



Northwest Justice Project

# **Finishing Your Petition for a Parenting Plan/Residential Schedule and Child Support When Parentage Has Already Been Established**

**Instructions and Forms  
March 2009**

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

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## Section 1: Introduction and Important Information

### A. Should I use this packet?

This packet will help you fill out and file the forms and papers you'll need to finish a petition for a residential/parenting plan and child support case.<sup>1</sup>

Use this packet only if the petition in your case was filed on form number WPF PS 15. 0100.

To use this packet, you must have already filed and served the other parties with the papers that start your petition for a parenting plan or child support, or you must already have responded to 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.

**This packet isn't a substitute for legal advice. This packet provides very limited information if you're going to have a trial in your case.** Try to talk with an attorney for advice about your situation.

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

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

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<sup>1</sup> This type of case is called a Petition for Parenting Plan/Residential Schedule or Child Support. We refer to it as a Petition for Parenting Plan for short.

It's always a good idea to talk with a family law attorney 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](http://www.washingtonlawhelp.org)) to read our legal information publications about your particular family law case and information about legal aid programs in your area.

## 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 cases<sup>2</sup>.

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<sup>2</sup> Many decisions in family law cases are made by court commissioners instead of judges. However, to make this packet simpler, in most places we just use "judge."

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.<sup>3</sup>

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.

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<sup>3</sup> 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.<sup>4</sup>

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,

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<sup>4</sup> 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 Finish Your Petition for a Parenting Plan or Child Support

Many of the steps listed in the paragraphs below are explained in more detail later in this packet.

- ❑ **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](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 is any program allowing a GAL or evaluator to be appointed at no or reduced cost, and whether there are special local forms to have a GAL or evaluator appointed
- procedures for the court to check the judicial information system and databases before entering a permanent parenting plan to identify any information relevant to placing the child<sup>5</sup> and
- in cases where a limiting factor such as domestic violence or child abuse is claimed, local court procedures for having both parties screened to determine

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<sup>5</sup> [RCW 26.09.182](#)

whether a comprehensive assessment is appropriate to determine the effect of the limiting factor on the child and the parties.<sup>6</sup>

◆ A 2007 law<sup>7</sup> 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.

❑ **Get Any Additional Packets or Forms That You Need.**

❑ **Find out how long you must wait until you may finish your case. Your case isn't finished until the judge signs the final orders.**

If you're entering final orders by **agreement**, you may present your final court orders to the court anytime after you and the other party have completed and signed all of the final orders, and after you've completed any necessary local procedures such as a parenting class. If there are additional parties, such as a GAL, all must sign the final papers before you take them to the judge.

**If you're the respondent** and you have no agreement, you must prepare for trial. Make sure you've done the steps for responding in our packet [Responding to a Petition for a Parenting Plan or Child Support in a Parentage Case](#).

**If you're the petitioner and you have no agreement**, you must wait for the deadline for the other party's Response. After the deadline for a Response has passed,

- if you haven't been served with a Response, check with the court clerk to see if the other party has filed a Response with the court. If a Response has been filed but not served on you, go to the clerk's office to get a copy of the Response and any other papers the other party has filed in your case.
- if the other party has filed or served a Response, you must prepare for trial, unless you're able to reach agreement.
- if the other party doesn't respond on time, you may file a motion for default. If the other party still doesn't Respond, you may ask the court to sign your order of default

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<sup>6</sup> [RCW 26.09.191\(4\)](#).

<sup>7</sup> [Ch 496, Laws of 2007](#)

and (assuming any other parties have signed your orders) final court orders. The amount of time you must wait depends upon how you served the other party.

- If you served the other party by personal service in Washington, you must wait at least 20 days from the date you served the other party before asking the court for an order of default.
- If you served the other party by personal service out of state, you must wait at least 60 days from the date you served the other party before asking the court for an order of default.
- If the other party was served by publication, s/he has 60 days from the date of first publication to respond.
- If you served the other party by certified mail, you must wait at least 90 days from the date you served the other party before asking the court for an order of default. If you have questions, see our packet [\*Filing a Petition for Parenting Plan/Residential Schedule and Child Support When Paternity Has Already Been Established\*](#).

**During or after the response waiting period, you may:**

- File a motion for temporary orders or a motion for emergency orders. See our packets called [\*Filing a Motion for Temporary Orders in a Parentage Case\*](#) and [\*Filing a Motion for Emergency Orders in a Parentage Case\*](#).

◆ If the other party doesn't respond, don't wait too long after the other party's response deadline to file a motion for default and enter final orders. If more than one year passes after you served the other party before you enter your default and final orders, you must serve the other party with notice of the motion for default by certified mail or personal service.<sup>8</sup> Also, if you do nothing in your petition for parenting plan case for months, the court may fine you or dismiss your case and make you start over.

- Participate in the Guardian ad Litem (GAL) or Family Court Services Investigation, if any has been ordered in your case.**

A GAL might have been appointed or a Family Court Services investigation may have been ordered, for example:

- a) if the parties disagreed about the appropriate parenting plan or residential schedule, or
- b) if there are claims the child/ren aren't safe with a party (examples: due to domestic violence, child abuse, neglect, or drug or alcohol problems).

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<sup>8</sup> [Civil Rule \(CR\) 55\(f\)](#).

Our publication [\*Working with GALs and Parenting Evaluators\*](#), available at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org), offers some tips on this process. If there's a GAL or Family Court Services investigation, cooperate with the investigation and wait for the report.

**Go to any parenting class that may be required.**

Some counties require both parents to complete a parenting class. If your county requires it, you must do it even if you're entering orders by agreement or default. Check with your Family Law Facilitator or read local court rules in the county where your case was filed to find out whether you must attend such a class, and how to sign up for it.

**The Following Paragraphs (A through D) Describe DIFFERENT Ways the Case Might Be Finished:**

**A. Agreed cases:** If you think that you and another party (parties) might agree, deliver your proposed final papers to him/her. Each party who agrees should sign each of the final papers. If **all** parties agree and sign, then present the final papers to a judge for approval. If the State of Washington is a party, or a GAL has been appointed, you must also get their signed approval on your orders

**B. Default cases:** If a respondent doesn't file and serve a Response to the petition by his/her deadline, petitioner should file a motion for default. If you move for an order of default against one party and have signed agreed orders with other parties (example: any GAL, or the State of Washington), you can usually present the final papers to the judge for approval when you present the Order of Default (and the agreed orders the other parties have signed). To finish a case by default:

- 1) \_\_\_\_\_ **If you haven't already served the Notice Re: Dependent of a Person in Military Service, you should prepare, file, and serve this form.** Wait 20 days before moving for default (23 days if the notice was mailed). This form is in our [\*Filing a Petition for Parenting Plan/Residential Schedule and Child Support When Paternity Has Already Been Established\*](#) packet.
- 2) \_\_\_\_\_ Fill out the Note for Motion Docket, Motion for Default and proposed Order of Default and your proposed final orders and make copies.
- 3) \_\_\_\_\_ File the Note for Motion Docket and Motion for Default with the court clerk (ask the clerk what to do with your proposed orders and follow his/her instructions).
- 4) \_\_\_\_\_ Have the parties served with the Note for Motion Docket, Motion, and the proposed Order of Default and proposed final orders.
- 5) \_\_\_\_\_ Fill out the Certificate of Mailing or Personal Delivery.
- 6) \_\_\_\_\_ File the Certificate of Mailing or Personal Delivery.
- 7) \_\_\_\_\_ Make two (or more) copies of each of your proposed final orders, the Certificate of Mailing, and your original Return of Service and bring them with you to the final hearing.

- 8) \_\_\_\_\_ If the other party doesn't come to the hearing, and hasn't filed or served a Response, ask the judge to sign the Order of Default and your final orders (Judgment, Findings, Parenting Plan or Residential Schedule, and Child Support Worksheets and Order of Child Support and any other final orders).
- 9) \_\_\_\_\_ If the other party comes to the hearing, ask the judge to set a deadline by which the other party must file a Response. The judge won't sign your Order of Default or final orders. (See the Default section of this packet for more information.)\_If the judge grants your motion for default and signs the final papers, see the last item in "Steps to Take" for how to properly deliver copies of the final papers to the other parties.

**C. Contested cases:** If a party responds and doesn't agree with the petition, the parties must prepare for trial. These are some steps to prepare for trial:

- 1) \_\_\_\_\_ Conduct discovery, if necessary.
- 2) \_\_\_\_\_ Get any appropriate temporary orders, if not done already.
- 3) \_\_\_\_\_ If not already done, ask for a GAL to be appointed or a Family Court Services parenting evaluation, if appropriate. Participate in their evaluation.
- 4) \_\_\_\_\_ Subpoena any witnesses or documents you'll need for trial.
- 5) \_\_\_\_\_ Go to trial.
- 6) \_\_\_\_\_ Prepare final papers that show the judge's decision.
- 7) \_\_\_\_\_ Present the final papers to the judge to sign.
- 8) \_\_\_\_\_ After the judge signs the final papers, see the last item in "Steps to Take" for how to properly deliver copies of the final papers to the other parties.

**D. Dismissal cases:** The case might be dismissed by agreement or by court order before trial. This packet doesn't contain detailed information about dismissing the case. Talk with an attorney.

- When you're ready to complete the final papers by agreement, after trial, or when you're moving for default, follow the General Instructions for the Forms and complete the Final Petition for Parenting Plan Orders including:**

- \_\_\_\_\_ Findings of Fact and Conclusions of Law on Petition for Residential Schedule/Parenting Plan or Child Support.
- \_\_\_\_\_ Judgment and Order Establishing Residential Schedule/Parenting Plan or Child Support.

- \_\_\_\_\_ Final Parenting Plan or Residential Schedule.
- \_\_\_\_\_ Order of Child Support & worksheets (if child support is being set).

Depending on the case, you may also need:

- \_\_\_\_\_ Order for Protection and LEIS (if you're asking for a protection order). These forms aren't in this packet. The LEIS and protection order forms are available from the clerk. The protection order forms are also available from a domestic violence program.
- \_\_\_\_\_ If you're moving for default, complete the default forms.
- \_\_\_\_\_ If you must schedule a hearing to present your papers, complete a Note for Motion or local hearing notice form.
- \_\_\_\_\_ Any additional locally required forms.

- If the State of Washington (through the prosecuting attorney or attorney general) filed a Notice of Appearance in your case, deliver the originals of your final orders to them for their signature.** If a Guardian ad Litem was appointed in your case, you must also deliver the originals of your final orders to them for signature.

You can't enter final orders without their approval. They must sign whether you enter final orders by agreement or default. If you go to trial, a prosecutor probably will come to the trial.

- After the Final Papers Are Signed by the Judge, File the Originals with the Clerk, Keep Conformed Copies for Yourself, and Provide Conformed or Certified Copies to the Other Parties.** If you don't know what to do with the original papers after the judge has signed them, ask the clerk how to file the original(s) and get conformed (or certified) copies of the paper(s) the judge has signed. (You'll need a certified copy of any order containing a restraining order.) Follow the clerk's instructions. **DON'T CHANGE OR DESTROY OR LEAVE THE COURTHOUSE WITH THE ORIGINAL COURT ORDERS THAT HAVE BEEN SIGNED BY THE JUDGE.**

After the original(s) have been filed with the court clerk and copies made:

- Keep your own copies in a safe place.
- Deliver copies to other party(ies)(except don't serve the LEIS form, if you prepared it).

If the court enters a protection order, and you're the protected party, you'll also need:

- \_\_\_\_\_ **Law Enforcement Information Sheet (LEIS).** See "What Other Forms and Packets Will I Need?" below for more information.
- \_\_\_\_\_ **Return of Service form.** See "What Other Forms and Packets Will I Need?" below for more information. The forms and instructions for it are also in our packets on filing for emergency orders packets, and many filing packets.

## Section 4: What Forms are in This Packet?

This packet contains instructions and forms to finish your petition for parenting plan case. It includes the following blank forms:

<b>Form Title</b>	<b>Form Number</b>
Findings of Fact and Conclusions of Law on Petition for Residential Schedule/Parenting Plan or Child Support	WPF PS 15.0400
Judgment and Order Establishing Residential Schedule/Parenting Plan or Child Support	WPF PS 15.0500
Motion and Declaration for Default	WPF DRPSCU 03.0100
Order of Default	WPF DRPSCU 03.0200
Note for Motion Docket	Non-Mandatory Form; your county may have its own form
Certificate of Mailing or Personal Delivery	Non-mandatory form

## Section 5: What Other Forms and Packets Will I Need?

You may need other forms or packets to finish your petition for parenting plan case. Most people will need at least the first packet, [Parenting Plans, Residential Schedules, and Child Support in Parentage Cases and Modifications of Parentage Cases](#). Read the information below carefully and check the boxes by the other packets or forms you need. Then get those other packets or forms from [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) or, if you're low-income and have no internet access, by calling CLEAR at 1-888-201-1014. For just an individual form, visit the State Court's web site at <http://www.courts.wa.gov/forms/>.

- [Parenting Plans, Residential Schedules, and Child Support in Parentage Cases and Modifications of Parentage Cases](#). This packet contains the forms and instructions for Parenting Plans, Residential Schedules, and Child Support. Use this packet to finish your case if the court is entering a parenting plan or residential schedule or is setting child support.
- 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 it's required in your county or if you must verify that no public assistance has been paid or that the children aren't in foster care or out of home placement. Get this form at the Administrator of the Courts website <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>.
- [Serving Papers on the State](#) - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF) or medical coupons/Medicaid, or is in foster care or out of home placement, get this packet. Include the state as a party. Serve them with papers you file.
- [Parentage and Parenting Plans for Unmarried Parents in Washington](#). To learn more about your legal rights in a parentage, read this publication before entering your final orders.
- Your county's Note for Motion Docket or Notice of Hearing form, Declaration of Nonmilitary Service form, and local court rules.** Some counties have their own note for motion or notice of hearing form and a declaration of nonmilitary service form that you may have to use to move for default and/or schedule a presentation hearing. Some counties also have special rules for where and when you can note a motion for default or present your final court orders. You'll need the local form(s) and the local rules to file your motion for default.

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◆ To get your local rules and local forms, visit the Family Law Facilitator's office in the county where your petition for parenting plan is filed. If there's

no family law facilitator, see the court clerk. Some counties' forms and local rules are online. Check the OAC website at <http://www.courts.wa.gov/rules/local.cfm?group=superior>.

- Order for Protection forms** – If you're requesting a protection order (for protection from domestic violence or civil harassment) as part of this case, you will also need the appropriate Petition for Order for Protection, and perhaps related protection order forms, available from the court clerk, or go to a domestic violence advocacy program for help – call 1-800-562-6025 for more information.
- Law Enforcement Information Sheet (LEIS)** – **WPF All Cases 01.0400** - Use this form if you're entering a restraining order or if you're entering an Order for Protection. This form isn't served on the other party. Get it from the court clerk.
- How to Subpoena Witnesses and Documents** – to make sure important witnesses or documents are at trial.
- Basic Tips on How to Prepare for a Court Hearing or Trial** – if you must prepare for trial.
- Understanding the Washington State Child Support Schedule and How Child Support is Set in Washington** – If you'd like to understand more about how child support is set, read this publication.
- Mediation**. If you'd like help trying to settle your case, read this publication by the Northwest Women's Law Center (NWWLC).
- If the court enters your temporary order containing safety restraints against the other party, you will also need:**
  - Law Enforcement Information Sheet (LEIS). See above.
  - Return of Service form (if the judge signed the order you presented and the restrained party was not present in court and did not sign the temporary order). Get this form (WPF DRPSCU 01.0250) from the Administrator of the Courts website at <http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14>. The forms and instructions for it are also in our packets on filing for emergency orders.

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

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

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

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

**Case name.** Copy the case name from 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](#).

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### 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.

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### 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.

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### 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.

Fill in Respondent's name. **In re the Marriage of:  
JANE DOE,  
and  
JOE DOE,**

Petitioner,

Opposing party.

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

**Note for Motion Docket**

**(No Mandatory Form Developed)**

Form title.

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

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

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

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

LOCATION: **Treelane Superior Courthouse**

COURTHOUSE ROOM: **2**

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

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

\_\_\_\_\_  
Jane Doe, Petitioner

## Section 7: Instructions for Filling Out and Filing Individual Forms

### A. Findings of Fact and Conclusions of Law (“Findings”) - WPF PS 15.0400

Some of the information you need for this form and for the Judgment will be the same as in the Petition or Response, so have a copy of the Petition for Residential Schedule/Parenting Plan or Child Support and Response (if any) in front of you while filling out the Findings and the Decree.

**If you’re filing a Motion for Default:** When you ask the judge to sign a default Judgment, you can’t ask for things in the Judgment that you didn’t ask for in the petition for residential schedule/parenting plan. You can’t change what you’re asking for without re-serving the other parties with an amended petition (or amended parenting plan or child support worksheets, if that is what you want to change) and giving him/her another chance to respond.

- ◆ **If you’re filling in this form with a motion for default,** you can’t ask for things in the final orders that you didn’t ask for in the Petition for Parenting Plan. Fill out this form and the other final orders so that they’re consistent with the requests in the Petition.
- ◆ **If you’re filling in this form after the judge has made a decision,** complete it and your other final papers to show the decision actually made by the judge, even if it’s different than what you asked for.
- ◆ **If you and the other party have reached an agreement,** fill in this form and your other final papers to show your agreement.

### Section I - Basis For Findings

If you and the other party are entering the orders by agreement, check the “agreement of the parties” box.

If you’re filing a Motion for Default, check the “order of default” box. Write in the date of your default hearing, if that date differs from the date the judge will sign these Findings.

If you’re having a trial, check the third box, “a hearing held on.” Fill in the date of the trial, and check each box under it that applies in your case.

### Section II – Findings of Fact

#### **Paragraph 2.1. Notice and Basis of Personal Jurisdiction over the Parties.**

This paragraph is like the “Jurisdiction” paragraph of the Petition.

Check every box that applies in your case. Check at least one (if none of the boxes apply in your case, talk with an attorney before entering final orders). **If you served the other parent with**

**the summons and petition by mail or publication, talk with an attorney before entering final orders. You may not be able to get all the relief you asked for.**

- “Respondent submits to the jurisdiction” means that the responding party agrees that Washington has jurisdiction over him or her in this case.
- “Prenatal expenses and support” means the party paid for medical care, or other expenses for the mother while pregnant with the child, or paid support
- “The child resides in this state as a result of the acts and directives of respondent” means that the child is in Washington because the respondent brought him/her to Washington, or told someone else to bring the child to Washington.

**Paragraph 2.2. Period for Challenge to Acknowledgment or Denial of Paternity.**

This paragraph is like the “Acknowledgment of Paternity” and “Period for Challenge” paragraphs of the Petition/Response.

If you and the other party signed an Affidavit of Paternity, write your names in the blanks as indicated. Write the date that your affidavit was filed with the Department of Vital Statistics.

If your child had a presumed father (if, for example, your child was born during your marriage to a man who’s not the child’s biological father), and the presumed father of the child signed a Denial of Paternity, check the first box (at the beginning of the second paragraph of 2.2), fill in the presumed father’s name and the date the affidavit was filed with the Department of Vital Statistics.

In the paragraph that begins “this proceeding was begun...”

- if more than two years have passed since your affidavit was filed with Vital Statistics, check the box “a period of two years...”
- if less than two years have passed, check the box “less than two years...” if the other items in that statement are true.

Check the box in the middle of the sentence before “denial” only if there was a presumed father who signed a denial of paternity.

**Paragraph 2.3. The Child Affected in this Action**

Write in the name(s) and age(s) of each child for whom you’re entering a parenting plan/residential schedule or child support in this case.

**Paragraph 2.4. Basis for Jurisdiction over the Child.**

Check each box that applies in your case. This paragraph is similar to the “Jurisdiction Over the Child” paragraph of the Petition/Response. If you check one of the boxes that is farthest to the left and that item has indented boxes, also check at least one of the boxes that are indented under that box. Example: if you check the box that says “This state is the home state of the child because,” check one of the four boxes that follow that box. Fill in the blanks, if any, in any item you checked. For more information on deciding whether Washington has jurisdiction over your children, talk with an attorney. For general information, see our publication [Which Court Has the Right to Enter A Custody Order: Frequently Asked Questions and Answers About Whether A Washington Court Has Jurisdiction.](#)

### **Paragraph 2.5. Child Support.**

This paragraph is like the “Child Support” paragraph of the Petition/Response.

If there’s no existing child support order from a different court or administrative case and if support is **not** being set in this case, check the box “Does Not Apply.”

If child support is being set in this case, check the box “The child is in need of support.” Write in the date the court signs the support order (if different from the date the judge signs the Findings).

If child support has been set administratively, and you’re keeping that order in effect for the future, check the “other” box. Then write, “Child support has been determined administratively by the Division of Child Support in case number \_\_\_\_\_ (fill in the case number) on \_\_\_\_\_ (fill in the date of that order) requiring \_\_\_\_\_ (fill in the name of the parent paying support) to pay support in the amount of \$ \_\_\_\_\_ per month (fill in the amount of support ordered).”

### **Paragraph 2.6. Residential Schedule/Parenting Plan**

If you’re entering a parenting plan or residential schedule, check the box “The residential schedule/parenting plan signed by the court...” Then fill in the date the court signs the plan/schedule, if different than the date the court signs the Findings. If you checked this box and your parenting plan or schedule is agreed, also check the third box.

If you’re not entering a plan/schedule, check the “does not apply” box.

### **Paragraph 2.7. Reimbursement**

If you’re setting an amount of back child support (such as if the children received public assistance), check the box “The State of Washington.” Then write in the name of the person to whom support is owed. Otherwise, check the “does not apply” box.

### **Paragraph 2.8. Continuing Restraining Order**

- If no restraining order is being entered, check the “does not apply” box.
- If a restraining order will be entered, check the second box. Then check who should be restrained. In the blank, write, briefly, why a restraining order is needed.

### **Paragraph 2.9 Protection Order**

- If no Protection Order is being entered, check “Does Not Apply.” Skip the rest of the paragraph.
- If a Protection Order is being entered, check the second box. Then check the box showing which kind of protection order it is, and fill in the date the judge signed the protection order, if different than the date the judge will sign the Findings form. If you don’t know the date, leave the space for the date blank, but make sure the judge fills it in on the date of the hearing. Make sure you also complete the Order for Protection and LEIS forms. Make sure your protection order form contains the expiration date you need. Also make sure the no-contact and custody/visitation items there don’t conflict with your parenting plan.
- If you have a Protection Order originally entered under a different case number, and it should be changed or extended, check the second box. Then check the box showing which kind of protection order it is, and fill in the date the judge signed the new protection order, if different than the date the judge will sign the Findings form. If you don’t know the date,

leave the space for the date blank, but make sure the judge fills it in on the date of the hearing. Also check the “Other” box under 2.21. Then write in what you are asking the court to do. Example: “The Protection Order entered on [date] under Case No. XXXX should be consolidated into this case, incorporated into the final order in this case, and modified as follows: 1) The no contact and custody provisions should be changed to follow the Final Parenting Plan; and 2) the expiration date should be changed so that the Protection Order is permanent, as authorized by RCW 26.09.050(1) and RCW 26.50.060(2).” You must also complete a LEIS and a new Order for Protection, including the changes you asked the court to make.

### **Paragraph 2.10. Other**

In this paragraph, write in any other information that the court must have to enter your final orders. (Example: the Domestic Violence Protection Order information just above.) In many cases, you won’t write anything in this box.

## **Section III - Conclusions of Law**

### **Paragraph 3.1. Jurisdiction**

If Washington has jurisdiction in your case (as should be true in most cases if you’re ready to enter your final orders), check the box, “The court has jurisdiction...” Skip the rest of the paragraph.

If the petition will be dismissed because it was filed less than 60 days after your paternity affidavit was filed with the Department of Health, check the second box.

If your petition will be dismissed because Washington lacks jurisdiction, check the third box.

### **Paragraph 3.2. Disposition.**

Check the first box. Then, check the box after the word “proceeding” and before “was” if you want the case to be finished and final orders signed by the court. If you don’t think the case was started correctly, check the box before “was not.”

If the court will enter a parenting plan or residential schedule and/or order child support, and/or order health insurance for the child, check the second box.

Then, check each of the remaining boxes, if they apply.

### **Paragraph 3.3. Other.**

Look at paragraph 1.11 & the “other” section of relief requested in the petition for parenting plan/child support. Copy any information in those two paragraphs of the petition into this paragraph.

If you’re incorporating a protection order from another case, or asking for a permanent protection order in this case, write in “the court should enter the requested protection order.”

Otherwise, leave this paragraph blank.

### **Signature.**

The party who’ll be taking this form to the judge should sign it, fill in the date, and print his/her name on the left side under "Presented by." The other party should sign under “Approved for

entry,” fill in the date, and print his/her name if that party agrees with everything written in the Findings and Conclusions. If there are other parties, each needs to sign.

**DON'T fill in the date or sign on the line that says Judge.** The Judge will fill those lines in when s/he signs your Findings.

## **B. Judgment and Order Establishing Residential Schedule/Parenting Plan or Child Support - WPF PS 15.0500**

**Caption.** Fill out the Caption and check the box for "Residential Schedule/Parenting Plan" under the case number. If you're setting child support, check the "Child Support" box as well. If you're entering a continuing restraining order or a protection order, check the box before "Law Enforcement Notification."

### **Section I. Judgment Summary.**

In this section, fill in a summary of any restraining orders or a money judgment. A money judgment might include money you or the other parent owes the other for back support, or attorney or GAL fees. Remember, if you're entering the order by default, you may only enter a judgment if you clearly asked for the judgment in the Petition. If you're not entering a money judgment or restraining order, check the "Does not apply" box in 1.1 and 1.2 and skip the rest of this section.

#### **Paragraph 1.1. Restraining Order Summary**

Check the first box if there **won't** be a permanent restraining order. Skip the rest of this paragraph.

If you're having a restraining order, check the second box. Write the name of the person to be restrained in the first blank and of the people protected (including children) in the second blank.

#### **Paragraph 1.2. Money Judgment Summary**

If you or the other parent will owe each other money as a result of the judgment, enter that information here. If you're not entering a money judgment, check the "does not apply." Skip to **III Order.**

If one parent will owe money as a result of the case, enter that information here. Check the box "judgment summary is set forth below." If you're entering a money judgment, complete the rest of this paragraph. Add up any amounts one party owes to the other related to unpaid back support, GAL fees, or attorney fees and costs. Remember: you can't ask for anything that you didn't request in your petition if you're entering a default. **If you write a judgment for back support here, don't write it in the judgment section of the Order of Child Support.**

*A. Judgment Creditor:* Write in the name of the person to whom money is owed.

*B. Judgment Debtor:* Write in the name of the person who owes the money.

*C. Total Judgment Amount:* Write the total amount owed for fees and support, including interest.

*D. Principal Judgment Amount:* Write the total amount owed for back child support, without interest. Fill in the dates for which back child support is owed.

*E. Interest to Date of Judgment:* Write the total amount of interest, if any, which will be owed by the date the court will sign the final orders.

*F. Attorney Fees:* Write in the total amount of any attorney fees owed by one party to the other.

*G. Costs:* Write in the total amount of costs owed by one party to the other.

*H. Other recovery amount:* Write in any additional money owed by one party to the other.

*I. Principal Judgment shall bear interest at.* Enter any amount up to 12%.

*J. Attorney fees, costs and other recovery amounts shall be interest at.* Enter any amount up to 12%<sup>9</sup>.

*K. Attorney for judgment creditor.* If the person to whom money is owed has an attorney in this case, write in the attorney's name.

*L. Attorney for judgment debtor.* If the person who owes money has an attorney in this case, write in the attorney's name.

### **Section III. Order**

#### **Paragraph 3.2. Child Support**

If you're not setting child support in this case, check the first box.

Otherwise, check the second box. Then write in the name of the parent who'll be required to pay child support. Write in the date the final Order of Child Support is signed, if different from the date of this judgment.

#### **Paragraph 3.3. Residential Schedule/Parenting Plan**

Check the box "the primary residence." Write in the name of the parent who'll have custody of the children. (The law defines custody as the parent "with whom the children will live the majority of the time.")

If you're entering a parenting plan or Residential Schedule, check the box "[t]he residential plan/parenting plan signed." Write in the date the final Parenting Plan or Residential Schedule is signed by the judge, if different than the date the judge signs the Judgment.

If the noncustodial parent won't have any visitation with the child, check the box "(Name)\_\_\_\_\_ shall be designated as the custodian..." and write in the name of the parent with whom the children will live in both blanks.

If you don't want the court to decide how much visitation one party receives with the child, check the box "determination of residential time...is denied." Then write that person's name in the blank.

#### **Paragraph 3.4. Judgment for Back Child Support**

If neither parent owes any back child support at all, check the "does not apply" box.

If a judgment for back support is being entered in a separate Order of Child Support, check the box "other." Add "back support is addressed in the separate child support order entered by the court on \_\_\_\_\_ (fill in date the court will sign the Order of Child Support)."

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<sup>9</sup> Our packets don't talk about how to request attorney fees or when the court might order them.

If one parent should owe back support, but the other parent agrees to forgive the back support (and never collect it), check the box “the unpaid support due .... is waived.” Fill in the blanks.

Check the box showing that temporary support has been paid, if true.

If there is another child support court or administrative order, check the fifth box “unpaid support is preserved.”

If back support is being set in this order and not in a separate Order of Child Support, check the second box “Name \_\_\_\_\_ is awarded judgment...” Then fill in the blanks. You’ll also need to fill in appropriate items in the remainder of Paragraph 3.4 (see following items explained) and the judgment summary.

If you want the court to set a limit on the amount of current and back support that can be garnished from the paying parent’s paycheck, check the seventh box, “Collection Limitation.” Fill in the blanks. If the paying parent owes back support and you don’t check this box, and the Division of Child Support is collecting child support in your case, DCS may garnish up to 50% of the paying parent’s monthly net income for child support.

Check the eighth box “Wage Withholding Action.” If you want DCS to be able to garnish the paying parent’s checks right away, check the box next to “Withholding action may be taken . . .” If you want DCS to have to wait until a support payment is past due, check the box next to “Wage withholding, by notice of payroll deduction.” Then check at least one of the two boxes under that paragraph.

If you’re setting a judgment or back support, check the ninth box “Judgment and Back Support payments Shall Be Made to...” Then either check the first box and write in the name of the person who will receive the back support, or check the box next to “Washington State Support Registry.”

### **Paragraph 3.5. Judgment**

If you’re not setting a judgment for fees and costs, check the first box. Then skip this paragraph.

If you’re setting a judgment for fees or costs other than back support, and you want to write in detail what each amount is for, check the second box. Write the name of the person who’ll be paid in the first blank, and the paying person in the second blank. Write in the total amount of the judgment. Then check each box below the paragraph that applies in your case (genetic testing costs, etc.) and write in the amounts owed for each.

If you’re setting a judgment for fees and costs and you want a general statement, check the third box. Fill in the blanks.

### **Paragraph 3.6. County Costs**

If the court will have a judgment against one of the parties, check the second box. Fill in the blanks.

Otherwise, check the first box.

### **Paragraph 3.7. Guardian ad Litem**

If there was no GAL in your case, check the first box.

If the GAL's job in your case will be finished when your final orders are entered, check the second box. Most GALs are "discharged" (allowed to stop serving as GAL in your case) when final orders are entered.

If your GAL is continuing to serve in your case, check the third box. Write in the blank how long and why your GAL is continuing in your case.

### **Paragraph 3.8. Continuing Restraining Order**

Check the "does not apply" box if there'll be no restraining order.

If there will be a restraining order,

- check the second box. Then check the paragraphs next to the restraints that will apply in your case. Fill in the blanks in any items you've checked (look back at the Petition instructions for more information, but remember: the box numbers may not be the same, so you must read the text).
- check the box next to CLERK'S ACTION. Write in the police department that patrols the area where the protected person lives.
- Service: Check the first box, if the party being restrained is signing this order, or is present in court when it's entered. Otherwise, check the second box.
- Expiration: Write in the date that the restraining order will end.
- If a party had a temporary restraining order, check the last box under Expiration. Write in the name of the police department that patrols the area where that party lives.

### **Paragraph 3.9. Protection Order**

- If there won't be a Protection Order, check the first box.
- If there will be a Protection Order, check the second box. Then check the text box showing the type of protection order. Fill in the date the judge signed the protection order, if different than the date the judge will sign this Order.
- If your petition asked for a protection order, you must fill out and ask the judge to sign the appropriate Order for Protection form when you prepare this final Judgment and Order. Make sure:
  - the no contact, custody and visitation provisions of the protection order are consistent with your final parenting plan or residential schedule;
  - the expiration date and other relief in the protection order is the same as you requested, or as the judge otherwise orders; and
  - add the following language to the protection order in paragraph 8. Other: "This Order for Protection is issued under RCW chapter 26.09, 26.10, or 26.26, and is not subject to the one-year limitation on restraining the respondent from contacting the respondent's minor children. RCW 26.50.060(2)."
- If you're changing an existing protection order, also follow the additional instructions in Paragraph 3.10 "other."

### **Paragraph 3.10. Other.**

Fill this in only if you need to add more orders that were requested in your petition.

If you have a Protection Order that was originally entered under a different case number, and you asked in your Petition for the court to change it or extend the expiration date, write in what you asked the court to do. Example: “The Protection Order entered on \_\_\_\_\_ [date] under Case No. XXXX is consolidated under this case number and is approved and incorporated herein, except it’s modified as follows: 1) The no contact, custody and visitation provisions are changed to follow the Final Parenting Plan/Residential Schedule; and 2) the expiration date is changed so that the Protection Order is permanent, as authorized by RCW 26.09.050(1) and RCW 26.50.060(2). The parties shall comply with that Order for Protection.”

You must also complete an LEIS and a new Order for Protection, including the changes you asked the court to make. See instructions for paragraph 3.9, above.

### **Signature.**

The person who will present this Judgment to the court for the court to sign it should sign, date, and print his/her name on the left side under "Presented by." Each other party should sign, date, and print his/her name under “Approved for entry,” only if that party agrees with everything in the Judgment. **DON’T** fill in the date or write on the judge line. The Judge does that.

## **C. Parenting Plan or Residential Schedule**

YOU’LL NEED A FINAL PARENTING PLAN OR RESIDENTIAL SCHEDULE IF YOU WANT A CUSTODY ORDER. Begin with the parenting plan or residential schedule form that you completed with the [Filing a Petition for Parenting Plan](#) packet or the [Responding to a Petition for Parenting Plan](#) packet. Make any necessary changes to it (such as if you and the other party agreed to make changes, or if your trial judge made changes to your parenting plan).

## **D. Order of Child Support and Worksheets**

IF YOU’RE SETTING CHILD SUPPORT, YOU MUST ALSO COMPLETE THE ORDER OF CHILD SUPPORT AND THE CHILD SUPPORT WORKSHEETS.

If there are no changes to the worksheets, use the information from the worksheets that you completed with the [Filing a Petition for Parenting Plan](#) packet or the [Responding to a Petition for Parenting Plan](#) packet. If there are changes to the worksheets, use the packet [Parenting Plans, Residential Schedules, and Child Support in Parentage Cases](#). You must also fill out the “Child Support Order Summary Report” on the first page of the worksheets.

Complete the Order of Child Support, too. The Order of Child Support and instructions for it are in our packet [Parenting Plans, Residential Schedules, and Child Support in Parentage Cases](#). Use the Order of Child Support form WPF PS 15.0700

◆ If a child in the case has received public assistance (TANF) or Medicaid, or is in foster care or out of home placement, the prosecuting attorney's office also must sign your Judgment, Order of Child Support and child support worksheets before the Judge will sign it. If a GAL was appointed for either

party or to represent the best interests of any child, the GAL must also sign the judgment and, if appointed for a child, the parenting plan or residential schedule.

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## Section 8: Steps to Take to Finish Your Petition for Parenting Plan by Agreement

If you and the other party DON'T agree about everything in the final orders, skip this section. If you agree, use this section, whether you're the petitioner or respondent.

1. **Complete your Final Court Orders:** the Findings and Conclusions, Judgment, Parenting Plan or Residential Schedule (if you want a custody order), and (if you're setting child support) the Order of Child Support and child support worksheets, and in some cases, an Order for Protection.
2. **Have the other party sign each of the completed forms.** If the prosecutor or GAL or any other party is involved in your case, they must also review and sign the forms before you may present them to a judge. If you need help reaching an agreement, try to go to mediation or a settlement conference. See our publication called [Mediation](#). Your Family Law Facilitator may also have information about settlement conferences.
3. **Schedule Presentation of your Final Orders.** Check the court's local rules (or contact the Family Law Facilitator or Court Clerk) to find out if you must file a Note for Motion to schedule a hearing in order for a judge to sign your final papers – this is usually called “presentation of your final orders.” Also, find out about and follow local procedures relating to the text box in the Section 3: called “Steps to Take to Finish Your Petition for a Parenting Plan or Child Support.”
  - a. If you need a hearing, ask when you can schedule your presentation and which courtroom it must be in. Then, use that information to follow the directions for filling out, filing and serving the Note for Motion, below. However, since you won't be moving for default, your Note for Motion will state that the purpose of the motion is “Presentation of Agreed Final Orders in Petition for Parenting Plan/Residential Schedule and/or Child Support.”
  - b. If you don't need a formal notice of hearing, ask how to present your papers to the “ex Parte” judge.
4. **Make at least one copy of each** of the final court order forms.
5. **Go to the courtroom where you scheduled your presentation** at the date and time scheduled. Or, if you didn't have to file and serve a Note for Motion (or local form giving the court and other parties notice of the hearing), go to the courtroom where “Ex Parte” matters are heard. Enter quietly. Go up to the judge's clerk, and hand the clerk your papers. Sit down and wait to be called. When you're called, approach the judge and explain that you're there to present your final orders in the Petition for Parenting Plan case. The judge will review your papers, may ask you some questions, and usually will sign your final orders.
6. **Ask the clerk to “conform” your copies** (this means to stamp them with the judge's signature). You may need to take the originals of your final orders to the Court Clerk's office to have this done or to make photocopies of them. The judge's clerk will give you instructions. Make sure that you leave the originals, with the judge's signature, with the clerk. **YOU CAN'T LEAVE THE COURTHOUSE WITH ORIGINAL COURT ORDERS**

AFTER THEY'VE BEEN SIGNED BY THE JUDGE. If the judge signed a Protection Order or if your judgment includes a continuing restraining order, get two certified copies of that order. (Get these from the clerk's office. You may need to pay for them.) If your final orders include a continuing restraining order or an Order for Protection, complete an LEIS form at the clerk's office.

7. **Last Steps:** Take these steps after the judge has signed your orders, you've filed the originals with the clerk, and you've obtained copies for yourself and the other party/parties. Remember: you need conformed copies of most orders, but one to two certified copies of any Protection order or Order containing a safety restraint.

\_\_\_\_\_ Keep one certified copy of any restraining order or protection order with you at all times. Keep the other court papers from your case in a safe place.

\_\_\_\_\_ If your orders have no safety restraints or a protection order, or if the restrained party or his/her attorney appeared and/or signed the orders, then you may mail conformed copies of the orders the judge signed to the other party/ies. You may also mail conformed copies to any additional parties against whom there are no restraints. Have your server mail conformed (not certified) copies of the final orders the judge signed to the other party/ies at his/her last known address, have your server fill out a Certificate of Mailing or Personal Delivery, and file your Certificate of Mailing with the court clerk.

\_\_\_\_\_ If your orders do have a restraining order or a protection order and you're the protected party, file a completed LEIS with the court clerk. **Don't serve a copy of the LEIS on the other party/ies.**

\_\_\_\_\_ If you have a **restraining order** and you're the protected party, you must have the other party personally served if all of the following are true:

\_\_\_\_\_ neither the restrained party nor his/her attorney appeared for the hearing; and

\_\_\_\_\_ neither the restrained party nor his/her attorney signed the order.

Have the restrained party personally served with the orders the judge signed (including a certified copy of the order that contains the restraint). Have your server fill out a Return of Service form (instructions for personal service and the return of Service are in our *Filing for Dissolution* packet), file the Return of Service with the court clerk, and deliver a copy of it to the law enforcement agency named in your order.

**◆ WARNING:** The safety restraints may not be effective until the other party is personally served with the order.

\_\_\_\_\_ If you have a **protection order** and you're the protected party, make sure the other party is personally served with a certified copy of the **protection order** if all of the following are true:

\_\_\_\_\_ neither the restrained party nor his/her attorney appeared for the hearing; and

\_\_\_\_\_ neither the restrained party nor his/her attorney signed the order.

In most cases, the protection order will include an order for the clerk to forward a copy to the law enforcement agency where the restrained party lives for personal service on the restrained party free of charge. The other final orders don't need to be personally served, so you may mail conformed copies to the other parties as described above. Service of the protection order may also be ordered by mail or publication. Carefully read the "Service" section on the final page of the Order for Protection to see what method of service is ordered, and who's responsible for arranging it. If law enforcement isn't serving the protection order for you, then you must arrange for service as described in the protection order. Have your server fill out a Return of Service form, file the Return of Service with the court clerk, and deliver a copy of it to the law enforcement agency named in your order.

◆ **WARNING:** The safety restraints may not be effective until the other party is personally served with the order.

8. If the judge has signed your final orders and you've given copies to the other party, congratulations! You've finished your case.

## **Section 9: Steps to Take to Complete and File a Motion for Default**

If you're the petitioner and the respondent filed or served a Response to your petition, or if you're the Respondent, skip this section and go to the section "If You and the Other Parent Don't Agree."

The petitioner may ask the court to enter an order of default against the other parent any time after the time for responding has ended.<sup>10</sup> Complete all of the final order forms (usually the Findings and Conclusions, Judgment, Parenting Plan or Residential Schedule and – if you're setting child support – the Order of Child Support and worksheets). Also complete the Motion and Declaration for Default, proposed Order of Default, and Note for Motion forms, and follow the steps below. If you've never served the Notice re: Dependent of a Person in the Military Service, file and serve that form first, as explained in the "Steps to Take" section..

### **A. Motion and Declaration for Default – WPF DRPSCU 03.0100**

**Caption.** Fill out the caption.

#### **Section I. Motion**

Write your name in the first blank. Write the name of the party you believe is in default in the second blank. If you're moving for default against more than one party, use a separate form for each. Write the date and sign your name on the line for the "requesting party." Print your name and write the date in the places indicated.

#### **Section II. Declaration.**

In this declaration, the "other party" is the party you believe is in default.

##### **Paragraph 2.1. Proper Jurisdiction and Venue**

Fill in the county/state where the petitioner lives, where the children in the case live, and where the respondent lives. Check the "other" box to explain any unlisted reason why venue is proper. Then write that reason in. Example: if your case is a petition to modify a parenting plan, one additional reason for proper venue could be that this is the court where the final order, decree or judgment that you're asking to modify was entered.

##### **Paragraph 2.2. Jurisdiction Over the Other Party**

Fill in information about the party you believe is in default. Check all of the boxes that apply in your case. If there is any reason why Washington has jurisdiction besides those listed, check the last box. Write that reason in the blank.

##### **Paragraph 2.3. Service on Other Party**

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<sup>10</sup> If the other party was personally served in Washington State, s/he has 20 days to respond, not including the date of service. If the other party was personally served out of state, s/he has 60 days to respond, not including the date of service. If the other party was served by publication, s/he has 60 days from the date of first publication to respond. If the other party was served by certified mail, s/he has 90 days to respond from the date the forms were mailed.

- In the first blank, write the title of every form that was served on the party you believe is in default. Include the Summons, Petition, and all the other documents served. Include everything. Check your Return of Service form to be sure. If you don't have enough room in the blank, write "See attached Exhibit A." Then list the documents on a separate sheet of paper, write "Exhibit A" at the top of the paper, and staple it to the Motion. Fill in the date s/he was served with these papers.
- If the other party was served in Washington, check the first box.
- If the other party was served outside Washington, check the second box. Write in the blank space the state or country where they were served. In the space at the end of the paragraph, write a brief explanation about why you couldn't serve that party in Washington. (Example: if s/he lives out of state, write "\_\_\_\_\_ (name) lives out of state.")

**Paragraph 2.4. Time Elapsed Since Service on the Other Party.**

Remember: Wait the appropriate length of time (based on the kind and place of service) before moving for default.

- If the other party was personally served in Washington, check the first box.
- If the other party was personally served outside of Washington, check the second box.
- If the other party was served by certified and first class mail (in or out of state), check the third box.
- If the other party was served by publication (in the newspaper), check the fourth box.

**Paragraph 2.5. Appearance of the Other Party**

- If you haven't been contacted by the other party since s/he was served with the petition, and s/he has never filed or served a Notice of Appearance or a Response form, or come to a court hearing, check the first box.
- If you've been contacted by the other party since s/he was served, or if s/he appeared in the case, but s/he never filed or served a Response, check the second box.

**Paragraph 2.6. Service Members' Civil Relief Act Statement**

This paragraph states whether you believe the other party is a member on active duty in the military<sup>11</sup> or the dependent of a resident of Washington who's on active duty and is a National

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<sup>11</sup> Service members who are protected by the federal act include all members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at [http://www.uscg.mil/legal/la/topics/sscra/sscra\\_guide.htm#coverage](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.

Guard member or a Reservist. Dependents are spouses or minor children or persons for whom the service member provided most of the support for the last six months.<sup>12</sup>

You must try to find out whether or not the other party is on active duty in the military, or is a dependent of someone in the military. Check the following website:

<https://www.dmdc.osd.mil/scra/owa/home>, or contact the Defense Manpower Data Center, 1600 Wilson Blvd., Suite 400, Attn: Military Verification, Arlington, VA 22209-2593; Telephone (703) 696-6762 or 5790 fax (703) 696-4156.

To try to make sure the other party isn't a dependent of someone on active duty, also serve the Notice re: Dependent of a Person in Military Service form. (If you already served this Notice with your petition, don't serve it again.)

### **Paragraph 2.6.1 Service member status<sup>13</sup>.**

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

### **Paragraph 2.6.2. Dependent of a service member status.**

- Paragraph 2.6.2 A Write the other party's name. Then check the box below it that applies.
- In paragraph 2.6.2 B:
  - If you had a Notice re: Dependent of a Person in Military Service<sup>14</sup> mailed to the

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<sup>12</sup>[RCW 38.42.010](#) lists people considered dependents of a service member.

<sup>13</sup> The Service Members Civil Relief Act, [RCW Ch. 38.42](#) (state law), and the Service Members Civil Relief Act of March 4, 1918, as amended, 50 U.S.C. App., 501 et.seq. (federal law) provide special protection for members of the military, including National Guard and Reservists, who are on active duty, and certain dependents. If the other party is on active duty or is a protected dependent, consult an attorney for more information about these special rights. The court's likely to appoint an attorney to represent the other party and may stay (delay or stop) your case until the other party comes back from active duty.

<sup>14</sup> This form is in the Filing packet for your type of case. Our instructions there tell you to serve it with the Petition. This form can be served later, but our packets don't tell you how to do this.

other party at least 23 days ago (or served more than 20 days ago), and s/he didn't respond to it, check the box next to "*the other party failed to respond to a notice.*" Check the box that applies. Fill in the date requested. Otherwise, skip that box.

- Under "other factual basis," write in what you know about whether the other party is or isn't a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.
- In paragraph 2.6.2.C: if the other party is a dependent of a resident of Washington who's on active duty and is a National Guard Member or a Reservist, check the box at the beginning of 2 C. Then check the box(es) under it that apply. If you check the last item, check the appropriate box in the text of that item. Otherwise, skip this item.

### **Paragraph 2.7. Other**

Leave this blank.

**Signature.** Sign and date the form and write in the place you signed it (example: "Yakima, Washington").

## **B. Order on Motion for Default – WPF DRPSCU 03.0200**

Ask the judge to sign this form at your hearing.

### **Caption:**

Fill out the caption as shown in the general instructions.

### **Section I. Basis.**

Write your name in the blank.

### **Section II. Findings**

#### **Paragraph 2.2. Service on Nonrequesting Party**

In the first blank, write nonrequesting party's name. (This is the party you believe is in default.)

In the next blank, write the title of every paper that was served on this party when you filed the case. (Look back at the Motion for Default and at the Return of Service to be sure you've included everything.)

In the last blank, write the date that the other party was served with the Petition and other papers.

#### **Paragraph 2.3. Time Elapsed Since Service**

Check the same item that you checked in the Time Elapsed paragraph of the Motion for Default.

#### **Paragraph 2.4. Appearance**

Check the same item that you checked in the Appearance paragraph of the Motion.

#### **Paragraph 2.5 Service Members Civil Relief Act Statement.**

##### **Paragraph 2.5.1. Service member status.**

Check the appropriate box(es) showing the nonrequesting party's service member status.

### **Paragraph 2.5.2. Dependent of a service member status.**

Check the box that applies.

- If you know that the nonrequesting party is not a dependent of a resident of Washington who's on active duty and is a National Guard Member or a Reservist, check the first box.
- If you know that the nonrequesting party is a dependent of a resident of Washington who's on active duty and is a National Guard Member or a Reservist, check the second box.
- If you're not sure whether the nonrequesting party is a dependent of a resident of Washington who's on active duty and is a National Guard Member or a Reservist, but you had a Notice re: Dependent of a Person in Military Service mailed to him/her at least 23 days ago (or served more than 20 days ago), and s/he didn't respond to it, check the third box "*is presumed not a dependent...*".

### **Paragraph 2.6. Other**

Leave this blank.

**III. Order.** The judge will check the appropriate box.

#### **Signature.**

Sign the form under "Presented by." Print your name and the date in the blank below your signature. **Don't write the date or sign on the Judge/Commissioner lines. The judge will do that.**

#### **C. If the other parent didn't appear or file a Response, you may be able to present your final orders without filing a Note for Motion**

If the other party didn't file or serve a Response, appear at any court hearings, or contact you in any way (by telephone or letter) about the petition for parenting plan papers, and if your default and final orders hearing will take place less than one year after you served him/her with the Summons and Petition,<sup>15</sup> then, assuming there are no other parties in your case, you may file a motion for default and ask the court to sign your final orders without giving any further notice to the other party. However, you should give notice anyway. Orders that are entered by default may sometimes be vacated (cancelled) later if the other party files a motion to vacate and persuades the court that the orders should be vacated. Having proof that you gave the other party another chance to respond before final orders were entered may help you to prevent the other party from convincing the court to vacate (cancel) your orders later. Further, some courts require that you file a note for motion calendar to schedule a hearing to enter your final petition for parenting plan orders, even if you don't need to give notice to the other party.

If there are other parties in your case, follow the procedures for noting a default hearing. Have those other parties sign the final papers in your case. If the other parties don't sign the final

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<sup>15</sup> If more than one year has passed since you served the respondent with the summons and petition, you must give notice of the motion for default and for presentation of your final papers by certified mail or personal service. See [CR 55\(f\)](#).

papers, the court may be able to sign your Order of Default but probably can't sign the final orders (findings, judgment, etc) finishing your case.

If you decide to file and serve notice of your motion, or if you're required to, follow the directions beginning in "If the Other Party Appeared," below.

If the other party has entirely failed to appear in the case and you don't want to file a Note for Motion, you may be able to take your final orders to the courthouse whenever a judge is available. Check your local court rules (at the law library), or ask your Family Law Facilitator or court clerk to find out what days and times you may go to the court to enter your final petition for parenting plan orders by default and whether you must file a Note for Motion or similar form. Make sure that you tell the clerk that the other parent didn't respond at all. Motions for entry of final orders by default in parentage cases are usually scheduled in the ex parte department, but may be scheduled on the family law calendar or with a judge. Then, follow directions below for copying your papers and going to your hearing. If you're required to schedule a hearing, you may modify the hearing notice, below. See also the information below about getting a hearing date, working papers, confirming your hearing, and going to the hearing.

**D. If the other parent appeared, but didn't Respond, give the other party notice of your Motion for Default using a Note for Motion Docket**

If the other party appeared but didn't file or serve a Response, you may file a motion for default, but you must give the other party notice of the motion and of your intent to ask the court to sign your final orders and provide copies of your proposed final orders. Washington law says that a party must file a written notice of appearance or file another pleading in order to "appear" in a case. However, if the other party contacted you in any way after s/he was served with petition for parenting plan papers, served or filed any papers, or came to a hearing, it's better to assume that s/he's "appeared," and give notice.

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

**1. How to Get a Date for Your Hearing.**

Check your local court rules (at the law library), or ask your Family Law Facilitator or court clerk to find out what days and times you may schedule your motion for default. Motions for default in family law cases are usually scheduled in the family law department or on the family law calendar. In some counties, parentage hearings are scheduled only on certain days. In some counties, motions for default that give notice to the other party are scheduled in a different courtroom from motions for default that don't require notice. In many counties, if the State is a party to your case (such as when the children have received public assistance), you must schedule your hearing on a date that the prosecutor is present for family law motions.

## 2. How Much Notice Do You Need to Give the Other Parent?

Under the Washington civil rules, you must give your motion and other legal papers to the other parties and the court at least **five court days** (business days that aren't court holidays) **before the hearing date**.<sup>16</sup> However, if your default and final orders hearing will take place more than one year after you served the other party with the summons and petition, you must give the other party at least ten days' notice of the motion, and you must serve the notice of the motion personally or by certified mail.<sup>17</sup> Further, some counties require more than five court days' notice for family law hearings. Check your local court rules, or ask your Family Law Facilitator or court clerk to find out how many days notice you must give. Make sure you count Day 1 as the day **after** you delivered or mailed the papers.

### **Add Days for Mailing.**

**Mailing.** If notice of the hearing will be mailed rather than personally delivered, you must add at least three (3) days<sup>18</sup> to the number of days' notice required by your county's rules. Example: if you mail a document on a Monday, it'll be presumed to have been served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day that is not a legal holiday or weekend.<sup>19</sup>

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

## E. **Instructions for the Note for Motion Docket Form**

**Caption.** Fill in the caption.

**To the Clerk of the Court and to.** In this section, fill out the names of the other parties. The other parties in your case include the other parent, and may also include the person the child lives with (if not you or the other parent), the GAL (if you have one), and, if the State appeared, the Prosecuting Attorney's office.<sup>20</sup>

- **Hearing Date/Time:** Fill in the date and the time of your hearing.
- **Location:** Fill in the name of the courthouse (example: Thurston County Superior Court).
- **Courthouse Room:** Fill in the Room Number where your hearing is scheduled.

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<sup>16</sup> [Civil Rule \(CR\) 6\(d\)](#).

<sup>17</sup> [CR 55\(f\)](#).

<sup>18</sup> Three days are clearly required under [CR 5](#). There's one legal argument that, reading [CR 5](#) and [CR 6](#) together, you must give at least six days.

<sup>19</sup> [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#).

<sup>20</sup> For more information about serving the State of Washington, see our packet [Serving Papers on the State](#).

- **Address:** Fill in the address of the courthouse.
- **Nature of Motion:** Write in “Motion for Default and Presentation of Final Petition for Residential Schedule/Parenting Plan or Child Support Final Orders.”
- **Signature:** Sign and print your name, and your address.

## **F. Filing Your Note for Motion Docket Form**

**Before going to the courthouse, copy and organize your papers.** Make one copy of every paper for yourself and for every other party who’ll receive notice of your hearing. (Remember: any party who’s appeared IS entitled to notice. We recommend you give notice even where not required. Make one more copy for the judge if you need working papers. See the section “Working Papers” below.)<sup>21</sup> **Don’t make a copy of the law enforcement information sheet (if you’re using this form).** Organize the copies into sets so that each set contains a copy of every paper you’re filing (except: don’t give the other parties the Certificate of Mailing or the law enforcement information sheet).

**Make sure that your papers are filed in time to give the court enough notice before the hearing date.** See the information above in “How to Get a Date for Your Hearing?” and “How Much Notice Do You Need to Give?”

**Take the originals and the copies to the county court clerk’s office** in the superior courthouse where you’re filing your motion. Give the clerk the original of all of your forms for filing **except**

- Ask the clerk what to do with the originals of the proposed orders (the Order of Default, the Findings and Conclusions, the Judgment, the Parenting Plan or Residential Schedule, and, if the court will be setting child support, the Order of Child Support and Child Support Worksheets). Some cases may also include a proposed Order for Protection or other papers. The clerk may tell you to file the proposed orders now, deliver them with the working papers, or just bring them with you to the hearing for the judge to use then. Follow the clerk’s instructions.
- Don’t give the clerk the LEIS at this time (if you’ve prepared this form). You don’t need that form until the judge signs an order containing safety restraints or a Protection Order.

**Ask the clerk to stamp the copies** to show the date that you filed the originals. Take the stamped copies back from the clerk. The clerk will keep the originals.

## **G. Serving Notice of the Motion for Default and Presentation of Final Orders**

◆ In addition to filing your papers with the court, you must have them properly served on (delivered to) all the other parties.

<sup>21</sup> Remember to notify every party unless s/he has entirely failed to appear in the case (and we recommend that you give notice even in this situation).

Unless more than one year has passed since you served the other party with the summons and petition for parenting plan, you don't need to personally serve the other party (parties) with the motion and final papers. You may use first class mail or hand delivery. If you want extra proof of the date that you mailed notice, or you think the other party will sign for certified mail, send a second copy certified mail, return receipt requested.

- **Make sure that your motion is served in time to give the other party (parties) enough notice before the hearing date.** For civil motions, that is usually five business days, plus at least three additional days for mailing, before the hearing date. In your county, you may need to give more notice. See the Instructions for the Note for Motion Docket, above. You must serve all the parties on time. This includes the other party, and any other parties such as the GAL or prosecutor. For more information on serving the prosecuting attorney, see our packet [\*Serving Papers on the State\*](#).
- **Copy and Organize Your Papers.** Make one copy of every paper (including the orders, but NOT including the Law Enforcement Information Sheet, if you've completed this form) for each of the other parties and for the judge (if you need working papers – see the “Working Papers” section below). Make a set of the papers for each of the other parties and the judge. (Don't give the other parties the Certificate of Mailing.)
- **Keep a full set of copies for yourself.** Put each of the other parties' sets of papers in an envelope, addressed to that party, with your return address. These will be the sets you use for service.
- **Follow the steps below to have the papers mailed or delivered to the other parties.**

1. **Giving the Papers to the Other Party by Mail or Personal Delivery**

**Make several copies of the Certificate of Mailing or Personal Delivery form. You'll use it several times.**

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

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

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

**Make sure that papers are mailed or delivered before your deadline.** When counting, don't count the day of delivery or mailing, weekends, or court holidays. Try to give more than the minimum number of days for notice of your hearing. If for some reason the other party doesn't get enough notice of your hearing, you'll need to reschedule your hearing – even if the other party doesn't show up and object.

- A. **Mailing.** If your friend mails the papers, rather than personally delivering them, you must add at least three (3) days<sup>22</sup> to the number of days' notice required by your county's rules. Example: if you mail a document on a Monday, it'll be considered to be served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day that is not a legal holiday or weekend.<sup>23</sup>
- B. If a document is sent by regular first class mail, and if you think another party won't show up at a hearing, have an additional copy sent by certified mail, return receipt requested, to have more proof of mailing. Staple the green return receipt card to the Certificate.
- C. **Personal Delivery.** Your friend may deliver the papers to the other party rather than mail them. "Delivering" the packet of papers to another party (or the other party's attorney) means:
  - handing it to the attorney or to the party; or
  - leaving it at his office with his/her clerk or other person in charge of the office<sup>24</sup>; or,
  - if there is no one 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 to be served has no office, leaving it at his dwelling house or usual place of abode (home) with some person of suitable age and discretion then residing there.<sup>25</sup>

## 2. **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.

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<sup>22</sup> Three days are clearly required under [CR 5](#). There's one legal argument that, reading [CR 5](#) and [CR 6](#) together, you must give at least six days.

<sup>23</sup> [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#) .

<sup>24</sup> Although [CR 5\(b\)\(1\)-\(2\)](#) appears to allow a person to be served at his/her office, and you can usually deliver papers to an attorney or GAL at his/her office, we recommend that you DON'T serve other parties at their offices unless they've used that as their service address in a Notice of Appearance, Petition, or Response form.

<sup>25</sup> [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who's an adult (or at least an older teenager) who has no mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

- **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.

### 3. 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.

## H. Working Papers and Confirming Your Hearing

In many counties, you must:

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

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

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

## I. Going to the Hearing

- **Take Your Court Papers with You.** Take your originals and copies of your Motion & Order for Default and your final orders with you, as well as copies of your Return of Service (from Serving the Petition), and Certificates of Mailing or Personal Service. You may also want to bring the papers you filed and served on the other party in case the judge has a question about them and doesn't have the court file.
- **Get to Your Hearing Early.** Try to dress neatly. Bring a pad of paper and black pen to write notes with. It's better not to bring your children if you can help it – the judge will usually not let them sit in the courtroom. If you're not there on time, the hearing will be cancelled (or the other party may win).
- **When You Get to the Courtroom.** When you get there, tell the person in charge in the courtroom (often called the clerk or the bailiff) your name and the name and number of your case. Take a seat. When the judge walks in the room, stand. When your case name is called, tell the court that you're present. Remain in court until your case is called for hearing.

When you're told to come forward, do so and give the court the originals of Order of Default, Findings and Conclusions, Judgment, Final Parenting Plan or Residential Schedule, Order of Child Support and Child Support Worksheets, and any other final papers that you filled out.

- **Getting a Default Judgment.** If the other party doesn't appear, show the judge your Certificate of Mailing. Ask the judge to sign your orders. The judge may ask you some questions to make sure that the information in the final orders is complete and correct. The judge may want to see your Return of Service (the form that shows that you served the other party with the Summons, Petition and other papers).
- **Presenting Your Case.** If the other party shows up at the hearing, the judge will probably not grant your motion for default. Ask the judge to enter an order setting a deadline by which the other party must file a response, and ask for a review (repeat) hearing to make sure that the other party files the response.
- **DON'T INTERRUPT THE JUDGE.** The judge may ask you questions about your final papers to make sure they're complete and correct. The judge may also swear you in and go through the Findings of Fact, asking you questions about each paragraph. This is called "formal proof." It shows the court that there is evidence to support the judge signing the final orders. If you don't understand what the judge is asking, ask the judge to explain his/her question.
- If the respondent doesn't file a Response by the court's deadline, go to the review hearing and ask the judge to sign your Order of Default and your final papers.
- If the respondent does file a Response before the review hearing, you can't an order of default against that respondent. You must reach agreement or prepare for trial.

- **Getting Copies of the Orders.** Get a copy of the orders as signed by the judge. Ask the clerk how to do this. The clerk may give you the originals and tell you to go make copies in the library or at the clerk's office. **DON'T LEAVE THE COURTHOUSE WITH OR CHANGE OR DESTROY COURT ORDERS THAT HAVE BEEN SIGNED BY THE JUDGE.** If you don't know what to do with the originals, ask someone at the clerk's office to help you. If your final papers include a restraining order or order for protection, get certified copies of those orders. (You'll pay more for certified copies.)
- **Go to the "Steps to Take" section for information on how to properly deliver copies of the final papers to the other parties. Note:** If your final order contains a restraining order or Protection Order, the restrained party must be properly served.

Once the judge signs your orders and they have been filed with the clerk, your case is final! The Judgment, Parenting Plan or Residential Schedule, and Order of Child Support are court orders once the judge has signed them. You must follow the orders. If you find that you can't follow the orders, talk with an attorney as soon as possible.

## **Section 10: If You and the Other Party Don't Agree, and You Don't get an Order of Default, Get Ready to go to Trial**

If any respondent files a Response, and you don't reach an agreement about a final parenting plan and child support, the parties must prepare to go to trial (unless you're a respondent against whom an order of default has been entered).<sup>26</sup> If you're preparing for 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 about 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.

If you and the other parent disagree about your parenting plan, and there are claims the children aren't safe with one or both parents (such as when a parent has engaged in domestic violence, child abuse, neglect, or has drug or alcohol problems), you may want to ask the court for a parenting evaluation or appointment of a GAL. See our publication [Parenting and Parenting Plans in Washington for Unmarried Parents](#) for more information.

Find out about how your trial is scheduled. Sometimes a case schedule or the court announces the trial date, and sometimes the parties must ask for a trial date.

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 will be required to present the judge with evidence (examples: admissible documents or testimony) that help prove that party's claims. The "Steps to Take" section has a brief overview of the process of taking your case to a trial. That list is very general and may not apply in every case. This packet doesn't include detailed information about how to prepare for trial because it'd require too many pages. However, we have some other publications that may help: our publications called [Mediation](#), [How to Subpoena Witnesses and Documents](#), and [Basic Tips on How to Prepare for a Court Hearing or Trial](#). Try to talk with 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 over until the judge signs the final papers. The judge will usually ask one of the parties, or a party's attorney if a party has one, to prepare the final papers for the judge to approve. Those papers will be presented to the judge at a "presentment" or "presentation" hearing. Sometimes the judge at the end of the trial will set a date for the presentation hearing. If s/he doesn't set the 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 final papers s/he wants the judge to sign must give the other parties advance copies of those papers to review. That person is supposed to draft the final papers to say exactly what the judge ordered – not what that party wanted. Any party who doesn't think the proposed final orders say what the judge ordered can come to the hearing and explain their objection. In some counties, the disagreeing party must propose different final papers that s/he believes more accurately show the judge's decision, and provide them in advance to the judge and other parties.

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<sup>26</sup> If an order of default's been entered against you and you want to defend against the petition and go to trial, you must to have the order of default vacated. This packet doesn't describe that procedure. Talk with an attorney.

If you're preparing the final papers, make sure they show the judge's reasons and decision. After you've prepared the final papers, schedule the "presentation" hearing. Follow the steps in the "Default" section for setting up a hearing, filing notice of the hearing date, notifying the other parties, confirming the hearing, and providing working papers. In addition,

- In the Note for Motion Docket form, after "Nature of Motion" write "Presentation of Final Orders on Petition for Parenting Plan/ Residential Schedule and/or Child Support.
- You won't need a separate motion form.
- Call the court clerk or the judge's office to get a hearing date with your trial judge. You'll present the papers to that judge.
- Include copies of your proposed final papers when you serve other parties with notice of the presentation hearing.

Follow the general steps in the "Default" section, beginning with the "Give the Other Party Notice" heading, for filing your notice, notifying the other parties, providing working papers, confirming your hearing, and going to the presentation hearing (except you're presenting final orders, not moving for default). You'll ask the judge to sign the final papers you prepared. The judge will review the papers, listen to any objections raised by other parties and decide whether to sign the papers as prepared or to change them.

◆ 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 can insist on a presentation hearing. There, you'll explain why you believe the language in the final papers doesn't show the judge's decision. If the judge didn't announce the presentation hearing date at the end of your trial, ask the other party to set a "presentation" hearing and give you notice of that hearing.

## **Section 11: Blank Forms**

The rest of this packet contains blank forms for you to complete. 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),  
  
and  
  
Petitioner,  
  
  
Respondent.

**No.**

**Findings of Fact and  
Conclusions of Law on Petition  
for Residential  
Schedule/Parenting Plan or  
Child Support  
(FNFCL)**

**I. Basis for Findings**

The findings are based upon:

- agreement of the parties.
- an order of default signed by the court on this date or dated \_\_\_\_\_.
- a hearing held on (date) \_\_\_\_\_. The following people attended:

- Mother
- Acknowledged Father
- Guardian ad Litem
- Mother's Attorney
- Acknowledged Father's Attorney
- Other:

**II. Findings of Fact**

Upon the basis of the court record, the court ***finds***:

**2.1 Notice and Basis of Personal Jurisdiction Over the Parties**

All parties necessary to adjudicate the issues were served with a copy of the summons and petition and are subject to the jurisdiction of this court. The facts below establish personal jurisdiction over the parties:

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

**2.2 Period for Challenge to the Acknowledgement or Denial of Paternity**

(Name) \_\_\_\_\_, the child’s acknowledged father and (name) \_\_\_\_\_, the child’s mother signed the Acknowledgment of Paternity, which was filed with the Washington State Registrar of Vital Statistics on (date) \_\_\_\_\_.

- (Name) \_\_\_\_\_ the child’s presumed father, signed a Denial of Paternity, which was filed with the Washington State Registrar of Vital Statistics on (date) \_\_\_\_\_.

This proceeding was begun more than 60 days from the effective date of the Acknowledgement of Paternity and

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

**2.3 The Child Affected in This Action**

This action affects:

(Name) \_\_\_\_\_, (age) \_\_\_\_\_  
 (Name) \_\_\_\_\_, (age) \_\_\_\_\_  
 (Name) \_\_\_\_\_, (age) \_\_\_\_\_

**2.4 Basis for Jurisdiction Over the Child**

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

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

## 2.5 Child Support

- Does not apply.
- A child support order was signed by the court on this date or dated \_\_\_\_\_ requiring (name) \_\_\_\_\_ to pay \$\_\_\_\_\_ per month for the support of the child.
- The child is in need of support and child support should be set pursuant to the Washington State child support statutes. The order of child support signed by the court on this date or dated \_\_\_\_\_, and the child support worksheet which has been approved by the court are incorporated by reference in these findings.
- Other:

## 2.6 Residential Schedule/Parenting Plan

- Does not apply.
- The residential schedule/parenting plan signed by the court on this date or dated \_\_\_\_\_, is approved and incorporated as part of these findings.
- This residential schedule/parenting plan is the result of an agreement of the parties.
- Other:

## 2.7 Reimbursement

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

## 2.8 Continuing Restraining Order

- Does not apply.
- A continuing restraining order against the  father  mother  both parties is necessary because:

- Other:

## 2.9 Protection Order

- Does not apply.
- The  domestic violence  antiharassment Order for Protection signed by the court on this date or dated \_\_\_\_\_, is approved and incorporated as part of these findings.

## 2.10 Other

### III. Conclusions of Law

#### 3.1 Jurisdiction

- The court has jurisdiction to enter an order in this matter.
- The court does not have jurisdiction to enter an order because this matter was commenced less than 60 days from the effective date of the acknowledgment of paternity and the case is dismissed.
- The court does not have jurisdiction to enter an order in this matter and it is dismissed.

#### 3.2 Disposition

The court shall enter an order that:

- Declares this proceeding  was  was not properly begun.
- Makes provision for a residential schedule/parenting plan, or past and current support, and health insurance coverage for the child.
- Awards court costs, guardian ad litem, attorney, and other reasonable fees.
- Makes provision for reimbursement for support or assistance provided to the child, for expenses incurred on behalf of the child.
- Makes provision for a domestic violence protection order.
- Making provision for an antiharassment protection order.
- Makes provision for a continuing restraining order.

#### 3.3 Other

Dated: \_\_\_\_\_

Presented by:

\_\_\_\_\_  
Signature of Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Judge/Commissioner**

Approved for entry:  
Notice of presentation waived:

\_\_\_\_\_  
Signature of Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date

**Superior Court of Washington  
County of**

In re the Parenting and Support of:

Child(ren),

Petitioner,

and

Respondent.

**No.**

**Judgment and Order Establishing**

**Residential Schedule/**

**Parenting Plan**

**Child Support**

**(JDORS)**

**Clerk's action required para. 3.4, 3.7, 3.8**

**Law Enforcement Notification, ¶ 3.8**

**I. Judgment/Order Summaries**

**1.1 Restraining Order Summary**

Does not apply.  Restraining Order Summary is set forth below:

Name of person(s) restrained: \_\_\_\_\_ . Name of person(s) protected: \_\_\_\_\_ . **See Paragraph 3.8.**

***Violation of a Restraining Order in paragraph 3.8 below with actual knowledge of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.26.590.***

**1.2 Money Judgment Summary**

Does not apply.  Judgment Summary is set forth below:

- A. Judgment creditor \_\_\_\_\_
- B. Judgment debtor \_\_\_\_\_
- C. Total judgment amount \$ \_\_\_\_\_
- D. Principal judgment amount (back support) \$ \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_
- E. Interest to date of judgment \$ \_\_\_\_\_
- F. Attorney fees \$ \_\_\_\_\_
- G. Costs \$ \_\_\_\_\_
- H. Other recovery amount \$ \_\_\_\_\_

- I. Principal judgment shall bear interest at \_\_\_\_\_ % per annum
- J. Attorney fees, costs and other recovery amounts shall bear interest at \_\_\_\_\_ % per annum
- K. Attorney for judgment creditor \_\_\_\_\_
- L. Attorney for judgment debtor \_\_\_\_\_

**II. Basis**

This matter has come before this court, the court considered the case record and has previously entered its findings of fact and conclusions of law.

**III. Order**

***It is ordered:***

**3.1 Jurisdiction Over the Child**

The court has jurisdiction over the child(ren) as set forth in the findings of fact and conclusions of law.

**3.2 Order of Child Support**

- Does not apply.
- (Name) \_\_\_\_\_ shall pay child support as set forth in the order of child(ren) support which was signed by the court on this date or dated \_\_\_\_\_.

**3.3 Residential Schedule/Parenting Plan**

- The primary residence of the child shall be with (name) \_\_\_\_\_, who is designated custodian solely for the purpose of other state and federal statutes.
- The residential plan/parenting plan signed by the court on this date or dated \_\_\_\_\_, is adopted and incorporated by reference.
- (Name) \_\_\_\_\_ shall be designated the custodian of the child, and the child shall reside with (name) \_\_\_\_\_ at all times.
- Determination of residential time of (name) \_\_\_\_\_ with the child is denied.
- Other:

**3.4 Judgment for Back Child Support**

(Note – do not repeat this judgment in the order of child support WPF PS 01.0500.)

- Does not apply.
- (Name) \_\_\_\_\_ is awarded a judgment against (name) \_\_\_\_\_ in the amount of \$ \_\_\_\_\_, for back child support for the period from (date) \_\_\_\_\_ to (date) \_\_\_\_\_.
- The unpaid support due to (name) \_\_\_\_\_ by (name) \_\_\_\_\_ is waived and will not be collected by

(name) \_\_\_\_\_. This does not waive any support owing to the state as a result of payment of public assistance.

- All support due under temporary court orders has been paid.
- Unpaid support due under a court or administrative order is preserved for collection and is not merged in or extinguished by this order.
- Other:
- Collection Limitation Against Wages:

The back child support provision above shall be paid at a rate of at least \$\_\_\_\_\_ per month beginning (date) \_\_\_\_\_. So long as the payments for current support, back support and the judgment are timely, collection against the judgment debtor's wages, excluding bonuses and other lump sum payments, shall be limited to \$\_\_\_\_\_ per month (for current support, back support and judgment). ***This limitation terminates if a single payment is past due.*** This provision does not limit or bar the state of Washington from using other collection remedies available to it by law, including, but not limited to, certification for collection to the Internal Revenue Service. Payment shall be made to:

- Wage Withholding Action:
  - Withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the judgment debtor at any time after entry of an order by the court, except as limited by the Collection Limitation Against Wages paragraph above.
  - Wage withholding, by notice of payroll deduction or other income withholding action under Chapter 26.18 RCW or Chapter 74.20 RCW, without further notice to the judgment debtor, is delayed until a payment is past due, because:
    - there is good cause not to require immediate income withholding.
    - the parties have reached a written agreement which the court approves that provides for an alternative arrangement. (See below):

- Judgment and Back Support Payments Shall Be Made to:

\_\_\_\_\_  
\_\_\_\_\_

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

### 3.5 Judgment

(Note – do not repeat this judgment in the order of child support WPF PS 01.0500.)

- Does not apply.
- (Name) \_\_\_\_\_ is awarded a judgment against (name) \_\_\_\_\_ in the amount of \$\_\_\_\_\_, as follows:
  - \$\_\_\_\_\_ for genetic testing costs.
  - \$\_\_\_\_\_ for guardian ad litem fees.
  - \$\_\_\_\_\_ for attorney fees.
  - \$\_\_\_\_\_ costs.
  - \$\_\_\_\_\_ for other fees and expenses.
  - \$\_\_\_\_\_ other:
- (Name) \_\_\_\_\_ shall have judgment against (name) \_\_\_\_\_ for \_\_\_\_\_ in the amount of \$\_\_\_\_\_.

### 3.6 County Costs

- Does not apply.
- The Superior Court of \_\_\_\_\_ shall have judgment against (name) \_\_\_\_\_ for costs of this action specified as follows:
- Other:

### 3.7 Guardian ad Litem

- Does not apply.
- Any guardian ad litem appointed by the court is discharged.
- Other:

### 3.8 Continuing Restraining Order

- Does not apply.
- A continuing restraining order is entered as follows:
  - (Name) \_\_\_\_\_ is restrained and enjoined from disturbing the peace of the other party.
  - (Name) \_\_\_\_\_ is restrained and enjoined from going onto the grounds of or entering the home, work place or school of the other party, or the day care or school of the following named children:  
\_\_\_\_\_.
  - (Name) \_\_\_\_\_ is restrained and enjoined from knowingly coming within or knowingly remaining within (distance) \_\_\_\_\_ of the home, work place or school of the other party, or the day care or school of these children:  
\_\_\_\_\_  
Other: \_\_\_\_\_.

- (Name) \_\_\_\_\_ is restrained and enjoined from molesting, assaulting, harassing or stalking (name) \_\_\_\_\_.  
 (The following firearm restrictions apply if this box is checked: Effective immediately and continuing as long as this continuing restraining order is in effect, the restrained person may not possess a firearm or ammunition. 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issue firearms. 18 U.S.C. § 925(a)(1).)
- Other:

**Violation of a restraining order in paragraph 3.8 with actual knowledge of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.26.130.**

- Clerk's Action.** The clerk of the court shall forward a copy of this order, on or before the next judicial day, to (name of the appropriate law enforcement agency) \_\_\_\_\_ which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants. **(A law enforcement information sheet must be completed by the party or the party's attorney and provided with this order before this order will be entered into the law enforcement computer system.)**

**Service**

- The restrained party or attorney appeared in court or signed this order; service of this order is not required.
- The restrained party or attorney did not appear in court; service of this order is required. The protected party must arrange for service of this order on the restrained party. File the original Return of Service with the clerk and provide a copy to the law enforcement agency listed above.

**Expiration**

- This restraining order expires on: (month/day/year) \_\_\_\_\_. This restraining order supersedes all previous temporary restraining orders in this cause number.
- Any temporary restraining order previously entered in this cause number is terminated. **Clerk's Action.** The clerk of the court shall forward a copy of this order, on or before the next judicial day, to: \_\_\_\_\_ law enforcement agency where **petitioner** resides which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.

**Full Faith and Credit**

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.



**Superior Court of Washington  
County of**

In re :

and

Petitioner,

Respondent.

**No.**

**Motion and Declaration for  
Default  
(MTDFL)**

---

**I. Motion**

(Name of requesting party)\_\_\_\_\_ moves the court for an order of default against (name of other party being defaulted) \_\_\_\_\_. Venue of this action is proper as set forth in the Declaration below.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Requesting Party or Lawyer/WSBA No.

\_\_\_\_\_  
Print Name

**II. Declaration**

**2.1 Proper Jurisdiction and Venue**

The court has proper jurisdiction and venue pursuant to the allegations of the petition at the time of filing.

The petitioner resides in (county and state only) \_\_\_\_\_.

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

Respondent resides in (county and state only) \_\_\_\_\_.

Other:

## 2.2 Jurisdiction Over the Other Party

This court has jurisdiction over the other party because:

- the other party is currently residing in Washington.
- the petitioner and respondent lived in Washington during their marriage or domestic partnership and the petitioner continues to reside, or be a member of the armed forces stationed, in this state.
- the petitioner and respondent may have conceived a child while within Washington.
- The other party was personally served with summons and petition within this state.
- The other party submits to jurisdiction of this state by consent as evidenced by joinder or consent to jurisdiction signed by respondent.
- The other party engaged in sexual intercourse in the state of Washington as a result of which the child may have been conceived.
- The other party resided with the child in this state.
- The other party resided in this state and provided prenatal expenses or support for the child.
- The child resides in this state as a result of the acts or directives of the other party.
- Other:

## 2.3 Service on Other Party

The other party was served with (documents) \_\_\_\_\_  
on (date) \_\_\_\_\_:

- in the state of Washington.
  - in (state or country where served) \_\_\_\_\_.
- Service within the state of Washington could not be made for the following reasons:

## 2.4 Time Elapsed Since Service on the Other Party

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

## 2.5 Appearance of the Other Party

- The other party has failed to appear.
- The other party has appeared, but has failed to respond.

## 2.6 Servicemembers Civil Relief Act Statement

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

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

B. Factual basis:

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

C.  As indicated above, the other party is on active duty and (check all that apply):

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

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

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

B. Factual basis:

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

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

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

## 2.7 Other

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

Signed at (city) \_\_\_\_\_, (state) \_\_\_\_\_ on (date) \_\_\_\_\_.

\_\_\_\_\_  
Signature of Requesting Party

\_\_\_\_\_  
Print Name

**Superior Court of Washington  
County of**

In re:

and

Petitioner,

Respondent.

**No.**

**Order on Motion for Default  
(ORDFL)**

granted (ORDFL)

denied (ORDYMT)

---

**I. Basis**

A motion for default has been presented by (name of requesting party) \_\_\_\_\_.

**II. Findings**

The court *finds*:

**2.1 Proper Jurisdiction and Venue**

The court has proper jurisdiction and venue.

**2.2 Service on Nonrequesting Party**

(Name of nonrequesting party being defaulted) \_\_\_\_\_  
was served with \_\_\_\_\_  
\_\_\_\_\_ on (date) \_\_\_\_\_.

**2.3 Time Elapsed Since Service**

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

## **2.4 Appearance**

- The nonrequesting party has failed to appear.
- The nonrequesting party has appeared but has failed to respond.

## **2.5 Servicemembers Civil Relief Act Statement**

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

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

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

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

## **2.6 Other**



**Superior Court of Washington  
County of \_\_\_\_\_**

In re Parentage:

\_\_\_\_\_  
Petitioner,  
and  
\_\_\_\_\_  
Respondent  
and  
\_\_\_\_\_  
Respondent.

**No.** \_\_\_\_\_

**Note for Motion Docket  
(No Mandatory Form Developed)**

TO THE CLERK OF COURT AND TO: \_\_\_\_\_

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

HEARING DATE: \_\_\_\_\_

HEARING TIME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

COURTHOUSE ROOM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

NATURE OF MOTION: \_\_\_\_\_

---

---

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Lawyer or Party

\_\_\_\_\_  
Print or Type Name

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

\_\_\_\_\_  
Address

\_\_\_\_\_

**Superior Court of Washington  
County of \_\_\_\_\_**

In re Parentage:

\_\_\_\_\_  
Petitioner,  
and  
\_\_\_\_\_  
Respondent  
and  
\_\_\_\_\_  
Respondent.

No. \_\_\_\_\_

**Certificate of Mailing or  
Personal Delivery  
(No Mandatory Form Developed)**

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

On \_\_\_\_\_, I served \_\_\_\_\_, with the following documents: \_\_\_\_\_

\_\_\_\_\_ in the following  
manner:

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Hand Delivery

At the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at  
\_\_\_\_\_(city), \_\_\_\_\_(state).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

**Finishing Your Petition for Parenting Plan and Child Support When Parentage Has  
Already Been Established - 3/09**  
EVALUATION FORM

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

Danielle Rebar  
Northwest Justice Project  
500 W. 8<sup>th</sup>, 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: