papers that you received. The Summons should tell you how much time that you have to file your Response, but also look at the rules in the “deadlines” section to make sure that you know your deadline. Also, look carefully through all of the papers to find out if you were served with a motion (sometimes called a Motion for Temporary Orders or Ex Parte Restraining Order/Order to Show Cause) as well as a petition. If you were, get the packet called [Responding to a Motion for Temporary or Emergency Orders in Parentage Cases.](#)

- **Petition:** My deadline to Respond to the Petition is _____.
 - **Temporary Orders/Orders to Show Cause** (If you received, or later receive, a Motion for Temporary Order or an Ex Parte Restraining Order/Order to Show Cause)
 - The Temporary Orders/Show Cause hearing date is _____.
 - The deadline to respond to a Motion for Temporary Orders or an Ex Parte Order/Order to Show Cause is _____.
 - **Notice re: Dependent of a Person in Military Service**

If you received this notice and are the dependent of a military service member as explained in the notice, notify petitioner and the court within 20 days after you received the notice.

- The deadline to respond to this notice is _____.
 - I do don't need to deliver working papers to the judge.
 - **Write other deadlines here:**

If you can't respond on time, file and serve a Notice of Appearance, and try to get a continuance of any upcoming hearings. If you can't get a continuance, file and serve a Notice of Appearance, and get ready for the hearings. (See the section in this packet called “Deadlines and Some Legal Issues to Consider,” and the instructions about the Notice of Appearance form.)

- Read the Papers Carefully.** Read the papers carefully to find out what the other parent is asking for. Use a yellow highlighter pen to mark things that the other parent wrote in the papers that you want to respond to. If possible, take the papers to an attorney to read through them and give you advice about what to write in your response.

◆ If you believe that parentage hasn't been established, or if you want to challenge the other parent's claim about who the father of the children is, you may need to file your own legal case in response. Don't use this packet. Talk with an attorney right away. Our publication called [*Parentage and Parenting Plans for Unmarried Parents in Washington*](#) has general information.

- ❑ **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
- 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's 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 parenting plan to identify any information relevant to placing the child; and⁷
- 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 parties.⁸

If you use our packet, get any additional local forms you need.

If you've been served with a motion, learn any special deadlines for responding to family law motions in the county where your case is filed. (Also see the section of this packet called "Deadlines and Some Legal Issues to Consider.")

- ❑ **Get Any Additional Do it Yourself Packets That You Need.** Most people will need our packet [Parenting Plans, Residential Schedules, and Child Support for Parentage Cases](#). You may need other packets too. Example: if you've been served with a motion, get our packet called [Responding to a Motion for Temporary or Emergency Orders in Parentage Cases](#). This and other packets are available at www.washingtonlawhelp.org.

◆ **Note for Survivors of Domestic Violence:** 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, then think about filing a petition for an Order for Protection if you need immediate protection. Orders for Protection offer strong safety restraints (and may be taken more seriously by the police than a restraining order). For more information, see our publication [Domestic Violence: How the Legal System Can Help Protect You](#), contact your local domestic violence program, or call the 24-hour domestic violence hotline at 1-800-562-6025.

If you obtain an Order for Protection during your parentage case and want to ask that it be made permanent and/or to cover the child/ren for longer than one year, see the instructions later in this *Responding* packet for how to make this request in your Response form.

If you don't have a protection order now, and don't need one right away, but do want to request one to take effect at the end of your parentage case and to continue permanently after that for you and/or the child/ren, see the instructions later in this packet for how to make this request at the same time you complete your Response.

Also, consult an attorney before filing for an Order for Protection if the court has entered a temporary parenting plan or custody order very recently

⁷ [RCW 26.09.182](#)

⁸ [RCW 26.09.191\(4\)](#).

- Make any challenges to the court’s jurisdiction or other legal motions.** This packet doesn’t describe jurisdiction or motions in detail because the reasons for legal challenges are too varied. The section called “Deadlines and a Few Legal Issues to Consider” lists a few issues that might be raised in appropriate cases. Talk with an attorney about these issues.
- Follow the General Instructions** and fill in the captions of all of the forms.
- Complete All the Forms You Plan to Use from this packet and other packets. Make the Necessary Copies of the Completed Forms.**
- File Your Response with the Court Clerk’s Office** in the Superior Courthouse of the county where your case was filed.
- Have the Papers Served on the Other Parties.**
- File a Motion for Temporary Orders or a Motion for Emergency Orders, if you want one.** For 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, 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 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 in a Parentage Case*](#). 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 in a Parentage Case*](#).
- File a Motion to Appoint a Guardian ad Litem (GAL), if you want one.** For help deciding whether to file a motion to appoint a GAL, read our publication called [*Parentage and Parenting Plans for Unmarried Parents in Washington*](#). If you decide to file a motion to appoint a GAL, our packet [*Filing a Motion for Temporary Orders in a Parentage Case*](#) has the forms and instructions for how to do this.
- Ask for Discovery, if you want it.** Discovery is the process of gathering information you may need to reach a settlement or to present your case at trial. The discovery process helps you can learn about how the petitioner views the case. 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 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.
- As the case goes on, make sure you give other parties proper notice of other papers you file in your case.**
- 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. Take them with you when you have hearings in your case.

◆ A 2007 law⁹ 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. You may need to use local forms and procedures not described in this packet.

- ❑ **Finish your Case.** See our packet, [*Finishing your Petition for Parenting Plan/Residential Schedule and Child Support When Parentage Has Already Been Established.*](#)

⁹[Ch 496, Laws of 2007](#)

Section 4: What is in this Packet?

This packet contains the following instructions and blank forms for filing a response to a Petition for Parenting Plan/Residential Schedule or Child Support:

Forms that you'll need to respond to a Petition for Parenting Plan that are in this packet:

Form Title	Form Number
Response to Petition for Parenting Plan/Residential Schedule or Child Support	WPF PS 15.0300
Confidential Information Form and Addendum	WPF DRPSCU 09.0200 & WPF DRPSCU 09.0210
Pro Se Notice of Appearance	WPF DRPSCU 01.0320
Certificate of Mailing or Personal Delivery	Non-Mandatory Form ¹⁰

◆ You'll also need forms from the packet [*Parenting Plans, Residential Schedules, and Child Support for Parentage Cases and Modifications of Parentage Cases*](#).

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

Form Title	Form Number
Joinder of Respondent	WPF DRPSCU 01.0330
Waiver of Rights Under Service Members' Civil Relief Act	Non-Mandatory Form
Notice by Military Dependent	Non-Mandatory Form

Additional documentation to gather if you or the other party is asking for child support:

- Your last two years of federal and (if applicable) state income tax return forms, with your W2s and other attachments; and
- Your pay stubs from at least one full month. In some counties, you may need the last six months, or back to January 1st. Check your local court rules.
- Some counties require additional evidence, such as six months of bank statements, an additional year or two of federal income tax returns, etc. Check your local court rules.

¹⁰ A “mandatory” form is a legal form produced by the Washington State Office of the Administrator of the Courts. In family law cases, there are some mandatory forms that must be used in every case. But in some situations, no mandatory form exists. We’ve created some forms for your use. You’ll see just below the title of the form the words “No Mandatory Form Available.”

Form that you'll need to show that copies of your responding papers have been served upon the other party:

Form Title	Form Number
Certificate of Mailing or Personal Delivery	Non-Mandatory Form

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. Get these individual forms at www.courts.wa.gov/forms.

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

Section 5: What other Packets or Forms Will I Need That Aren't Included this Packet?

You'll need more than just this packet to respond to and finish the petition for parenting plan. How many other packets you need depends on the facts of your case. Get the packet [Parenting Plans, Residential Schedules, and Child Support for Parentage Cases and Modifications of Parentage Cases](#).

Read the information below carefully. Check the boxes by the other packets you need before filling out your forms. Get the other packets (except for locally produced materials) you need at www.washingtonlawhelp.org. Or, if you're low-income and don't have internet access and a printer, call CLEAR at 1-888-201-1014.

Other Packets You May Need to Respond to the Petition for Parenting Plan:

- [Parenting Plans, Residential Schedules, and Child Support for Parentage Cases and Modifications of Parentage Cases](#). This packet has forms and instructions for parenting plans/residential schedules (custody) and child support. Use this packet if you disagree with the other party's proposed parenting plan/residential schedule, or if you or the other party asks for child support. You'll also need this packet if the case involves financial requests other than child support (example: to help pay GAL fees). If you file private financial information, use the Sealed Financial Source Documents Cover Sheet in this packet.
- [Responding to a Motion for Temporary or Emergency Orders in Parentage Cases](#) – if you've been served with a motion for temporary orders or an ex parte restraining order/order to show cause, get this packet. The Sealed Confidential Reports Cover Sheet and the Sealed Personal Health Care Records Cover Sheet are in this packet, if needed.
- Petition for Order for Protection (Domestic violence: WPF DV 1.015)** – You must complete this form, and perhaps related forms, if you're asking for an Order for Protection as part of your petition, or if you're asking the court to change your Order for Protection as part of the parenting plan. 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 dissolution petition 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 is the respondent in the family law case.)
- [Filing a Motion for Temporary Orders in a Parentage Case](#), or [Filing a Motion for Emergency Orders in a Parentage Case](#) - to file a motion for temporary orders or for an ex parte restraining order, get one or both of these packets. For help deciding whether you need temporary or emergency orders, talk with an attorney or see our publication [Parentage and Parenting Plans for Unmarried Parents in Washington](#). Use this packet to obtain appointment of a **Guardian Ad Litem (GAL)** if you'll be asking the court to appoint someone to investigate the situations of all parties and make a recommendation about a parenting plan or residential schedule in the children's best interests.

- ❑ 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, get it at the Administrator of the Courts website: <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>.
- ❑ **Serving Papers on the State** - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical coupons/Medicaid or is in foster care or out of home placement, get this packet. Include the state as a party and serve them with papers you file.
- ❑ **County Local Court Forms and Rules** – Some counties have special rules for parentage cases, which aren't in this packet. Check with the court clerk's office or Courthouse Facilitator in your county for more information.

◆ **Some county clerk's offices** have forms and local rules available online. Find out whether your county's local rules or forms are online at the OAC website:
http://www.courts.wa.gov/court_rules/?fa=court_rules.local&group=superior.

- ❑ **How to Subpoena Witnesses and Documents** –to make sure important witnesses or documents are available for your trial.
- ❑ **Finishing Your Petition for Parenting Plan, Residential Schedule or Child Support When Parentage Has Already Been Established** – Tells you how to finish your case. Your case isn't complete until a judge has signed all of your final court orders.

Section 6: Deadlines and Some Legal Issues to Consider

◆ If the other party didn't give you all of the legal papers s/he should have, you should ask the court not to give him/her the relief s/he is asking for. First, write a letter to the other party or his/her attorney. List the legal papers that you believe you should have received, but didn't. If you get the papers late, or still don't get them at all, write in your responses that you didn't get all of papers as required. Attach a copy of your letter.

A. Figure Out How Much Time You Have To Respond

1. Deadline for Response to Petition. Find the form called a Summons, which you should have received with the Petition. Your Summons should say how many days you have to file and serve a Response after the date you received the papers. Or look at the deadlines that follow.

- If you were personally served with the petition in Washington (someone who isn't a party to the case handed them to you or an adult handed them to a teenager or adult who lives with you), you have 20 DAYS from the date you received the papers to file and serve your Response.¹¹
- If you were personally served in a state other than Washington, you have 60 DAYS from the date you received the papers to file and serve your Response.¹²
- If you were served by publication (a copy of the summons was published in the newspapers) in or outside of Washington, you have 60 DAYS from the first date the summons was published in the newspapers to file and serve your Response.¹³
- If you were served by certified mail in or outside of Washington, you have 90 days from the date you received the papers to file and serve your Response.¹⁴

2. The Deadline for Motions is Different:

a. Responding to Motions other than a Motion for Default. If you were served with a Motion for Temporary Orders or an Ex Parte Restraining Order/Order to Show Cause when you received the Petition (or later), remember: you'll have much less time to file and serve a response to the motion than to file the Response to the petition. You may have only a few days (or for emergency motions, perhaps even less). Find out the deadline for responding to the motion, and don't miss your hearing date. For non-emergency motions, the moving party (also called the requesting party) must give you notice as many days before hearing as is required by your county's local rules. For some counties, you must receive the papers for a motion at least five court days before the hearing, not including weekends or the date that the papers are given to you.¹⁵ For some

¹¹ [Civil Rule \(CR\) 4\(a\)\(2\)](#).

¹² [RCW 4.28.180](#).

¹³ [RCW 4.28.110](#).

¹⁴ [CR 4\(d\)\(4\)](#).

¹⁵ [CR 6\(d\)](#).

counties or some motions, you must get longer notice. **Make Sure You Received Enough Notice. If the notice doesn't state your deadline, immediately call the court clerk's office or your family law facilitator, or check your local court rules, to find out the deadlines.** In most counties, you must file and serve your response to a motion no later than one court day before the hearing on that motion.¹⁶ In some counties, however, the response must be filed and served four or more days before the hearing. For information about how to file a response to a motion, see our packet called [Responding to Motions for Temporary or Emergency Orders](#). There is more below about deadlines and responding.

b. Responding to a Motion for Default. If you're served with a Motion for Default, you must file and serve your declaration in response to the motion and your Response to the petition before the deadline on this motion, or all the moving party's requests may be granted. If you're served with a Motion for Default and haven't yet appeared in the case, in addition to preparing a Declaration and a Response, you may also need to get court permission to file and serve your Response.¹⁷

Also see the information on dealing with deadlines below.

◆ If you don't respond on time, the moving party may get an order in which the judge automatically gives that party everything s/he asks for. In addition, even if you file and serve a Response, if you don't then attend a hearing, the court may give the other party what s/he's asked for at that hearing.

B. Jurisdiction

1. Does the court in Washington have jurisdiction over me (personal jurisdiction)?

The court in Washington may be able to grant the other parent a parenting plan if Washington has jurisdiction over your children, even if you've never lived in Washington. However, if you haven't lived in Washington, Washington **may not** have "personal jurisdiction" over you. If Washington lacks jurisdiction over you, the Washington court may not be able to order you to do certain things, such as pay child support¹⁸. **If you think that Washington may lack jurisdiction over you, you must challenge Washington's jurisdiction before filing anything else with the court.** For help deciding whether Washington has jurisdiction over you, talk with an attorney or read our publication [Parentage and Parenting Plans for Unmarried Parents in Washington](#).

¹⁶ [CR 6\(d\)](#).

¹⁷ [See CR 55\(a\)\(2\)](#). This packet doesn't tell you how to request court permission. If you can't file a formal motion for court permission before the hearing on the motion for default, at least prepare your Response and declaration, file and serve both, go to court for the default hearing, and ask the judge for permission to participate at the hearing.

¹⁸ A child support obligation may, however, still be established through interstate procedures.

2. Does the court have jurisdiction to order a parenting plan/residential schedule (decide custody of my child/ren) (subject matter jurisdiction)?

If another state or tribal court has already entered a custody order about your child/ren, or your child/ren haven't lived in Washington for very long before the petition is filed, the Washington court may lack jurisdiction to order a parenting plan/residential schedule (decide custody of your child/ren). However, you must raise this issue yourself. Washington might still be able to decide other issues. Whether Washington has jurisdiction to decide custody (subject matter jurisdiction) is determined by the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), [RCW Ch. 26.27](#).

If Washington lacks jurisdiction, then the court here shouldn't decide custody. For more information about the UCCJEA, talk with an attorney. Our publication [Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether a Washington Court has Jurisdiction](#) has basic information.

3. What should I do if I think the court lacks jurisdiction?

If you think the court in Washington lacks personal or subject matter jurisdiction, talk to a lawyer. If you're low income, call CLEAR at 1-888-201-1014 or, in King County, call the King County Bar Association Neighborhood Legal Clinics program at (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday to ask for an appointment with a free family law clinic.

If you think the court lacks personal jurisdiction, don't do anything that could give the court jurisdiction, such as signing agreed orders, requesting something from the court, filing papers that fail to raise your jurisdiction defense, or showing up at a hearing WITHOUT CONTESTING JURISDICTION AT THE BEGINNING OF THE HEARING. If you don't tell the court that you think it lacks personal jurisdiction right at the beginning, you'll probably lose your chance to object.¹⁹ You can object to jurisdiction over your children (subject matter jurisdiction) at any time, but it's best to do so early in the case.²⁰

You may decide to file a motion to dismiss for lack of jurisdiction. Talk with an attorney for more information about motions to dismiss. This packet doesn't have that information.

C. Decide whether to file your own motions

You may need or want to file your own motions if, for example:

- you believe the court lacks jurisdiction or
- you're on active duty in the military or are the protected dependent of a service member on active duty or
- you want emergency or temporary orders, or a custody evaluation/appointment of a GAL.

¹⁹ [CR 12 \(b\),\(g\),\(h\)](#).

²⁰ [CR 12\(h\)\(3\)](#).

If you decide to file motions, you should file them before the hearing on motions scheduled by another party. You may then be able to schedule your motions to be heard on the same day as the other party's.

If you don't know whether you need to file a motion, talk with an attorney. (See also the list of self-help publications in this packet for resources on emergency and temporary orders and GALs.)

D. Dealing with deadlines

If you're in the military, or if you're the protected dependent of a military service member, you may have special legal rights. If this is your situation, you should get individual legal advice before filing any papers with the court and well before your legal deadline to respond to the legal papers you received. We give only very basic information about your rights, in a later section.

1. Meet your Deadlines

Review the deadlines you calculated. You must file and serve papers before those deadlines. Remember: the deadline for responding to a motion is often shorter than the deadline to file a Response to the Petition.

If hearings are coming up in your case, you must deliver working papers in advance for the judge if required in your county.²¹ **Check with the court clerk or family law facilitator about the deadlines and the need for working papers.**

If you miss a deadline, file and serve your papers anyway, and go to the hearing. If the other party objects at the hearing, try asking for a continuance of the hearing so that the court will consider your papers.

2. What to Do If You Need More Time

- ***To Respond to the Petition:*** If you don't have your Response to the Petition prepared, at least file and serve a Notice of Appearance and respond to motions that have been filed. If you file and serve a Notice of Appearance, or if you file and serve motions, or if you appear at hearings, the petitioner should give you notice before asking the court for an order of default against you. Then file your Response as soon as possible. **If you're served with a Motion for Default, see the information "to respond to a Motion for Default."**
- ***To respond to motions (other than a Motion for Default):*** Make sure you've filed and served a Notice of Appearance. Don't ignore a hearing, even if you were given short notice! If you didn't get legally adequate notice of the hearing on a motion, the court shouldn't enter an order against you on the hearing date. However, the court won't always know that you received short notice, so explain

²¹ "Working papers" are described in packets describing upcoming hearings, such as the packet [Responding to a Motion for Temporary or Emergency Orders in a Parentage Case](#).

this in a declaration you file in response to the motion, and in person at the hearing. You can ask for a continuance (delay) of the hearing. Nonetheless, be as ready as possible for the hearing in case the court denies your request for a continuance.

If you did get enough notice according to the rules but you simply don't have enough time to respond, you may still try to get a continuance. As soon as you know that you want a continuance, contact every other party if possible (or their attorney, if they have one). You may call if there isn't much time until the hearing, but contacting the person in writing (by email or fax) is best. State that you need more time to respond to the papers and ask for a new date for the hearing. Depending on your reasons for asking for the delay, you could ask for a week or longer.

◆ You must ask for a continuance before the hearing if you know that you need one. If you don't, and you just show up for the hearing and ask there, the judge may order you to pay the other party for having to waste time appearing for the hearing if you could have asked for a continuance in advance. This is especially true if another party has an attorney, because the other party will need to pay the attorney for his/her time whether or not there is a hearing.

If the moving party agrees to the continuance, ask for a letter, fax, or e-mail stating that they've rescheduled the hearing. If you don't receive this written confirmation, assume the hearing is still taking place. Prepare for it and attend it. In a few counties, the court might need to approve any continuance.

If the other party won't agree to the continuance of the hearing, you have a few options:

- a. **Respond as best you can and prepare for the hearing.** Respond in some way if you possibly can. The very first thing to say in your declaration is that you want a continuance. If you didn't get enough notice, say that. If you did, but you need more time, say that and describe your efforts to get an agreement for the continuance. Also file and serve a Notice of Appearance if you haven't already done this.
- b. **Make a Motion for Continuance.** In many cases, you may not have enough time to give the other parties the amount of notice required for a motion for continuance. You may need to get an Order Shortening Time (an order allowing you to bring your motion on less than the required time). This packet doesn't cover this type of motion. However, your family law facilitator may have more information about how to ask for a continuance or an order shortening time in your county court.
- c. **Ask for a continuance at the hearing.** Go to the hearing. When your case is called, stand up and state your name and that you'd like a continuance. The judge may ask for your reasons and may listen to the other party's reasons

why s/he objects. If you tried to get the other party to agree before the hearing, let the judge know that.

◆ The court won't always allow a continuance, so be as ready as you can be to have the hearing on the original date.

- **To respond to a Motion for Default.** You may try to get a continuance of the hearing date as described above. However, if the hearing isn't continued (postponed), you must:
 - a. file and serve your Response to the petition before the deadline to respond to the motion for default and
 - b. file and serve your declaration in response to the motion before the deadline to respond to the motion for default, and
 - c. if the motion for default was filed before you appeared in the case, you may need to get court permission (called "leave of court") to Respond. This packet contains no forms for requesting leave of court.
 - d. attend the hearing or verify that it's been cancelled.

If you don't do these things, a default judgment may be entered against you. Your declaration should request that the motion be denied and explain that a Response to the Petition is now filed and served. It should also include any explanation for the late filing of your Response.

3. What to do if you're already late in filing a Response to the Petition

If your deadline for filing your Response to the petition has passed, you might still be able to Respond to the **Petition**. Check with the court clerk's office to see if there is a Motion for Default, an Order of Default, or final orders in your court file.

If no order of default has been signed by the judge, you should file and serve a Notice of Appearance (or file and serve your jurisdictional defenses) immediately. Then file your Response as soon as possible.

If you're served with a Motion for Default, or if a Motion for Default has been filed with the court, filing a Notice of Appearance isn't enough. See "to respond to a motion for default," above.

However, when you check with the clerk's office, if you learn that an order of default or final orders have already been entered against you, you must act very quickly to ask the court to cancel those orders. See our packet called [Filing a Motion to Vacate](#). Get individual legal advice.

4. What to do if the hearing on a motion has already happened.

If you find out that a hearing on a motion already happened, or that orders have been entered against you, for example on a motion for temporary orders, talk with an attorney as soon as

possible. If you can't afford an attorney and live outside of King County, contact CLEAR 1-888-201-1014. If you live in King County, contact the King County Bar Association Neighborhood Legal Clinics program. You may be able to ask the court to vacate (cancel) the orders. However, you must do so very quickly. The longer you wait, the harder it may be to vacate the orders.

Even if you missed the hearing on a motion, you can still file and serve a Response to the Petition, unless an Order of Default has been entered against you. (See the additional caution above if a motion for default has been filed but you haven't appeared in the case.)

Section 7: 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 the case was filed in the blank space where the form reads "Superior Court of Washington County of _____."

Case name. Copy the case name from upper left corner of page 1 of the petition.

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

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

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

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

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

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

Signatures.

- **Your signature**

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

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

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

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

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

Box #1

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

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

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

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

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

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

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

Box #2:

Private Information That Should Be Filed With Sealed Cover Sheets:

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

Financial Information: If you file paystubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders, attach them

to a Sealed Financial Source Documents form to ensure that they will not be available to the public.

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

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

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

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

Box #3

When You Should Write Private Information In Court Forms:

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

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

SAMPLE FORM

Fill in the name of the Petitioner here. **or Court of Washington
County Of Evergreen**

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

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

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

Form title.

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)**

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 8: Instructions for Filling Out Forms Every Respondent Needs

A. Response to Petition – WPF PS 15.0300

Every respondent must complete this form. The Response to Petition (called "Response," for short) is your chance to answer what the other parent says in his/her Petition for Parenting Plan. Look at the Petition you got from the other parent while filling out the Response form.

If you're in the military or the protected dependent of a military service member, talk with an attorney or the JAG office before filing and serving this form, and before your deadline to Respond to the petition.

Caption. Fill out the caption as shown in the General Instructions. If the other parent is asking for a parenting plan or residential schedule, check the first box under the title.

If the other parent is also asking for child support, check the second box under the title.

If you attach a Petition for a Protection Order in your Response, check the box showing the type of petition it is.

Part 1 Response.

Admissions and Denials.

When you complete this part of the Response, read through each corresponding paragraph of the Petition for Residential Schedule/Parenting Plan or Child Support.

If you agree with the statement in the Petition, you'll check the box to the left of the word "Admitted."

If you disagree, check the "Denied" box.

If you don't know, check the "Lacks Information" box. Do this for each paragraph of the petition.

If you disagree with ANY PART of the information in a paragraph, check the "Denied" box for the whole paragraph. For any paragraphs you're marking "Denied," explain why you're denying them in the space provided at the end of part 1.1.

Below are the paragraphs of the petition that you're responding to.

Paragraph 1.1. Cause of Action.

Look at paragraph 1.1 of the Petition for Parenting Plan. If the information about the other parent's name and the children's names and ages, the person with whom the children live and their county of residence are all correct, check the "Admitted" box next to 1.1.

If anything is not correct, check the "Denied" box next to 1.1.

If you don't know whether it's correct or not, check the "Lacks Information" box.

If you checked “denied,” go to the sentence on the Response form that says “The allegations of the petition which are denied, are denied for the following reasons.” Write the number of the paragraph denied (1.1). Then write in the reasons you checked the denied box.

Paragraph 1.2. Acknowledgment of Paternity and Denial of Paternity.

If all the information written in the petition in paragraph 1.2 is correct, check the “Admitted” box next to 1.2.

If it’s not correct, check the “Denied” box next to 1.2.

If you don’t know whether or not it’s correct, check the “Lacks Information” box next to 1.2.

If you checked “Denied,” go to the sentence on the Response form that says “*The allegations of the petition which are denied, are denied for the following reasons.*” Write the number of the paragraph denied (1.2). Then write in the reasons you checked the denied box.

Continue filling out the rest of Section1 in the same way as described in paragraphs 1.1 and 1.2.

Paragraph 1.3. Jurisdiction.

Read the paragraph carefully. Make sure that all of the boxes that are checked are correct. If any boxes shouldn’t have been checked, then mark this paragraph “Denied.” Explain which isn’t correct.

◆ If you’ve never lived in Washington, talk with an attorney. Our publication [*Parentage and Parenting Plans for Unmarried Parents in Washington*](#) has general information about the things that the court may not be able to do in your case if Washington lacks jurisdiction over you.

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

The “acknowledgment of paternity” is also known as a paternity affidavit. Make sure all information in Paragraph 1.4 of the Petition is correct and complete. If not, mark “denied.” If you don’t know, mark “lacks information.”

◆ This packet doesn’t tell how you to challenge the paternity affidavit. If you deny parentage, get individual advice from an attorney immediately.

Paragraph 1.5. Jurisdiction over the Child.

Read the paragraph carefully. Make sure that all of the boxes that the petitioner checked on the petition in paragraph 1.5 are correct. If any boxes shouldn’t have been checked, then mark this paragraph “Denied.” Explain which isn’t correct.

Paragraph 1.6. Child Support.

Read the box(es) petitioner has checked. If they’re correct, and if you agree, then mark this paragraph “admitted.” If they aren’t correct, or you don’t agree, mark “denied.” Explain. If you don’t know, mark “lacks information.”

Paragraph 1.7. Residential Placement.

Read this paragraph carefully. Check the second box (denied) if you disagree with ANYTHING in paragraph 1.7 of the Petition for Parenting Plan.

It's in the child's best interests...': Read the petitioner's parenting plan or residential schedule. If you disagree with the other parent's proposed parenting plan or residential schedule, check "denied" on your Response form next to 1.7.

During the last five years, the children have lived: Make sure all information listed is correct and complete. If not, mark "denied."

Claims to custody and visitation: If anyone other than you, the other parent, and any other person named as a party in the case (a petitioner or respondent) might have a legal claim to custody of or visitation with any of the children listed in paragraph 1.7 of the Petition,²² then the other parent should've checked the second box and listed those people's names.

If the other parent failed to do this, check "Denied" on your Response form. Write on your response anyone else who might have a claim to custody or visitation.

If only you, the other parent, and any other named party in this case claim a right to custody or visitation with your children, the other parent should've checked the first box on the Petition.

Involvement in any other proceedings concerning the children: If the other parent has never been involved in any other court custody cases regarding your children anywhere in the United States, the other parent should've checked the first box in the Petition for parenting plan.

If there have been ANY legal proceedings about your children that the other parent has been involved in that aren't listed in the Petition, check the "Denied" box on your Response form. List the legal proceedings that have been left out. Examples: custody cases, protection orders, juvenile criminal proceedings, dependency actions (CPS), parentage actions, or cases in other states.

Other legal proceedings concerning the children: If there have been any other court cases about your children that aren't listed in the petition (including cases that didn't involve the other parent), check the "Denied" box on your Response form. Write on your response the court cases that were left out.

Paragraph 1.8. Reimbursement.

If the "the state of Washington" box is checked, the party may be asking that one or both parents reimburse the State of Washington for public assistance, Medicaid, or certain other benefits paid to the child. Or, the other party may be asking that one parent reimburse the other for past support or medical costs of the child. Admit this paragraph if you agree with petitioner's requests. If you don't agree, deny the paragraph and explain. Mark "lacks information" if you don't know.

²² In most cases, no one else will have a claim to custody or visitation with your children. However, if you've had other legal proceedings in which someone had custody of your children, such as a non-parental custody case or a dependency, write in your Response about those proceedings, and who had custody or visitation. If you think someone might have a claim to custody or visitation but you're not sure, talk with an attorney.

Paragraph 1.9 Continuing Restraining Order.

If the first box is checked in the petition, the petitioner is not asking for a restraining order for after the case ends.

If other boxes are checked, the petitioner is asking for the restraining orders s/he marked. Read over the items petitioner marked and the blanks s/he filled in. Mark on your Response whether you admit or deny this paragraph.

If you receive a Motion for a Temporary Order or an Ex Parte Restraining Order and Order to Show Cause, the petitioner may also be asking for restraining orders during the case.²³

◆ If you want a restraining order before trial, you should file a motion for an ex parte restraining order/order to show cause. For more information, see our publication [Ending Your Marriage in Washington with Children - The Basics](#) or [Ending Your Marriage in Washington without Children – The Basics](#).

Paragraph 1.10 Protection Order.

This paragraph of the petition states whether any protection order is in place now, and/or whether the petitioner is requesting one at the end of this case.

- ◆ The law allows domestic violence survivors and victims of unlawful civil harassment to request a long-term Order for Protection as part of their parentage 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 parentage petition 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.
- ◆ 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.²⁴ 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.

²³ Use our packet [Responding to a Motion for Emergency or Temporary Orders in a Parentage Case](#) to respond to motions for emergency or temporary orders.

²⁴ [RCW 26.50.060\(2\)](#).

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." Then 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 parentage case to issue a new protection order, or to extend or make changes to an existing protection order at the end of the parentage 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 parentage case is if the other parent will be in prison until the case is finished 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 are asking for. Then check one of the indented boxes.

- To get a new protection order at the end of your parentage case, check the first indented box, "attached to this petition." Then you must 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 parentage 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 parentage case. Ask about the procedure in your county before you begin.

Our packets don't give any instructions on combining a protection order you obtain after the parentage case is filed into your parentage case.

Paragraph 1.11. Other.

If the other parent filled in paragraph 1.11 of the petition, respond to it.

Many people will leave this item blank. However, if you have other information you believe you should provide, state it here.

If you have a paternity affidavit from before July 1, 1997, and the other parent didn't mention it in the Petition, you should write that in the blank. If you believe the paternity affidavit is incorrect about who the father of the child is, you should also write this in the blank and write why you believe that the paternity affidavit is incorrect.

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. For 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).”

Part 2 – Request for Relief

If you don’t want to ask the court for anything, check the first box.

If you want the court to deny the other party’s request for a parenting plan or child support, check the second box “The court should deny.”

If you want the court to enter your parenting plan or residential schedule (instead of the other party’s), check the third box, “The court should enter respondent’s...” and the box in the text that applies.

If you don’t believe you’re the parent of the child, you’ll want to challenge parentage. Check the fourth box, “The court should convert...” Also, you must file a Petition to Challenge the Acknowledgment of Paternity. That form isn’t in this packet, and we don’t currently have a packet about how to file a Petition to Challenge the Acknowledgment of Paternity. Talk with an attorney for individual advice. Ask your Courthouse Facilitator for general information, or get the court forms from the Administrative Office of the Courts web site, <http://www.courts.wa.gov/forms/>.

To ask for an Order of Protection, check the fifth box. In the first blank, write your name and the name(s) of the child/ren to be protected. In the second and third blanks, write the other party’s name. In the fourth blank, write the name(s) of the domestic violence survivor(s).

◆ The law allows domestic violence survivors to request a permanent Order of Protection as part of their parentage case. Your responding papers and the forms used under [RCW Ch. 26.50](#) must be combined as described in this packet to request a permanent Order of Protection covering yourself and the children. In addition, to request an immediate Order of Protection or an Order right away, call the WA State Domestic Violence Hotline at 1-800-562-6025.

Important note: If you don’t yet have but want to request a domestic violence protection order, you must take the following additional steps:

- **To get a domestic violence protection order which takes effect soon,**

1. obtain from the court clerk RCW 26.50 domestic violence protection order forms (or go to a domestic violence advocacy program for help – call 1-800-562-6025 for more information) and
 2. file a separate domestic violence protection order case using those forms.
 3. Go to the hearings associated with that case and
 4. follow the instructions under “Other,” below, below for requesting consolidation of the two cases, if you want the protection order to become permanent.
- **If you apply for a domestic violence protection order to take effect only at the end of the parentage case,**
 - obtain from the court clerk RCW 26.50 domestic violence protection order forms. Or see <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16>, which has the forms and some instructions to help complete them.
 - don’t file a separate domestic violence case. DO fill out the 26.50 petition, using the same case number as the parentage case. Designate yourself as the Petitioner in that form (whether you were the petitioner or the respondent in the parentage case), the other party respondent. After you’ve filled out the RCW 26.50 petition, staple it to the parentage Response form.
 - arrange to have the Response form, the domestic violence petition and your other papers personally served upon the moving party, rather than served as described in the “Filing and Serving” section of this packet. Instructions on personal service are in the packet [*Filing a Petition for a Parenting Plan \(Custody\) and Child Support When Parentage Has Already Been Established*](#). (Those instructions aren’t here. They’re long, and respondents in parentage cases should rarely need a protection order that takes effect only at the end of a parentage case.)

To ask for a continuing restraining order, check the box requesting one.

If you need a restraining order during the case, you **must** file a motion.

Part 3 – Notice of Further Proceedings

Write the address where you want to get mail from the court (and the other party) about this case. If you don’t use your home address, use an address where you’ll reliably and immediately get your mail, such as a P.O. box, or the address of a friend who’s responsible and will give you mail as soon as it arrives.

◆ If the mailing address you use in the Response or Notice of Appearance later changes, prepare an updated Notice of Appearance. Use the Notice of Appearance form in this packet. Write “Amended” above “Notice of Appearance.” State the new address the court and other parties should use. File this notice with the court. Provide a copy to the other parties. Use the

Certificate of Mailing or Personal Delivery form and procedure to show that notice has been given. You must also complete and file with the clerk (but not serve) an updated Confidential Information form.

Part 4 – Other

If you have other things you want the court to order that are not listed, check the box next to “Other” and write your requests in the blank.

Example: if you want the court to order that you are not the father of the child, you should write that in the blank. For example, “[Your name] be declared NOT to be the father of [Name of the child], any obligation for [Your name] to support the child be terminated, and [Your name’s] obligation for back support, interest or reimbursement for costs for the child be eliminated.”

Or, if you’re asking for a protection order you have in another case to be consolidated with your parentage 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\(2\)](#).”

If the other party didn’t give the court a copy of the Affidavit of Paternity, attach a copy to your Response. Then check the box provided.

Signature. Date the form. Write the city and state where you’re signing it (example: Centralia, Washington). Sign and print your name in the blanks.

B. 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.²⁵

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.

²⁵ [RCW 26.23.050\(5\)\(l\) & \(7\); GR 22\(g\) & \(h\)](#).

◆ 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.²⁶

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 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.

²⁶ [RCW 26.23.055\(2\) & \(3\)](#).

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

C. Pro Se Notice of Appearance – WPF DRPSCU 01.0320

Fill out this form if you won't have time to file your Response by the deadline to respond to the petition. If you complete and file a Notice of Appearance, the other parent **must** give you notice before s/he can get a default order, *even if you don't file a Response by the deadline or show up at any hearings.*

If you're in the military, or the protected dependent of a military service-member, talk with an attorney or the JAG office before filing and serving a Notice of Appearance, and before your deadline to Respond to the petition.

This form tells the court that you're going to participate in the court case and you want to get notice of what is happening.

Caption. Fill in the caption.

Address. After the words *Service Address*, write in the name and full address where you want the court or other parties to send you legal papers. If you don't use your home address, use a reliable address such as a post office box, or a friend's address, so long as you get any mail quickly after it arrives.

Signature. Date the form, sign it, and print your name.

◆ If the mailing address you use in the Response or Notice of Appearance later changes, prepare an updated Notice of Appearance. Use the Notice of Appearance form in this packet. Write "Amended" above "Notice of Appearance." 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. Use the Certificate of Mailing or Personal Delivery form and procedure to show that notice has been given.

D. Instructions for Filling out a Parenting Plan or Residential Schedule

Should I Fill Out One of These Forms?

You need either a Parenting Plan or Residential Schedule if you want a custody order, or if the other party has served you with a parenting plan or residential schedule and you disagree with it. Generally, you should choose the form that the other party has already filed (example: if the petitioner completed a parenting plan form, you'd complete your own parenting plan form). **Don't use both.**

Both forms, if signed by a judge, will state who will have custody, and how much time the child will spend with each parent. The main difference between a parenting plan and a residential schedule forms is that a parenting plan also includes orders about who'll make major and minor decisions about the child (examples: decisions about non-emergency medical care, where the child goes to school, etc.), and how the parents will resolve disagreements they have about what the parenting plan means. For help deciding which form to use, talk with an attorney. Read our publication [*Parentage and Parenting Plans for Unmarried Parents in Washington*](#) for general information.

The Parenting Plan and Residential Schedule forms and instructions for them are in the packet [*Parenting Plans, Residential Schedule, and Child Support for Parentage Cases and Modification of Parentage Cases*](#).

◆ Read the petitioner's proposed Parenting Plan/Residential Schedule. If there are parts of the petitioner's parenting plan/residential schedule that you agree with, you may want to simply copy them onto your parenting plan/residential schedule form. If there are parts of the petitioner's plan/schedule that you disagree with, write what you want on your form.

E. Instructions for Completing Child Support Forms

Should I Complete These Forms?

Use these forms if one of you is asking the court to set child support:

- Child Support Worksheets
- Financial Declaration
- Sealed Financial Source Documents form

In addition, you'll need proof of your income.

Forms and instructions for child support are in the packet [*Parenting Plans, Residential Schedules and Child Support in Parentage Cases*](#).

Section 9: Filing and Serving Your Response Forms and Other Papers

A. Preparing to file and serve

After you've filled out forms, follow the steps in this section to file them with the court, serve them on the other parties, and prove that service has been made.

You must know who must be served or is a party to the case.

Usually, the petitioner is the only other party. The caption should list other individual parties by name. In addition, if the child/ren have ever received public assistance (TANF) or Medicaid), or if they're in foster care or out of home placement, you must serve copies on the State of Washington. (For more information, see our packet called [Serving Papers on the State](#).) If a GAL has been appointed, s/he must be served too. If you're unsure whether someone other than a parent, the State, or a GAL is a party, talk with an attorney.

Figure out how many copies of each form you'll need. Make the copies.

The original of each form will be filed with the court clerk in the county where the case has been filed. Make copies as follows: (**except**, if you've prepared the Confidential Information Form and addendum and/or LEIS,²⁷ make just make one copy, for yourself, of these 3 forms).

_____ one copy of each form for yourself

_____ one copy of each form for the other party

_____ if there are additional individual parties one copy of each form for each of these parties (1 x _____ number of additional parties)

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

_____ one for the GAL if a GAL has been appointed in your case

_____ one copy as working papers, if your local court requires you to give the judge "working papers" before a hearing and if you have upcoming hearings.

_____ **: total.** This is how many copies to make of each document (except just make one copy, for yourself, of the Confidential Information Form and addendum and any LEIS. These forms aren't served on any other party).

Organize Your Papers.

²⁷ The Confidential Information Sheet and addendum are in our basic Responding packets. They're filed with your first court papers and must be updated when the information in it, such as your address, changes. The LEIS isn't in this packet. Use it with restraining orders and Orders for Protection. Get it at the court clerk's office.

Make a set of the papers for the court and for each party. Put all the original forms into the set for the court. Put the copy of the Confidential Information Form and addendum and the LEIS (if you're using these forms) into your own set. Compare each set to the checklists in this packet to be sure you have what you need.

- ❑ **Put each of the other parties' sets of papers in an envelope addressed to that party at the legal address they have provided.**

Add your return address for legal mail. (For your return address, use the address on your Response or Notice of Appearance.)

B. Filing your papers in court

Take the originals and the copies to the superior court clerk's office in the courthouse where the case has been filed. Give the clerk the original copies of your documents for filing. (The clerk doesn't put the Confidential Information form or any LEIS in the public file.) If you have any proposed orders for upcoming hearings, ask the clerk what to do with the original proposed orders and follow the clerk's instructions.

1. **Ask the clerk to stamp the copies to show the date that you filed the originals.** Take the conformed (stamped) copies back from the clerk. The clerk keeps the originals.

C. Serving the other parties

In addition to filing your papers with the court, you must have them properly served on (delivered to) the other parties, except **don't** serve the Confidential Information form and addendum and any LEIS.

1. **Make sure service is completed before the deadline for your response.**

Service is required because the other parties have the right to know your response to the papers you've received.

The court doesn't serve the other parties for you. You must arrange for service and make sure your server delivers the papers properly.

After the Summons and Petition have been properly served, most papers prepared by either the petitioner or the respondent can be served on the other party by mail or personal delivery, as explained below.²⁸ Carefully follow the rules about service.

After service is completed, file proof of service with the court, explained below.

²⁸ [CR 5\(b\)\(1\)-\(2\)](#). However, if you prefer, you may have a party personally served (using the same procedures as described in our Filing packets for serving the Summons and Petition), and have a Return of Service prepared and filed. This packet tells you if a form needs to be personally served.

2. Mail or deliver your papers to the other parties or their attorneys.

Because you're responding, your papers can be given to the other parties by regular mail or by personal delivery. While the case is going on, if a party has given you an address for service of legal papers (for example in the Summons form, a Notice of Appearance, or a Response), serve him/her at that address. If a party is represented by an attorney, the papers are delivered to the attorney, not the party.

3. Service must be completed before your deadline.

Although many county courts allow you to do your own service, other counties don't. To be safe, **don't deliver or mail the papers yourself**. Ask an adult friend or relative to do it for you.

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

- **Mailing.** If your friend mails the papers, make sure s/he adds three (3) days to the number of days' notice required for your response. When counting, don't count the day of service (or mailing), weekends, or court holidays. **Example: if a document is mailed on a Monday, it's considered served on Thursday.** This is important when setting up or responding to hearings. There are deadlines by which papers must be served. If the third day is on a weekend or holiday, the document is not considered to have been "served" until the next court day.

If a document is sent by regular first class mail, have an additional copy sent by certified mail, return receipt requested, for additional proof of mailing. Staple the green return receipt card to the Certificate.

- **Personal Delivery.**

The papers may be delivered to the other party, instead of mailed. "Delivering" the papers to another party or his/her attorney means:

- handing it to the attorney or to the party; or
- leaving it at his office with his/her clerk or other person in charge of the office²⁹; or,
- if no one is in charge, leaving it in a place in the office where someone can easily find it (example: on top of the front desk); or,
- If the office is closed or the person has no office, leaving it at his/her residence or usual place of abode (home) with some person of suitable age and discretion then residing there.³⁰

²⁹ Although [CR 5\(b\)\(1\)-\(2\)](#) appears to allow a person to be served at his/her office, and you can usually deliver papers to an attorney or GAL at his/her office, we recommend that you NOT serve other parties at their offices, unless they've used that as their service address in a Notice of Appearance, Petition, or Response form.

- If the office is closed or the person has no office, leaving it at his/her residence or usual place of abode (home) with some person of suitable age and discretion then residing there.³¹

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

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

- **Caption.** Fill in the caption.
- **In the first paragraph,** write the date the papers were mailed or delivered in the first blank, and the name of the party served in the second blank. (If you're serving an attorney for a party, write in the party's name here and information about the attorney in the paragraphs below.) After "*with the following documents:*" write the name of **every form** sent/delivered to that person. If you leave out a form, you'll have no proof it was served. If the papers were served by mail, check the first box. Add the name and address of the person the papers were mailed to. If you mailed an additional copy by certified mail, write that in. If the papers were hand delivered, check the second box. Fill in the time and address of delivery in the blanks provided, and the name of the person to whom the papers were delivered.
- **Signature.** The person who delivered or mailed the papers should sign and date the form, state the place signed (city and state), and print his/her name in the places indicated.

5. Filing the Certificates of Mailing or Personal Delivery

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

³⁰ [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who is an adult (or at least an older teenager) who does not have a mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

³¹ [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who's an adult (or at least an older teenager) with no mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

Section 10: What if I Agree with Everything in the Petition?

If you agree with everything that the petitioner has asked for in the Petition and in any related papers (examples: parenting plan, child support worksheets), you may complete the Joinder form included in this packet.

- ◆ **You're never required to sign a joinder form.**
- ◆ If you disagree with any requests in the petition or any related paper, or if you agree with all the requests but want to be sure the court doesn't approve final agreed papers until you sign them, **don't** sign the joinder form.
- ◆ By signing the joinder form, you give the other party permission to enter final papers without your further approval or your signature on the papers.

In most cases, we recommend that, even if you agree to everything requested, instead of signing the joinder form, ask to see and read the proposed final papers before the other party takes them to the judge. (The final papers may include, for example, depending upon the type of case, Decree, Order on Modification, Parenting Plan or Residential Schedule, Order of Child Support, etc.) If the proposed final papers correctly show your agreement, sign them. That way you can reduce the chance of misunderstanding and be more confident the final papers accurately show your agreement.

However, if you agree with everything the other party asked for in the petition and in every related paper, and don't think it necessary to sign the final orders before they're presented to the judge, complete the Joinder form included in this packet. Signing the form can make it easier and quicker to finish the case. However, it also has risks. Talk with an attorney (NOT THE OTHER PARTY'S ATTORNEY) before signing a Joinder so you fully understand any legal rights you're giving up.

1. **Instructions for the Joinder form (WPF DRPSCU 01.0330) if you decide to use it.**

The signed joinder form gives the other party permission to enter final papers without your further approval or your signature on the final papers. It also tells the judge you agree that final orders can be entered as requested in the petition and related papers. **Read the information above before deciding to sign this form.**

1. **Caption.** Fill out the caption.
2. **Paragraph 1.** Read the paragraph carefully.
3. **Paragraph 2.** You should check the second box, so that the other party must send you the notice of hearings to finish your case. Checking this box doesn't mean the petitioner/requesting party must get your signature on the final papers. It only means you're asking him/her to send you notice. Write your address in the blank space. You don't need to give your home address, but make sure you use a reliable mailing address

where you'll immediately learn of papers arriving for you. If you're sure that you don't want the other party to give you notice before final orders are entered, check the first box.

4. **Other.** Write in other information here.
5. **Signature.** Date the form and sign where it says "Signature of Joining Party." Print or type your name on the line below it.

2. How to file the Joinder form, if you chose to sign it.

If you signed the joinder form, follow the same steps to file and serve it as described for filing your Response and other forms. Mail or deliver a copy of the Joinder form to the other parties. Keep a copy for yourself.

Section 11: If You're in the Military or If You're the Dependent of a Military Service Member

If you're on active duty³² in the United States Armed Forces, or if you're the dependent (usually the spouse or minor child of a resident of Washington who is on active duty and is a National Guard Member or Reservist, or a person receiving over half his/her support from that service member³³), you have special protections under the Service Members' Civil Relief Acts. Protections under the law can include protection against being defaulted in some circumstances, the right to ask for a stay (delay) of a court case if the active military duty limits ability to participate in the case, and other rights.

Before you do anything else in this case, you should contact an attorney or your JAG (Judge Advocate General) right away to get advice about how to protect your rights under the SCRA. You must act quickly as your time to respond is limited – for example, if you received a Notice re: Dependent of a Person in Military Service, you must respond to it within 20 days. To find your JAG, you may want to go to the U.S. Armed Forces Legal Assistance website: <http://legalassistance.law.af.mil/content/locator.php>. Note that your JAG will know military law, but you may also need to consult a Washington attorney about your family law issues.

The form called a *Waiver of Rights Under the Service Members Civil Relief Act* can be used to give up the rights under these laws. Instructions are below, if you decide to use this form.

The form called *Notice by Military Dependent* can be used if you qualify under the law as a military dependent to notify the court and the petitioner that you are the dependent. Instructions for this form are also below

A. Waiver of Rights Under Service Member's Civil Relief Act form

You are not required to fill out this form. It is your choice. If you are concerned that you will not be able to participate in the case because of military duties, or you are thinking about signing the waiver form, you should see an attorney or the JAG office. If you sign the waiver form, you are giving up protections under this law.

³² 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 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.

³³ [RCW 38.42.010](#).

1. Instructions for filling out the Waiver form, if you choose to sign it.

Caption. Fill in the Caption.

In the first blank, write your full name.

If you decide to sign this form fill out the rest of the form with the date that you were served with the Summons and Petition, the service member's name, rank, serial number and unit. If you sign this form, do so in front of a notary public.

◆ **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. You may also look up notary public in the yellow pages of your telephone book.

2. File the Waiver form.

If you sign this form you can then give the form to petitioner to file, or you can file it with the court clerk's office. You should keep a conformed copy for yourself and give the other parties a copy.

B. Notice by Military Dependent

If you haven't yet appeared in the case, and

- you receive a form called Notice re: Dependent of a Person in Military Service, and
- you are a qualified dependent of a military service member (see definition in the Notice re: Dependent of a Person in Military Service) and
- the service member is a member of the National Guard or a military reserve component under a call to active duty service for 30 days in a row or more, and
- you want to inform the court and petitioner/moving party of your status to prevent them from assuming you are not a military dependent, then
- you may file and serve a Notice by Military Dependent form.

◆ You must notify the court and the other party of your dependent status within 20 days after you receive the Notice re: Dependent of a Person in Military Service. If you don't, the court may presume you are not a dependent of a person in military service and may enter an order of default against you.

If you are the dependent of a person in the military, we recommend that you get talk to an attorney about

- whether you are entitled to the protections of the law concerning military service members' dependents, and,
- if you are protected, whether you should or should not file a Notice of Appearance and a Response to the Petition and other documents in this packet

You may use the form in this packet or you may create your own form or letter to give notice that you are a military dependent.

1. Instructions for filling out the form.

Caption. Fill in the Caption.

Check the box that explains why you are a dependent of a service member.

Write in the name of the service member you are the dependent of, and fill in the other information about the service member that is requested by the form.

Signature. Date the form and sign where it says "Signature of Party" and then print or type your name on the line below it and show the place signed (e.g. Yakima, Washington).

Service Address. Write in your mailing address. If you are afraid to give your address to the other parties, use an address at which you will **reliably and immediately** learn about mail that arrives for you.

2. File and serve the form.

File your original form with the court clerk's office and keep a conformed copy for your records. Serve the other the other parties with a copy. Make sure that you file and serve notice of your military dependent status within 20 days after you receive the Notice re: dependent of a Person in Military Service. Complete and file a Certificate of Mailing or Personal Delivery (see the general instructions for the Certificate of Mailing).

Section 12: If You and Another Party Don't Agree, Get Ready to Go to Trial

If

- you file a Response contesting the petition and
- the court doesn't dismiss the case for another reason, and
- you reach no agreement about final orders, then
- both the Petitioner(s) and Respondent(s) must prepare to go to trial.

You must follow the court's rules about trial preparation. In some counties, you have a case schedule or other notice that tells you some of the things you must do to prepare for trial. Talk with your family law facilitator for more information about those deadlines.

If you don't have a case schedule, don't wait until the last minute to get ready for trial. Start weeks, if not months, in advance. Find out about how your trial is scheduled. Sometimes a case schedule or the court announces the trial date. Sometimes the parties must ask for a trial date.

If child custody or visitation is an issue in your case, and if there is a GAL or other custody evaluator in your case, you should receive a report from him/her before the trial.

If you have a trial, each party will have the chance to tell the judge why the judge should rule in that party's favor. Each party must present the judge with evidence (examples: admissible documents or testimony) to help prove that party's claims.

We don't have a packet with detailed information about how to prepare for trial. However, our publications called [*How to Subpoena Witnesses and Documents*](#), and [*Basic Tips on How to Prepare for a Court Hearing or Trial*](#) may be helpful. Try to talk to an attorney for specific advice.

At the end of your trial, the judge will announce his/her decision, and give reasons for it. However, the case isn't finished until the judge signs final papers: Findings of Fact and Conclusions of Law, a Judgment and Order, and in most cases, a Parenting plan or Residential Schedule. In some cases, additional papers (examples: an Order of Child Support and Child Support Worksheets) will be needed.

The judge will usually ask one of the parties or his/her attorney to prepare the final papers for the judge's approval. Those papers will be presented to the judge at a "presentation" hearing. Sometimes the judge at the end of the trial will tell the parties the date of the presentation hearing. If the judge doesn't set a date, then the person who prepares the final papers must give the other parties advance notice of the time and place of this hearing. The person who prepares the paper must provide the other parties with copies of the papers s/he wants the judge to sign. S/he is supposed to prepare the final papers to say exactly what the judge ordered – not what that party wanted.

Any party who doesn't think the proposed final papers say what the judge ordered can come to the hearing and explain the objection. In some counties, the person who disagrees must prepare and provide final papers that s/he believes more accurately show the judge's decision.

◆ If another party has prepared final papers after trial and asks you to sign them, read each paper carefully to see if it accurately states what the judge decided at your trial. If you believe any paper doesn't show the judge's decision correctly, or if you're not sure, **you should insist that the other party set a "presentation" hearing** and give you notice of that hearing. You attend the presentation hearing and explain why you believe the language in the final papers doesn't show the judge's decision. You may be required to prepare your own proposed final papers.

Section 13: Checklists of Forms and Documents

You may use the following lists of documents as checklists when you prepare your responses. You'll need additional papers at the end of your case.

List A: You will need these forms to respond to the petition:

- Notice of Appearance (in this packet)
- Response (In this packet)
- Confidential Information Form & Addendum (In this packet) (Don't serve this form on the other parties.)
- Proposed Parenting Plan or Residential Schedule (In the packet [*Parenting Plans, Residential Schedules, and Child Support for Parentage Cases and for Custody/Parenting Plan Modifications in Parentage Cases*](#))

List B: You'll need these additional forms to respond to the petition if a party has asked the court to set child support: (located in the packet [*Parenting Plans, Residential Schedules, and Child Support for Parentage Cases and for Custody/Parenting Plan Modifications in Parentage Cases*](#))

- Child Support Worksheets
- Financial Declaration
- Sealed Financial Source Documents Coversheet with required proof of income attached
 - Last 2-3 years of income tax returns (or W2s, 1099s or other proof of yearly income if you have not filed yet)
 - Paystubs for the most recent month (or more – see your local court rules)
 - If you do not have paystubs, other proof of your income (statement showing the amount of benefits you receive, business records & expense records, etc.)
 - Other financial documents, such as bank statements, may be required by your local court rules.
 - Proof of child-related expenses, if you're asking that they be included in calculating support (for example, daycare payments, health insurance premiums, uninsured medical, etc.)

List C: You'll also need these forms if a party requests financial relief such as attorney fees or payment of a Guardian ad Litem fee.

- Financial Declaration (in the packet [*Parenting Plans, Residential Schedules, and Child Support for Parentage Cases and for Custody/Parenting Plan Modifications in Parentage Cases*](#)).

- Sealed Financial Source Documents Coversheet with Required proof of income
- Proof of the expenses you claim (example: bills from your attorney)

List D: If you're requesting a domestic violence protection order as part of your case, you'll also need the Petition for Order for Protection, available from the court clerk, or go to a domestic violence advocacy program for help – call 1-800-562-6025 for more information.

List E: Use this form to prove service on the other parties of your Response and other papers:

- Certificate of Mailing or Personal Delivery

List F: If you file any confidential reports, financial records, or health care records during your case, you'll need one or more of the following forms:

- Sealed Personal Health Care Records (Cover Sheet)
- Sealed Confidential Report (Cover Sheet)
- Sealed Financial Source Documents (Cover Sheet)

See the Section called “What other Packets or Forms Will I Need That Aren't Included this Packet?” for the packets that contain these forms.

List G: If you're a military service member or the dependent of a service member, you MAY also need the following forms:

- Waiver of Rights under the Service Members' Civil Relief Act
- Notice by Military Dependent

List H: If you file or respond to motions for temporary or emergency orders, you'll need forms from our packets on these motions. See the Section called “What other Packets or Forms Will I Need That Aren't Included this Packet?” for a list of packets.

List I: If your case goes to trial, you may need other papers not covered here. At the end of trial, use the forms in the packets [*Finishing a Petition for a Parenting Plan, Residential Schedule, or Child Support When Parentage Has Already Been Established*](#) and [*Parenting Plans, Residential Schedules, and Child Support for Parentage Cases and for Custody/Parenting Plan Modifications in Parentage Cases*](#) to show the judge's decision.

List J: If you and the other party reach an agreement about how to settle the case, see the lists of final papers in the packet [*Finishing a Petition for a Parenting Plan, Residential Schedule, or Child Support When Parentage Has Already Been Established*](#).

Section 14: 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.

**Response to Petition for
 Residential Schedule/
Parenting Plan
 Child Support
(RSP)**

**Check box if petition is attached for:
 Order for protection DV (PTORPRT)
 Order for protection UH (PTORAH)**

1. The allegations of the petition in this matter are **admitted** or **denied** as follows (check only one box for each paragraph):

Paragraph of the Petition

1.1	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.2	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.3	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.4	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.5	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.6	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.7	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.8	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.9	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.10	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.11	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information

Each allegation of the petition which is denied, is denied for the following reasons (list separately):

2. Request for Relief

- Does not apply.
- The court should deny the petition for a residential schedule/parenting plan or child support.
- The court should enter respondent's proposed parenting plan attached filed in this case.
- The court should convert this matter to a proceeding to challenge the acknowledgment of paternity because paragraph 1.4 of the petition is denied. A Petition for Challenge to Acknowledgment of Paternity is filed with the court. (If you check this box you must file a Petition for Challenge to Acknowledgment of Paternity.)

Protection Order:

- 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 response.
 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.

- The court should enter a continuing restraining order.

3. Notice of Further Proceedings

Notice of all further proceedings in this matter should be sent to the respondent in care of the following service 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.

4. Other

A copy of the Acknowledgment of Paternity is filed with this response because it was not filed with the court.

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

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

Signature of Responding Party

Print or Type Name

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>						
<input type="checkbox"/> Divorce/Separation/Invalidity/Nonparental Custody/Paternity/Modifications <input type="checkbox"/> Sexual Assault <input type="checkbox"/> Other <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Antiharassment <input type="checkbox"/> Information Change (Check if you are updating information)						
<input type="checkbox"/> A restraining order or protection order is in effect protecting <input type="checkbox"/> the petitioner <input type="checkbox"/> the respondent <input type="checkbox"/> the children.						
<input type="checkbox"/> 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 <u>Addendum To Confidential Information Form</u> to list additional parties or children)						
Petitioner Information			Type or Print Only	Respondent Information		
Name (Last, First, Middle)			Name (Last, First, Middle)			
Race	Sex	Birthdate	Race	Sex	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 <u>not required</u> 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)			Name (Last, first, Middle)			
Race	Sex	Birthdate	Race	Sex	Birthdate	
Drivers Lic. or Identicard (# and State)			Drivers Lic. or Identicard (# 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 additional children involved in the proceeding. (Soc. Sec. No. is <u>not required</u> 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						
<u>Except for petitions in protection order cases (Domestic Violence/Antiharassment/ Sexual Assault), the following information is required:</u>						
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. _____

**Pro se Notice of Appearance
(APPS)**

The undersigned enters an appearance in this action, and demands notice of all further proceedings. The Clerk of the Court and the opposing party will be informed of any change in address. Any notices may be sent to [You may list an address that is not your residential address where you agree to accept legal documents.]

Service Address:

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.

Phone Number: Listed on Confidential Information Form.

Dated: _____

Signature of Party Appearing

Print or Type Name

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

_____ Child(ren)

_____ Petitioner

and

_____ Respondent.

No. _____

**Certificate of Mailing or
Personal Delivery**

(No Mandatory Form Developed)

I hereby certify and declare under penalty of perjury that on _____ [fill in date of
delivery or mailing] I have provided _____, _____ with copies of the following
documents, _____
_____, in the
following manner:

Via first class U.S. Mail, postage prepaid:

Name & Address of Person Being Served

By handing to and leaving with said _____ or another adult member of his
household, or his attorney, namely _____, a true and correct copy of said

pleadings at the following location: _____ at _____ a.m. /
p.m.

Dated: _____

Signature

Print or Type Name

Place signed

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

_____ Child(ren)

_____ Petitioner

and

_____ Respondent.

No. _____

**Joinder
(JN)**

1. Joinder

I have read the petition and join in it. 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.

2. Notice of Further Proceedings

- 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 service 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.

3. Other

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. _____

**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: _____

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

_____ Child(ren)

_____ Petitioner

and

_____ Respondent.

No. _____

Notice of Military Dependent

(No Mandatory Form Developed)

I declare under penalty of perjury under the laws of the State of Washington that I am 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 consecutive days. I am filing this Notice to inform the court that I believe I am entitled to protections under the Servicemembers' Civil Relief Acts and that I do not waive those protections.

I am:

the service member's spouse

the service member's minor child

an individual for whom the service member provided more than one-half of my support for the last 180 days.

I am the dependent of the following service member:

Name of Service member: _____

Rank: _____

Serial No.: _____

Unit: _____

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

Signature

Print or Type Name

**Responding to a Petition for Parenting Plan or 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: