



Northwest Justice Project

Responding to a Petition to Modify/Adjust a Parenting Plan or Custody Decree in a Dissolution Case

**Forms and Instructions
March 2009**

Table of Contents

Section 1: Introduction and Important Information	1
A. What is a Petition for Modification/Adjustment of Custody Decree/Parenting Plan?	1
B. Remember: you must respond on time!	1
C. What if I have questions that aren't answered in this packet?.....	2
D. What if I'm in the military or am the dependent of a military service member?	2
Section 2: Words You May Need To Know	3
Section 3: Steps Recommended for Responding to a Petition for Modification/Adjustment	10
A. Prepare to respond	10
B. File and serve your papers.....	15
C. Participate in hearings on motions, any custody evaluation or GAL investigation, and required parenting seminars, mediation, or settlement conferences	16
D. Finish the case.....	17
Section 4: What is In This Packet?	18
Section 5: What Other Documents or Forms Will I Need That Aren't In This Packet?	19
Section 6: Getting Ready To Respond	21
A. Figure Out How Much Time You Have To Respond	21
B. Make Sure the Petition is Filed in the Right County and State.....	22
C. Decide Whether to File Your Own Motions	23
D. Dealing with Deadlines	23
Section 7: Follow These General Instructions Before You Begin To Fill Out the Forms	27
Section 8: Instructions for Filling Out and Filing Individual Forms	32
A. Confidential Information Form and Addendum - WPF DRPSCU 09.0200 & 09.0210	32
B. Notice of Appearance – WPF DRPSCU 01.0320.....	33
C. Response – WPF DRPSCU 07.0200.....	34
D. Declaration – WPF DRPSCU 01.0100	37
E. Sealed Personal Health Care Records (Cover Sheet) – WPF DRPSCU 09.0260	39

F.	Sealed Confidential Reports (Cover Sheet) – WPF DRPSCU 09.0270	40
G.	Proposed Parenting Plan	41
H.	Child Support Worksheets	41
I.	Order re Adequate Cause – WPF DRPSCU 07.0300	41
J.	Respondent’s Notice of Hearing on Adequate Cause Determination.....	43
Section 9: Filing and Serving Your Responding Papers		44
A.	Preparing to file and serve Your Papers	44
B.	Filing your papers in court.....	45
C.	Serving the other parties.....	46
D.	Instructions for the Certificate of Mailing or Personal Delivery (no mandatory form).....	47
E.	Filing the Certificates of Mailing or Personal Delivery	48
Section 10: Instructions If You’re in the Military or if You’re the Dependent of a Military Service Member.....		49
A.	Waiver of Rights Under Service Member’s Civil Relief Act form	49
B.	Notice by Military Dependent	50
Section 11: Agreed Cases		52
A.	You can choose to sign a Joinder form, but only if you agree completely with the requested modification/adjustment.....	52
Section 12: Adequate Cause		55
A.	Introduction	55
B.	Know what to expect.....	56
C.	Your Response to Petitioner’s Notice of Hearing for Adequate Cause Determination	57
D.	Prepare for and attend your hearing.	58
E.	If You Disagree with the Court’s Order regarding Adequate Cause.....	59
Section 13: Blank Forms		61

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

© 2009 Northwest Justice Project — 1-888-201-1014, TTY 1-888-201-9737

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial use only.)

Section 1: Introduction and Important Information

This packet will help you respond to a Petition to Modify/Adjust an existing parenting plan or custody decree. Use it only if:

- you and the other parent are already divorced and
- you already have a parenting plan/custody decree and
- you have been served with a Petition for Modification/Adjustment of Custody Decree/Parenting Plan (The petition is court form WPF DRPSCU 07.0100.)

This packet has general information. It's not a substitute for individual legal advice.

◆ **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.

A. What is a Petition for Modification/Adjustment of Custody Decree/Parenting Plan?

A Petition to Modify/Adjust asks the court to change the permanent parenting plan/custody decree that you now have. If the party making the request provides enough evidence to support a change, then the judge¹ may approve a new parenting plan/custody decree.

This packet contains forms and instructions for responding to a request for modification/adjustment, but it doesn't explain when someone can ask for a modification/adjustment, or what law the court will apply. Our publications [Child Custody Modification](#) and [Parenting Plans](#) are available at www.washingtonlawhelp.org. They explain some of the law on modification/adjustments in Washington State.

B. Remember: you must respond on time!

When you receive legal papers, you must quickly figure out how to respond. In many cases, if you don't respond on time, the other party will automatically win what they are requesting. It may take time to locate legal resources and to read through this packet. Begin as soon as you receive the papers.

¹ Many decisions in family law cases are made by court commissioners instead of judges. We'll mostly just use "judge."

◆ You should have received a Summons and a Petition. You may also have received or may soon receive a Motion for Temporary Orders, an Ex Parte Restraining Order/Order to Show Cause, a Notice of Hearing for Adequate Cause Determination, and/or other motions or hearing notices. Deadlines can be different for each. There's more information on deadlines later in this packet.

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

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

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

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

Section 2: Words You May Need To Know

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner/Court Commissioner: This person is similar to a judge, but only makes decisions relating to a specific subject matter. Many counties have family law commissioners who decide only family law cases².

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,

² 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."

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.³

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.

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.

³ 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.

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.⁴

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, "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.

⁴ 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.

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 Recommended for Responding to a Petition for Modification/Adjustment

◆ This section explains steps common to many cases. Practice may vary between counties, and each case is individual. The steps in your case may be different or in a different order than described here. We give more detail later in this packet.

A. Prepare to respond

❑ **Figure Out How Much Time You Have to Respond.** See the section Getting Ready to Respond and the papers you received. Then write your deadlines here:

○ **Petition:**

- My deadline to Respond to the Petition is _____.

○ **Adequate Cause Hearing:** (Fill in these deadlines if you received a Notice of Hearing for Adequate Cause Determination, or other local court form scheduling this hearing. If you didn't receive a paper scheduling the adequate cause hearing, fill in these deadlines after you later receive notice of the adequate cause hearing date.)

- The date of the adequate cause hearing is _____.
- The deadline to respond to the Notice of Adequate Cause Hearing is _____.

○ **Temporary Orders/Orders to Show Cause** (If you received, or later receive, a Motion for Temporary Order or an Ex Parte Restraining Order/Order to Show Cause).

- The Temporary Orders/Show Cause hearing date is _____.
- The deadline to respond to a Motion for Temporary Orders or an Ex Parte Order/Order to Show Cause is _____.

If you were served with this paper, see our packet, [Responding to Temporary or Emergency Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases.](#)

○ **Notice re: Dependent of a Person in Military Service**

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

- The deadline to respond to this notice is _____.

- I do [] don't [] need to deliver working papers to the judge.

- **Write other deadlines here:** _____

☐ Read the Papers You Received.

The requesting party (also called the moving party) should have given you the following forms:

- Petition
- Summons
- Proposed Parenting Plan
- Most recent parenting plan/custody decree
- Declaration(s)

In addition you should have received (or, if you're not in default, you can expect to receive):

- Notice of Adequate Cause Hearing or similar local form
- Declaration(s)
- Motion re: Adequate Cause (if used in your county)
- Proposed Order re: Adequate Cause (if required by your county)

If the requesting party is asking for financial relief of any kind (attorney's fees, Appointment of a GAL), you should also have received:

- Financial Declaration
- Sealed Financial Source Documents Coversheet with required proof of income attached.
- Proof of any expenses being claimed

If the requesting party is asking for changes in child support, you should have received:

- Child Support Worksheets
- Financial Declaration
- Sealed Financial Source Documents Coversheet with required proof of income attached.

If the requesting party is asking for a temporary order or has obtained an emergency order⁵, you should also have received a:

- Motion for Temporary Orders or

⁵ These orders cover the time before the modification/adjustment case is decided. Temporary orders may cover temporary custody, visitation, and child support, and may also appoint a person or agency to report to the court on parenting arrangements and/or to advocate for the child(ren). Temporary and Emergency Orders may also include restraining orders to protect safety. See our packets [Filing a Motion for Emergency Orders in Dissolution Cases](#) and [Filing a Motion for Temporary Orders in Dissolution Cases](#).

- Ex Parte Restraining Order/Order to Show Cause, and other papers identified in our packet [*Responding to Temporary or Emergency Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases*](#).

Depending upon the case, you may also have received other papers, such as a Notice re: Dependent of a Person in Military Service or records attached to a Sealed personal Health Care Records Cover Sheet or Sealed Confidential Reports Cover Sheet.

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

Carefully read each paper. Highlight the main points (and those you disagree with) with yellow pen, or write notes on a separate piece of paper. Look for:

- The date, time and place of any hearings
- Your deadlines
- What the requesting party is asking for
- Claims the requesting party has made about you or the case, and what evidence (declarations and documents) they use to prove their claims
- Whether the requesting party provided all the proof of his/her income required by the court rules (if child support or financial relief is requested)

You must understand what the papers say so that you can write a good response to what's been filed and prepare for your hearings.

❑ **If you received an Ex Parte Restraining Order/Order to Show Cause, you must follow the court order.** An Ex Parte Restraining Order signed by the judge is effective immediately, often without advance notice to you. Before the hearing date in the Order, you must follow the order.⁶ Example: if the order tells you to stay away from the requesting party, you must do so even if the requesting party invites you to come over. If you have questions about what the order says, or if you want to ask the court to cancel the order before the hearing date, talk with an attorney. See the section "What Other Documents or Forms Will I Need That Aren't In This Packet?" for a list of packets about temporary or emergency orders and responding to them.

⁶ You can always ask the court to vacate (end) the order before the hearing date. However, until that actually happens, you must obey it. This packet doesn't contain forms and instructions to vacate the Order.

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

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

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

Look at the “*Words You may Need to Know*” section of this packet if you don’t know any words used here.

Find out about at least the following:

- whether the county has its own packets or forms for your type of family law case. If so, use those instead of ours. If you use our packet, get any additional local forms that you’ll need
- whether case schedules are used (and whether the court requires the person filing the case to serve the schedule on the other parties)
- whether parenting classes, mediation, or settlement conferences are required
- what the deadlines are for filing and serving motions and responses to motions
- whether there is a limit on the number or length of documents you file with motions or responses
- whether you need to confirm hearings a few days beforehand and give working papers to the judge before the hearing
- local court deadlines (sometimes written in an order called a Case Schedule) for modifications and for filing and serving motions and responses to motions during the modification/adjustment case.
- if a party needs Emergency or Temporary Orders, how the local procedures for adequate cause hearings may affect the scheduling of hearings on emergency and temporary orders.⁷
- how the final hearing date is scheduled⁸ if the court finds “adequate cause.” (The adequate cause process is explained later in this packet.)

⁷ We explain the adequate cause process later in this packet.

⁸ In some counties, the court sets a trial date. In other counties, the parties may have to request a trial date. In some counties, the case might be finished immediately after the adequate cause hearing without trial, especially for minor modifications and non-residential adjustments.

- if a party wants a GAL to be appointed, whether there's any program allowing a GAL or evaluator to be appointed at no or reduced cost, and whether there are special local forms to have a GAL or evaluator appointed.
- procedures for the court to check the judicial information system and databases before entering a permanent or modified parenting plan to identify any information relevant to placing the child⁹ 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 see whether an assessment is appropriate to determine the effect of the limiting factor on the child and the parties.¹⁰

If you've been served with a motion, you must learn any special deadlines for responding to family law motions in the county where your case was filed. (Also see the section of this packet, "Getting Ready to Respond.")

◆ If your dissolution case involves children, a 2007 law¹¹ 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.

- ❑ **Learn About the Law.** For general information, read our publications [Child Custody Modification](#) and [Parenting Plans](#). Try to talk with a family law attorney, or call CLEAR about your case.
- ❑ **Gather Your Evidence and other Forms not in this Packet.** If possible, get the evidence you'll need now, for use while filling out your forms. Think carefully about whether there is information to help show that what you're telling the court is true, or that what the requesting party is telling the court isn't true. Examples include:

⁹ [RCW 26.09.182](#)

¹⁰ [RCW 26.09.191\(4\)](#).

¹¹See above.

- Declarations of Witnesses – Declarations (sworn written statements) by you and from other people who have personal knowledge about you or the other parties or the children. See the instructions on Declarations below.
 - Records – bills, records of past criminal convictions, medical or mental health treatment, grades and other school records, and daycare records are among the types of official records to include.
 - Photographs – if they help prove or disprove one of the issues in the case.
 - Financial Information – if financial issues are included, get evidence of your income and assets, and perhaps evidence of the other party’s income and assets. Examples: federal income tax returns, official letters from Social Security, L&I, Employment Security or DSHS saying how much you receive in benefits, bank account statements, and business records, or 1099 forms.
 - You may need a new parenting plan form and you may need child support worksheets, or other forms. You may need additional packets, depending upon the case. See the information about other packets below and the checklists of forms.
- Decide what to ask for.** Decide whether you agree with the requesting party’s requests, or which parts you deny or disagree with. Decide whether to file your own motions.
 - Follow the General Instructions** and fill in the parts common to all of the forms.
 - Complete the Forms You Plan to Use.**

B. File and serve your papers

- Make the Necessary Copies of the Completed Forms and other documents** that you’re filing with the court. **Exception:** Make just one copy (for yourself) of the original confidential information form and addendum. They won’t be served on other parties.
- File Your Papers with the Court Clerk’s Office** in the Superior Courthouse where the Petition was filed. In addition, deliver a Set of Working Papers to the Judge, if hearings have been scheduled and if required in your county.
- Have the Papers Delivered to the Other Parties and Fill Out and File the Certificates of Mailing or Personal Delivery showing this has been done.**

◆ **Important Note:** In many counties, the adequate cause hearing can’t take place until after the deadline for the nonrequesting party to file a Response to the Petition has passed. The court may not be willing to issue temporary orders until it finds that adequate cause for the Petition exists. Other counties may allow temporary orders and adequate cause decision to be made sooner or in an emergency. So the order of steps in your county for the Response, temporary orders, the adequate cause hearing, and Guardian Ad Litem may be different from the order in this packet. Learn the rules in your county.

- ❑ Review the Other Party’s Reply, if you receive one.

C. Participate in hearings on motions, any custody evaluation or GAL investigation, and required parenting seminars, mediation, or settlement conferences

- ❑ **File your own motions if you wish to.** Examples include a motion to dismiss for lack of Adequate Cause or for lack of jurisdiction, a Motion for Temporary Orders, or to appoint a GAL.
- ❑ **Prepare for and attend the Adequate Cause Hearing, any Order to Show Cause/Temporary Orders Hearings, or hearings on appointment of a GAL.**¹²
- ❑ **Get Copies of the Orders entered at hearings.**

- ◆ **Note for Survivors of Domestic Violence or Unlawful Harassment:** If another party has a history of physically harming you or the children, or has threatened to do so, and if you’ve had a dating, roommate, marital, or family relationship with that party, or if you’re a victim of unlawful civil harassment by the other party, then think about filing a petition for an Order for Protection if you need immediate protection. Orders for Protection offer strong safety restraints. Protection order forms are available from the court clerk, from your local domestic violence program, or call the 24-hour domestic violence hotline at 1-800-562-6025. Our publication [*Domestic Violence: How the Legal System Can Help Protect You*](#) has general information.
- ◆ **Orders for Protection can’t permanently substitute for a modification/adjustment of the parenting plan/custody decree, however.**¹³ **To change parenting provisions, you may be told to petition for modification/adjustment instead of a Protection Order, or given a Protection Order only for a short time.**
- ◆ Orders of Protection may also sometimes be combined with final court orders in modification cases. If you need to ask for a permanent Protection Order or a Protection Order covering the child/ren for longer than one year, see the instructions later in this packet for how to make this request in your Response form.
- ◆ Talk to an attorney before filing for an Order for Protection if the court has entered a temporary parenting plan or custody order very recently.

¹² The section in this packet called “Adequate Cause” describes the hearings process in more detail. The other named motions are described in more detail in our packets on emergency and temporary orders. The section called “What Other Documents or Forms Will I Need That Aren’t in This Packet?” has a list of packets with forms for these motions and hearings.

¹³ *Marriage of Barone* 100 Wn. App. 241 (2000). Also, if you owe child support, a domestic violence protection order doesn’t change that. Id.

- ❑ **Complete Discovery, if you want it.** The rules require the other parties to give the court and you certain financial information if child support or financial requests are issues. If they don't follow the rules or you need additional information about finances or about parenting issues, see your family law facilitator or talk with an attorney about asking for discovery.
- ❑ **Participate in locally required status conferences, mediation, parenting seminars, and/or settlement conferences.**
- ❑ **Participate in custody evaluations or GAL investigations if they've been ordered.**

D. Finish the case

There are four ways a modification/adjustment case can end:

- **Agreement.** If all the parties can agree about the final papers and sign them, a party may ask the court to approve the agreed papers.
- **Default.** If you don't file and serve a Response to the Petition, the requesting party may be able to get the court to sign papers by default. (If you file a Notice of Appearance you're entitled to notice of a Motion for Default. If you receive a Motion for Default, you must respond to it or the case may be finished without further notice to you).
- **Trial.** If the parties don't agree or default, then a trial may be necessary.
- **Dismissal.** If the court dismisses or denies the Petition at an adequate cause hearing or at another time during the case, or if the petitioner is allowed to voluntarily dismiss the petition, the case will end without the modification/adjustment requested.

The forms and instructions for getting final orders signed and information about steps to take after you complete your case are in our packet called [*Finishing Your Modification/Adjustment of a Parenting Plan/Custody Decree in Dissolution Cases*](#). If the parenting plan or child support order has changed, get our packet [*Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications*](#).

Section 4: What is In This Packet?

This packet includes the following blank forms. You may not need every form in this packet. You may also need forms found in other packets. You'll need the packet [Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications](#) if you disagree with the other party's proposed new parenting plan, or if a change in child support has been requested. Later sections of this packet briefly describe other packets you may need and have checklists that you can use to identify the forms you need.

The following blank forms are in this packet.

Form Title	Form Number
Confidential Information Form and addendum	WPF DRPSCU 09.0200 WPF DRPSCU 09.0210
Pro Se Notice of Appearance	WPF DRPSCU 01.0320
Response to Petition for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule (RSP)	WPF DRPSCU 07.0200
Declaration of Witness	WPF DRPSCU 01.0100
Sealed Personal Health Care Records Cover Sheet	WPF DRPSCU 09.0260
Sealed Confidential Reports Cover Sheet	WPF DRPSCU 09.0270
Order re Adequate Cause	WPF DRPSCU 07.0300
Motion for Order re:	WPF DRPSCU 01.0050
Certificate of Mailing/Personal Delivery	(no form number)
Waiver of Rights Under Service-members Civil Relief Act	(No form number)
Notice by Military Dependent	Not a mandatory form
Joinder	WPF DRPSCU 01.0330

Section 5: What Other Documents or Forms Will I Need That Aren't In This Packet?

You may need more than just this packet. Check the boxes by the documents and packets that you need. Then get those documents or packets before filling out your forms. Download our other packets on the internet at www.washingtonlawhelp.org, or get them from CLEAR.

- Your Current Parenting plan/Custody Decree** – The requesting party should have served you with the most recent parenting plan/custody decree signed by a judge in your case. If you don't have a copy, get one at the Superior Court Clerk's office in the county where it was entered.
- [Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications](#)** – Get this packet if you disagree with the other party's proposed parenting plan, or if the other party has asked to change child support. You'll also need this packet if the modification/adjustment involves financial requests other than child support (example: to help pay GAL fees). You must attach private financial information to the Sealed Financial Source Documents Cover Sheet located in this packet.
- Financial Information** - In general, if child support will be decided as part of the case, or if you're requesting any financial relief (such as attorneys' fees or payment for a GAL), you must supply certain financial information listed in the packet [Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications](#).
- [Responding to a Motions for Temporary or Emergency Orders](#)** - If the other party has filed a motion for temporary orders and/or an ex parte restraining order/order to show cause, get this packet.
- Petition for Order for Protection (Domestic violence: WPF DV 1.015)** – Complete this form, and possibly related forms, if you're asking for an Order for Protection as part of your modification, or if you want the court to change your Order for Protection as part of the modification. Get the forms from your county clerk's office, domestic violence advocacy program, or online at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16>. **Important: attaching a Petition for an Order of Protection to your modification response doesn't give you any immediate protection order. It only asks the court to enter a protection order at the end of your case.** (Note: the "Petitioner" on the Protection Order form is always the protected person, even if s/he is the respondent in the family law case.)
- Declaration Regarding Public Assistance:** WPF SRPSCU 01.0600 - We don't include this form in our packets. It's optional. Our instructions tell you to serve the State in any case where TANF, Medicaid, or foster care are involved, and we instruct you to get the state's signature on all default and agreed orders where the state might have an interest in the child support obligation in your case. However, some people may need the form if required in your county, or if you need to verify that no public assistance has been paid or that the children aren't in foster care or out of home placement. If you need the form, get it at the Administrator of the Courts website: <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>.

- ❑ **[Serving Papers on the State](#)** - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical coupons/Medicaid or is in foster care or out of home placement, get this packet. You must include the state as a party and serve them with papers you file.
- ❑ **[Filing a Motion for Temporary Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases](#)** - If you want the court to enter an order changing the existing orders before the date the modification/adjustment will be finished, and it's not an emergency, get this packet. If you'll ask for a GAL, get this packet for GAL forms and instructions.
- ❑ **[Filing a Motion for Emergency Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases](#)** - If you have an emergency and want to request an immediate court order.
- ❑ **[Finishing Your Modification/Adjustment of a Parenting Plan/Custody Decree in Dissolution Cases](#)** –Use this packet to complete the case if the judge finds there is adequate cause, or if you and the other party agree to the modification/adjustment, or to complete the final forms after a trial.
- ❑ **County Local Court Forms and Rules** - Some counties have special forms needed for Modification/adjustment cases, which aren't in this packet. Many counties have special “local rules” that you must know about in Modification/adjustment cases in that county. **Check with the Court Clerk's office or Family Law Facilitator in your county for more information.**

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

- ❑ **[How to Subpoena Witnesses and Documents](#)** - to make sure important witnesses or documents are at trial.
- ❑ **[Filing a Petition to Modify Your Child Support Court Order](#)** – If you want to ask the court to change child support but not the parenting plan, and you're asking for the Parenting Plan Modification to be dismissed, you may need to file a new case called a Petition for Modification of Child Support. You must still respond to the Petition for Modification/Adjustment of Parenting Plan/Custody Decree you received. The child support packet has no custody forms.

Section 6: Getting Ready To Respond

A. Figure Out How Much Time You Have To Respond

When you get the papers, look at each one. Mark your deadlines. Read the information below about deadlines. Members of the military and certain military dependents should read the section on the Military and talk with their JAG office.

1. **Filing a Response to the Petition.** If you were served in person in Washington, you have 20 DAYS to file your Response to the Summons and Petition. [CR 4\(a\)\(2\)](#). If you were served in person in another state, you have 60 DAYS to file your Response. [RCW 4.28.180](#). If you were served by publication, you have 60 DAYS from the date of first publication to file your Response. If you were served by mail, you have 90 DAYS from the date the Petition was mailed¹⁴ to file your Response. If you were served by publication or mail, don't ignore the papers. Consult an attorney about whether service was proper.
2. **Responding to Motions.** If you were also served with any motions, your deadlines to respond to the motion might be much shorter. The requesting party must give you notice as many days before hearing as is required by your county's local rules. For some counties, you must receive the papers for a motion at least five court days before the hearing, not including weekends or the date that the papers are given to you.¹⁵ For some counties or some motions, you must get longer notice. If the other party is requesting an emergency ex parte order, you may receive even less notice, or perhaps no notice of the emergency order request. However, you should still receive at least five days' notice (or more if required in your county) of the show cause/temporary orders hearing.

Make Sure You Received Enough Notice. In many counties, the adequate cause hearing can't take place until after your deadline to respond to the Petition. If the notice doesn't state your deadline, immediately call the court clerk's office or your family law facilitator, or check your local court rules, to find out the deadlines. In most counties, you must file and serve your response to a motion no later than one court day before the hearing on that motion.¹⁶ In some counties, however, the response must be filed and served four or more days before the hearing.

See the information on dealing with deadlines below. Unless you think that Washington shouldn't have jurisdiction, or in some circumstances if you're a service member or military dependent, filing some kind of response is better than not filing a response or appearing at all. **If you don't file a Response in time, the requesting party may get an order in which the judge automatically gives that party everything s/he asks for. In addition, even if you file a Response, if you don't**

¹⁴ [CR 4\(d\)\(4\)](#)

¹⁵ [CR 6\(d\)](#).

¹⁶ [CR 6\(d\)](#).

attend a particular hearing, the court may give the other party what s/he has asked for at that hearing.

See the section “Dealing with Deadlines” for additional requirements about responding to a motion for default. If you’re served with a Motion for Default, you must file your declaration in response to the motion and your Response to the petition before the deadline on this motion, or all the requesting party’s requests may be granted. If you’re served with a Motion for Default and haven’t yet appeared in the case, in addition to preparing a Declaration and a Response, you may also need to get court permission to file your Response.¹⁷

3. **Responding to a Notice re: Dependent of a Person in Military Service.** If you’re the dependent of a person in military service as described in this notice, you have 20 days to inform petitioner and the court of your dependent status. See the Military section of this packet and contact your JAG or another attorney for legal advice.

B. Make Sure the Petition is Filed in the Right County and State

If your custody decree/parenting plan is from another state or from a tribal court, and if either parent or a child covered by the order still lives there, Washington might not have jurisdiction to modify your parenting plan/custody decree. We call this “lack of jurisdiction over the subject matter.”

Or, the court may lack jurisdiction over you, if you’ve never lived in Washington and have had very little contact with this state. We call this “lack of jurisdiction over the person.” Read our publication titled [*Which Court Has the Right to Enter a Custody Order? Frequently Asked Questions and Answers about Whether or Not a Washington Court Has Jurisdiction*](#) for more information.

If you think Washington might lack jurisdiction, talk to a lawyer.

If you think the court lacks jurisdiction over you, don’t do anything which could give Washington jurisdiction. Examples: signing agreed orders, making your own requests to the court, filing papers that fail to raise your jurisdiction defense or showing up at a hearing WITHOUT CONTESTING JURISDICTION.

◆ If you don’t tell the court that you think Washington lacks jurisdiction over your person right at the beginning, you’ll probably lose your chance to object.¹⁸ You can object to jurisdiction over your children (subject matter jurisdiction) at any time, but you should do so early on.¹⁹

If possible, write the court before any hearing and before filing other papers: Tell the court why you believe Washington lacks jurisdiction. Provide a copy of your letter to the other party. You should

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

¹⁸ [CR 12 \(b\),\(g\),\(h\)](#).

¹⁹ [CR 12\(h\)\(3\)](#). Whether Washington has jurisdiction over the children (“subject matter jurisdiction”) is determined by the Uniform Child Custody Jurisdiction and Enforcement Act, [RCW Ch. 26.27](#).

also file a motion to dismiss for lack of jurisdiction. Talk with an attorney for more information about motions to dismiss.

Modification/adjustment actions must also be filed in the correct county, which could be one of the following:

1. Where the court entered the parenting plan/custody decree you have now; OR
2. Where the children now live; OR
3. Where the person who has *primary residential care or custody* of the child lives.²⁰

C. Decide Whether to File Your Own Motions

You may need to file your own Motions if:

- you believe the court lacks jurisdiction or
- you deny that adequate cause exists (you don't think the parenting plan should be changed) or
- there are requests that you want the court to grant, such as temporary orders changing custody or visitation, or for a custody evaluation/appointment of a GAL²¹
- you believe you have another reason to dismiss the petition.

If you decide to file motions, try to file before the hearing on motions scheduled by another party. If you do, you may be able to get the other party (or the court) to schedule both motions on the same day. If you don't know whether you need to file a motion, talk with an attorney.

D. Dealing with Deadlines

1. Meet Your Deadlines

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

²⁰ [RCW 26.09.280](#).

²¹ Especially if issues exist about where the children will live, the court may not make a final decision on the Petition for several months. Until another order's signed by the court, the law will enforce the existing parenting plan/custody decree. See the packets [Filing a Motion for Temporary Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases](#) and [Filing a Motion for Emergency Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases](#) for forms and instructions. In some cases, especially cases where a party's accused of abusing another party or a child, or is accused of having drug, alcohol, or other problems, the court may appoint a GAL or other investigator to investigate the legal claims and circumstances of the child(ren) and the parties, and make a recommendation to the court about what's in the child(ren)'s best interests. Some counties order a GAL or Family Court Services investigation in **every** case. Check with the court clerk of family law facilitator in your county to learn what programs are available in your county, what costs are involved, and what special forms (if any) you need. You may need our packets [Filing a Motion for Emergency Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases](#) and [Filing a Motion for Temporary Orders for Dissolution Cases and for Custody/Parenting Plan Modifications](#).

to file a Response to the Petition. If hearings are coming up in your case, be sure to deliver working papers in advance for the judge, if required in your county.²²

◆ Check with the court clerk or family law facilitator about the deadlines and the need for working papers. If you miss a deadline, file and serve your papers anyway, and go to the hearing. If the other party objects at the hearing, ask for a continuance of the hearing so that the court will consider your papers.

You must plan to file and serve your responding papers before your deadlines. The following suggestions should be considered only in unusual circumstances.

2. What to Do If You Need More Time

1. **To respond to the Petition:** If you can't file your Response to the Petition on time, file and serve a Notice of Appearance. File and serve declarations and other papers responding to any motions that are coming up. **Exception: If you're served with a Motion for Default, you must file your Response before the deadline on this motion, or all the moving party's requests may be granted.** If all else fails, go to the default hearing.
2. **To respond to motions other than a Motion for Default (for Motions for Default, see the default information below):** Make sure you've filed and served a Notice of Appearance. Go to the hearing -- even if you were given short notice!

If you didn't get enough notice of the hearing on a motion, the court shouldn't enter an order against you on the hearing date. Ask for a continuance (delay) of the hearing.

You may also ask for a continuance if you did get enough notice under the rules, but you simply don't have enough time to respond. The court won't always allow a continuance, so do your best to get ready for the hearing anyway.

As soon as you know that you want a continuance, contact every other party if possible (or their attorney, if they have one). Call them if there isn't much time until the hearing, but contacting the person in by email or fax is best. State that you need more time to respond to the papers. Ask for a new date for the hearing. Depending on your reasons for asking for the delay, you could ask for a week, or longer.

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

²² "Working papers" are described in packets describing upcoming hearings, such as the packet [Responding to Motions for Temporary or Emergency Orders in Dissolution Cases](#)

If the requesting party agrees to the continuance, ask for written confirmation that they have rescheduled the hearing. If you receive no written confirmation, you should assume the hearing is still taking place, and prepare for it and attend it.

In a few counties, the court might need to approve any continuance.

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

- a. **Go ahead and respond as best you can and prepare for the hearing.** Respond in some way if you possibly can. The very first thing to say in your declaration is that you want a continuance. If you didn't get enough notice, say that. If you did, but you need more time, say that, and describe your efforts to get an agreement for the continuance. Also file a Notice of Appearance if you haven't already done this.
 - b. **Make a Motion for Continuance.** In many cases, you may not have enough time to give the other parties the amount of notice that is required for a motion for continuance. You may need to get an Order Shortening Time (an order allowing you to bring your motion on less than the required time). This packet doesn't address this type of motion. However, your family law facilitator or court clerk may have more information about how to ask for a continuance in your county court.
 - c. **Ask for a Continuance at the Hearing.** Go to the hearing and, when your case is called, stand up and state your name and that you would like a continuance. The judge may ask you to give your reasons, and may listen to the other party's reasons why s/he doesn't agree to a continuance. If you tried to get the other party to agree before the hearing, let the judge know that.
3. **To respond to a Motion for Default.** If you're served with a Motion for Default, filing a Notice of Appearance isn't enough. You may try to get the hearing on the motion continued (delayed). However, if the hearing isn't continued, you must:
- file and serve your Response to the petition before the deadline to respond to the motion for default and
 - file and serve your declaration in response to the motion before the deadline to respond to the motion for default, and
 - if the motion for default was filed before you appeared in the case, you may need to get court permission (called "leave of court") to Respond. This packet doesn't contain any forms for requesting leave of court.
 - attend the hearing, or make sure that it's been cancelled.

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

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

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

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

If you're served with a Motion for Default, or if a Motion for Default has been filed with the court, filing a Notice of Appearance isn't enough.

If you learn that an order of default or final orders have already been entered against you, you must act very quickly to ask the court to cancel those orders. See our packet called [*Filing a Motion to Vacate*](#) and get legal advice.

4. What If the Hearing Already Happened?

If you find out that a hearing on a motion already happened, but you didn't get any notice in advance, talk with an attorney as soon as possible. If you can't afford an attorney, see the referral suggestions in the Introduction section above. You may be able to ask the court to vacate (cancel) the orders. However, do so quickly. The longer you wait, the harder it may be for you to vacate the orders.

Section 7: Follow These General Instructions Before You Begin To Fill Out the Forms

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

The caption. The caption includes the name of your case, the case number, the name of the court, the title of the court paper, and, sometimes, the type of case. It appears at the top of the first page of every form. Write in the name of the county where the modification petition 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. It's on the upper left side of the first page.

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

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

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

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

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

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

Signatures.

- **Your signature**

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

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

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

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

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

Box #1

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

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

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

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

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

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

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

Box #2:

Private Information That Should Be Filed With Sealed Cover Sheets:

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

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

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

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

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

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

Box #3

When You Should Write Private Information In Court Forms:

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

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

SAMPLE FORM

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

Fill in the name of the Petitioner here.

or Court of Washington
County Of Evergreen

In re the Marriage of:
JANE DOE,
 and
JOE DOE,

Fill in Respondent's name.

Petitioner,

Opposing party.

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

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

Form title.

NO. 08-3-99999-9

Note for Motion Docket

(No Mandatory Form Developed)

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

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

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

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

LOCATION: **Treelane Superior Courthouse**

COURTHOUSE ROOM: **2**

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

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

 Jane Doe, Petitioner

Section 8: Instructions for Filling Out and Filing Individual Forms

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

In family law cases, you must give the court information about your address and telephone number, your social security number, date of birth, driver's license, and the name and address of your employer, as well as certain information about the other people involved in the case.²³

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

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

◆ Update the court by filing a new Confidential Information Form when your address changes, even after your case is finished. If you don't, legal papers may be sent to you at your old address and orders may be entered against you without actual notice to you.²⁴

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

²³ [RCW 26.23.050\(5\)\(l\) & \(7\); GR 22\(g\) & \(h\).](#)

²⁴ [RCW 26.23.055\(2\) & \(3\).](#)

Confidential Information Form, talk with an attorney, your local domestic violence program, or call CLEAR at 1-888-201-1014.

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

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

B. Notice of Appearance – WPF DRPSCU 01.0320

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

Caption. Fill in the caption.

Address. After the words *Service Address*, write in the name and full address where you want the court or other parties to send you legal papers. If you don't use your home address, be sure to use a reliable address. You may use a post office box, your work address, or a friend or relative's address, as long as if you get mail at that address, you'll get it very quickly after it arrives.

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

◆ If the mailing address you use in the Response or Notice of Appearance later changes, prepare an updated Notice of Appearance. Use the Notice of Appearance form in this packet. Write "Amended" above "Notice of Appearance." State the new address the court and other parties should use. File this notice with the court and provide a copy to the other parties. Use the Certificate of Mailing or Personal Delivery form and procedure to show that notice has been given.

C. Response – WPF DRPSCU 07.0200

- ◆ If you don't live in Washington or you're not sure Washington has jurisdiction over you, or jurisdiction over the children, talk with an attorney before filing a Response.
- ◆ If you fail to file and serve this form before the deadline in the summons, the requesting party may ask for an Order of Default, and can request that the court grant all his/her requests without further notice to you.²⁵
- ◆ If you're in the military, or the protected dependent of a military service member, talk with an attorney or the JAG office before Responding to the petition and before your deadline to Respond.

Caption: Fill in the caption. If you're attaching an order of protection (see Paragraph 2.3), mark the appropriate box on the right side of the caption, under the title.

To: Write in the name of the requesting party (the party who filed the petition for modification/adjustment) and of every other party.

PART 1: RESPONSE

Paragraph 1.1 Admissions and Denials: When you complete this part of the response, read through each corresponding paragraph of the Petition for Modification/Adjustment.

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

If you disagree with **any statement** in that paragraph, check the "Denied" box.

If you don't know, check the "Lacks Information" box.

Do this for each paragraph of the petition. If an item in the petition refers to another document, read that document before deciding whether to admit or deny that paragraph in the petition. (Example: if the requesting party's checked the box in the petition that asks for a protection order, read the protection order petition s/he filed or attached before deciding whether to admit/deny this paragraph in the modification petition.)

For any paragraphs you're marking "Denied," explain why you're denying them in the space provided at the end of part 1. **“Each allegation of the petition that is denied is denied for the following reasons.”** In the blank space after this sentence, write a sentence or two about why you denied each paragraph of the petition for which you marked “denied” on your Response. Write the number of the paragraph denied (example: “Paragraph 2.1 is denied because...” Then write in the reasons you denied that paragraph).

Paragraph 1.2 Notice of Further Proceedings: Read this.

²⁵ See the section called “Filing and Serving Your Responding Papers” and our packet [Finishing Your Modification/Adjustment of a Parenting Plan or Custody Decree in a Dissolution Case](#).

Paragraph 1.3 Other: Write in any additional response you have. If you have defenses you want the court to consider, write them here. If you'll be making your own requests in Paragraph 2.2, state them here.

PART II: REQUESTS

Paragraph 2.1 Request for Dismissal: If you want to ask that the petition be dismissed, check the second box. If you agree that the court should modify the parenting plan or child support in some way, check the first box.

Paragraph 2.2 Request for Modification or Adjustment: If you're not asking for any modification/adjustment, check the first box ("Does not apply").

If you want to make your own requests for modification or adjustment, check the second box. In addition check the first indented box (adequate cause). You'll need to prepare, file and serve your own proposed parenting plan. If your request includes a change in child support, also check the second indented box. You'll also need to prepare, file, and serve child support work sheets and related financial information.

If you're making other requests, check the box marked "other." Write in your requests.

Consolidation of Existing Protection Order. If you have a Protection Order that was entered under a different case number, and you want to change it or extend the expiration date, write in what you want the court to do. Example: "The Protection Order entered on [date] under Case No. XXXX should be consolidated under this case number, and incorporated into this case, and modified only as follows: 1) The no contact and custody provisions should be changed to follow the Final Parenting Plan, and 2) the expiration date should be changed so that the protection order is permanent, as authorized under [RCW 26.09.050\(1\)](#) and [RCW 26.50.060\(2\)](#)."

Paragraph 2.3 Protection Order:

- ◆ The law allows domestic violence survivors and victims of unlawful civil harassment to request a long-term Order for Protection as part of their modification case. Protection orders can cover yourself and your children. However, the procedures for combining protection orders with family law cases can be confusing.
- ◆ Requesting a protection order in your modification petition doesn't give you any protection before your case is final. If you need an immediate protection order, you must complete the appropriate protection order forms, start a separate protection order case, and go to the hearings associated with that case. For information on requesting an immediate Order for Protection, call the WA State Domestic Violence Hotline at 1-800-562-6025.
- ◆ The main benefit of combining protection orders with family law cases is that a judge in a family law case can enter an Order for Protection that restrains a person from contact with his/her minor children for more than one year.²⁶ Orders for Protection issued outside a family law case can only

²⁶ [RCW 26.50.060\(2\)](#).

restrain contact between a parent and his/her minor child for one year at a time, although those orders can be renewed.

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

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

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

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

◆ Requesting a protection order in your modification response doesn't get you any immediate order. To request an immediate Order of Protection or an Order to be in effect during your modification case, file a separate protection order case and follow the hearing procedures under RCW 26.50 (domestic violence). Our packets don't give any instructions on combining a protection order you obtain after the modification case is filed into your modification case. You might need to amend the modification petition and re-serve the other party.

If you do attach a petition for a protection order to your Response, you must arrange to have the Response and Petition for a Protection Order personally served on the other party, rather than served by mail. The instructions for personal service and the Return of Service form are in our Filing a Petition to Modify/Adjust packet.

Signature. Date the form. Sign and print your name in the blanks. Fill in the address where you want to receive further notices from the court and the other parties about the case. If you don't use your home address, use an address where you can **reliably and immediately** get your mail. Examples: a P.O. Box, or the address of a responsible friend who will give you mail as soon as it arrives.

D. Declaration – WPF DRPSCU 01.0100

If you object to the Petition, or if you're making your own requests, use this form to write what you think the court needs to know to rule in your favor. Also, try to get declarations from witnesses. A Declaration is a statement, sworn to be true, by a person who has direct knowledge about the issues in your case. **Declarations are important in Family Law Cases. They give the court detailed information about what has happened, what you've done, and what has been observed that relates to the case. You can also attach documents, such as police reports, to prove your case.**

You usually use declarations at the Adequate Cause Hearing and on hearings for Temporary Orders or Emergency Orders. (However, if your case goes to full trial, the judge won't rely on declarations. At trial, you must have witnesses in person. And a few counties may allow or require live testimony at hearings before trial). You'll also file a Declaration with your Response.

Generally, you don't need more than one witness to give the same information, especially if the information isn't disputed. If several witnesses would say the same things, choose only one or two to write a declaration. Generally, the court gives more weight to a neutral person or a professional than to someone obviously supporting only one side. Some people, such as school teachers or counselors, may need a signed release of information form before writing the declaration.

Try to get some of the following witnesses to complete declarations, if they have direct knowledge of at least part of the situation:

- yourself
- close friends or family members
- mental health counselors, school counselors, domestic violence counselors, anger management counselors, AA sponsors, etc.
- scout leaders, teachers, coaches, ministers, priests, or other clergy
- doctors or nurses
- CPS workers
- police or other law enforcement officers
- neighbors

At your adequate cause hearing, you and the other party won't be given much time to speak, and the Judge probably won't let you add facts in your case. So you must explain all the important facts on the forms you're filing with the court.

Note: by presenting a declaration from a witness, you may be giving up the right to keep confidential other information that witness may have about you or the child/ren.

a) **Some brief rules about witness Declarations**

- Put the most important points at the beginning. Less important points should come later.
- Base the statement on the writer's own personal knowledge (what s/he saw or experienced firsthand), not what someone else told the writer. Exception: the writer may talk about what one of the other parties has said.
- The writer should explain how well s/he knows you or the people s/he is writing about, how often s/he sees the people, and in what situations. Example: "Mr. Jones has worked for me at Acme Plumbing for 15 years. I see him almost every day at the office. In addition, because our sons are on competing soccer teams, I have seen him coaching his son's games three or four times this season. I've been invited into his home a two or three times for dinner with his family over the years I've known him."
- The writer must type the declaration or print it neatly in **black or dark blue ink**. (A few courts require that all declarations be typed.) If the declaration is difficult to read, the judge may not try.
- Don't make the declarations too long.
- Stick to the issues the judge will be deciding. Be specific on those issues.
 - Example: in a parenting dispute, general statements, such as "she is a bad mother," or "the children are much happier now living with Mary," aren't helpful. Instead, the declaration should describe specific things, and state when and where incidents occurred, such as, "I live on the same street as Joe. About a year ago, Joe knocked over our mailbox while driving. I ran out to the street to see what had happened. Joe was standing next to his car. I smelled liquor on his breath. I've seen him weaving down the road in his car three other times this year."
 - In a child support dispute without parenting issues, the statement above may not be relevant to the issues before the court. If it's not relevant, don't include it.
- Attach extra pages to the declaration if you need more space. However, make sure that the writer of the declaration signs and dates the declaration in the space that says "I declare under penalty of perjury..." Your extra pages should also have margins of at least one inch, and you should number all the pages at the bottom.
- **Some courts (such as King Co.) limit the number of pages that you can file with a motion or response. Check your local rules, or ask the court clerk's office or the facilitator.**
- If you attach documents to declarations, such as printouts of bills, school records, medical or treatment records, police records, etc., refer to them in the declaration and call the attached documents exhibits and number them Exhibit Number 1, Exhibit Number 2, etc.
 - If the papers to be attached don't require a sealed cover sheet (see the General Instructions section if you're not sure), staple them to the declaration.

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

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

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

b) Filling out the Declaration form

Caption.

Fill out the caption and make as many copies of this form as you'll need before any other information is added. This way, you'll have blank forms with just the caption on them, so that you may give a copy to each witness to fill out and have one for you to use, where necessary.

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

This declaration is made by.

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

Blank Lines

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

Signature Line

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

E. Sealed Personal Health Care Records (Cover Sheet) – WPF DRPSCU 09.0260

Unless you learn that a local procedure requires otherwise, use this form whenever you file any papers with the court that mention health care of any kind -- mental health care, physical health care, health insurance, or medical bills -- to make sure the records aren't available to the public. Use this cover sheet on any records or correspondence containing information that relates to the

past, present, or future physical or mental health condition of an individual, including past, present or future payments for health care.

Some of the papers that should be filed with this cover sheet are:

- medical and mental health records and bills
- letters or declarations from doctors and counselors
- medical bills & statements of medical coverage (or denial)
- cost estimates for medical care
- social security and L&I and other disability program letters and records
- medical evaluations
- medical insurance records
- dental records
- records of alternative health care practitioners such as massage therapists, acupuncturists or chiropractors
- genetic parentage testing.

Put this cover sheet on declarations that mention medical or mental health conditions.

Keep a blank copy of this form in case you need to file more health care records later.

Attach the confidential personal health care records to this form.

Fill out the caption.

Check the boxes next to each type of paper that you're filing. Usually this will be only the box before "relates to the past, present, or future..."

**F. Sealed Confidential Reports (Cover Sheet) – WPF DRPSCU
09.0270**

This form is used whenever certain confidential reports are filed with the court. These include reports such as the following when intended as reports to the court in a family law case:

- Parenting evaluations
- Domestic Violence Assessment Reports created by certain qualified people
- CPS reports
- See the form for other types of reports

In addition to the private part of the report, the person preparing the report needs to file a public portion that simply lists the materials or information reviewed, the individuals contacted, the tests conducted or reviewed, and the conclusions or recommendations reached.

Instructions for the Sealed Reports form:

1. **Caption.** Fill out the caption.

2. Check the boxes next to the type of report.
3. At the top of the first page of the report, about one inch from the top of the paper, write “Sealed.”
4. Attach the confidential part of the report to this form. If you’re afraid for your safety or the safety of the children, block out information that identifies location and address on the copies that you file with the court and deliver to the other parties.
5. The person submitting the records should sign on the line under “submitted by.”

G. Proposed Parenting Plan

Fill out this form if you disagree with the moving party’s proposed parenting plan and you want the parenting plan changed in a different way. Our packet [*Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications*](#) has forms and instructions.

H. Child Support Worksheets

Use these if a request to modify the parenting plan/custody decree includes a request to change child support. The forms and instructions are in our packet [*Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications*](#).

I. Order re Adequate Cause – WPF DRPSCU 07.0300

The judge may sign this form after the adequate cause hearing. That hearing will take place unless you agree that adequate cause exists or unless you’re defaulted. Get this form after you receive a notice setting the adequate cause hearing. (You’ll receive a Notice of Hearing for the Adequate Cause Determination or a local form.) The party who wins at the Adequate Cause hearing is usually responsible for asking the judge to sign this order at the end of the hearing.

If you receive notice of the adequate cause hearing and you disagree with the other party’s requests, we recommend (and some courts require) that you prepare and serve a proposed Order with your responding declarations, deliver your proposed order as part of the judge’s working papers, and take it to court on the day of the hearing.

See the “Adequate Cause” section of this packet for a description of the adequate cause procedure and hearing.

If you prepare the Order before the hearing, fill it out the way you’ll ask the judge to decide. If you prepare it after the hearing, fill it out to show the decisions the judge made at the hearing.

Fill out the caption. Above the words “clerk’s action required,” check the first box if adequate cause is denied. Check the second box if adequate cause is granted or agreed, and also check the third box if adequate cause is granted or agreed and you do have a trial date. As the nonrequesting (nonmoving) party, you’re asking the judge to check the first box if you’re asking that the Petition be denied for lack of adequate cause.

I. Basis:

1.1 Read this paragraph.

1.2 Write in the date of the Adequate Cause hearing.

II. Findings

2.1 Read this paragraph.

2.2 Write in the date the nonrequesting party was served with the forms listed.

2.3 Read this paragraph. Check the box showing how long ago the nonrequesting party was served with the Petition and other documents, based upon the type of service (box 1 for personal service inside the state, box 2 for personal service outside the state, or box 3 for service by mail).

2.4 Check the first box.

2.5 This paragraph will show the court's decision. If the parties agree that adequate cause exists, check the third box. If you're preparing the order before the hearing and you deny that adequate cause exists, check the first box.

If you prepare this order after the adequate cause hearing, write in the judge's decision on adequate cause. If the judge denies adequate cause, check the first box. If the court finds that there is adequate cause, check the second box.

2.6

- **2.6.1** Check the box(es) showing the nonrequesting party's service member status.
- **2.6.2** Check the box(es) showing whether the nonrequesting party is the dependent²⁷ of a service member. If the nonrequesting party was served with the Notice re: Dependent of a Military Service Member more than 20 days ago (23 days ago for mailing) and didn't respond to it, check the third box in this paragraph.

III. Order

If the parties agree that adequate cause exists, check the second box (and, if you already have a trial date, check the third box and fill in the trial date, time, and place). Have the agreeing parties sign the Order.

If the parties don't agree and you're writing a proposed Order, before the adequate cause hearing, check the box that shows the decision you'll ask the judge to make.

If the parties don't agree, the case goes to an adequate cause hearing. Then the court will make a decision. Check the box that shows the judge's decision, either ending the case (the first box) or moving it forward to the next step (the second and perhaps the third box). If the court sets a trial date, be prepared to go to trial on that date. **Note: in some counties, the judge may make a final decision about minor modifications/adjustments at the adequate cause hearing.** If the court checks the second box but doesn't set a hearing date, ask the court clerk or administrator about how to do so. In some counties, the trial date is assigned and stated in the case schedule you received when the case was filed.

Before you hand your proposed Order re Adequate Cause to the judge, sign it under "presented by." Print your name below your signature. If the other party agrees to sign the order, have him/her sign and print their name under "approved by."

²⁷ See the Notice re Dependent of a Military Service Member for the list of protected dependents.

J. Respondent's Notice of Hearing on Adequate Cause Determination

If you want to schedule the adequate cause hearing, use this form. Otherwise, skip this form and decide to either agree to adequate cause, file a motion to dismiss, or wait for the moving party to schedule the adequate cause hearing.

In many cases you'll use this form because you're filing a motion. In some counties, you're required to file a motion. This packet has no information about filing a motion to dismiss or noting an adequate cause hearing if you're the nonmoving party. If you decide to use the form, it's online at <http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14> (WPF DRPSCU 07.0255). Talk with an attorney or your Family Law Facilitator or court clerk about how to note your hearing on adequate cause or your motion to dismiss.

Section 9: Filing and Serving Your Responding Papers

◆ If you believe the court lacks jurisdiction, see the jurisdiction discussion in this packet, and talk with an attorney.

After you have filled out the forms you need, file them with the court, serve them on the other parties, and prove that service has been made. This section describes how to do that.

The following instructions apply whether you're filing a Response (and related documents) to the Petition or responding to motions with hearing dates (such as Petitioner's Notice of Hearing for Adequate Cause).

A. Preparing to file and serve Your Papers

- Re-check Your Deadlines.** Review your deadlines. Make sure you file and serve your papers before those deadlines. **Remember: motions deadlines are often shorter than the deadline to file a Response to the Petition.** If you miss the deadline, file and serve your papers anyway.
- Make sure you know who must be served or is a party to the case.** Usually, the caption lists the other individual parties by name. In addition, if any child/ren in your case have ever received public assistance (welfare), or Medicaid, or if they're in foster care or out of home placement, you must serve copies on the State of Washington. (For more information, see our packet called [Serving Papers on the State](#).) If a GAL has been appointed, s/he must be served too. If a party has an attorney in this case, mail or deliver the papers to the attorney's office, not to the other parent. Talk with an attorney for individual advice if you're not sure who to serve. Also talk with an attorney if there is anyone not named as a petitioner or respondent who has legal or physical custody or visitation with a child in the case or who claims a right to custody or visitation.
- Make sure you have the forms you'll need.** Use the checklists in this packet. You must have every party served with the papers you file with the court, as provided in [CR 5\(a\)](#). This includes proposed orders. The main exceptions are the Confidential Information form and addendum and any Law Enforcement Information Sheet.²⁸
- Figure out how many copies of each form you'll need. Make the copies.**

²⁸ Used with restraining orders.

The original of each form will be filed with the court clerk in the county where the case has been filed. Make copies as follows: (**except**, if you've prepared the Confidential Information Form and addendum and/or LEIS,²⁹ make just make one copy, for yourself, of these 3 forms).

_____ one copy of each form for yourself

_____ one copy of each form for the other party

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

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

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

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

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

Organize Your Papers.

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

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

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

B. Filing your papers in court

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

²⁹ The Confidential Information Sheet and addendum are in our basic Responding packets. They're filed with your first court papers and must be updated when the information in it, such as your address, changes. The LEIS isn't in this packet. Use it with restraining orders and Orders for Protection. Get it at the court clerk's office.

C. Serving the other parties

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

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

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

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

After the Summons and Petition have been properly served, most papers prepared by either the petitioner or the respondent can be served on the other party by mail or personal delivery, as explained below.³⁰ Carefully follow the rules about service.

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

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

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

3. **Service must be completed before your deadline.**

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

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

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

³⁰ [CR 5\(b\)\(1\)-\(2\)](#). However, if you prefer, you may have a party personally served (using the same procedures as described in our Filing packets for serving the Summons and Petition), and have a Return of Service prepared and filed. This packet tells you if a form needs to be personally served.

third day is on a weekend or holiday, the document is not considered to have been “served” until the next court day.

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

o **Personal Delivery.**

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

- handing it to the attorney or to the party; or
- leaving it at his office with his/her clerk or other person in charge of the office³¹; or,
- if no one is in charge, leaving it in a place in the office where someone can easily find it (example: on top of the front desk); or,
- If the office is closed or the person has no office, leaving it at his/her residence or usual place of abode (home) with some person of suitable age and discretion then residing there.³²

D. 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.

1. **Caption.** Fill in the caption.
2. **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

³¹ Although [CR 5\(b\)\(1\)-\(2\)](#) appears to allow a person to be served at his/her office, and you can usually deliver papers to an attorney or GAL at his/her office, we recommend that you NOT serve other parties at their offices, unless they’ve used that as their service address in a Notice of Appearance, Petition, or Response form.

³² [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who is an adult (or at least an older teenager) who does not have a mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

the time and address of delivery in the blanks provided, and the name of the person to whom the papers were delivered.

3. **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.

E. 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.

Section 10: Instructions If You're in the Military or if You're the Dependent of a Military Service Member

If you're on active duty³³ in the United States Armed Forces, or if you're the dependent (usually the spouse or minor child of a resident of Washington who is on active duty and is a National Guard Member or Reservist, or a person receiving over half his/her support from that service member³⁴), you have special protections under the Service Members' Civil Relief Acts. Protections under the law can include protection against being defaulted in some circumstances, the right to ask for a stay (delay) of a court case if the active military duty limits ability to participate in the case, and other rights.

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

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

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

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

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

³³ The Service Members Civil Relief Act of March 4, 1918, as amended, [50 U.S.C. App., 501 et seq.](#) protects service members including: All members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at http://www.uscg.mil/legal/la/topics/sscra/sscra_guide.htm#coverage.

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

³⁴ [RCW 38.42.010](#).

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

Caption. Fill in the Caption.

In the first blank, write your full name.

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

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

2. File the Waiver form.

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

B. Notice by Military Dependent

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

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

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

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

- whether you are entitled to the protections of the law concerning military service members' dependents, and,

- if you are protected, whether you should or should not file a Notice of Appearance and a Response to the Petition and other documents in this packet

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

1. Instructions for filling out the form.

Caption. Fill in the Caption.

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

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

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

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

2. File and serve the form.

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

Section 11: Agreed Cases

You may try to settle the case by agreement. You may negotiate even before you file your Response, but DON'T ignore your legal deadlines to respond to the petition or motions. Try to reach agreement by direct negotiation, at a settlement conference with the court, or through mediation. See the publication called [Mediation](#) for further information.

If you agree with everything requested (in the Petition, the moving party's proposed parenting plan, child support worksheets, and other documents), or if you later negotiate an agreement, and you're willing to sign the necessary forms showing your agreement, the process for obtaining a modification/adjustment is simple in most cases. The judge will probably approve an Agreed Order re Adequate Cause without requiring detailed declarations. And the case can usually be resolved with a brief hearing rather than after a trial. **Exception: If the judge finds that the proposed modification/adjustment isn't in the best interests of the children, s/he may deny it, despite the parties' agreement.**

If the parties have agreed to changes, see the checklist in this packet. All parties should sign the new Parenting Plan (if the agreement results in any change), the Order re Adequate Cause, and the Order re Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule (in our packet [Finishing Your Modification/Adjustment of a Parenting Plan/Custody Decree in Dissolution Cases](#)). You may also sign the Joinder form, but do this only if you agree with all the requests in the Petition, proposed parenting plan and child support work sheets served with the Petition. If you're changing child support, then all parties should sign the Order of Child Support order and the Child Support Worksheets.

If you're confident that the final papers show your agreement accurately, sign them. **If possible, make an appointment with a lawyer OTHER THAN THE OTHER PARTY'S LAWYER to review the papers before signing.**

After all the forms have been signed, they must be presented to the judge for approval and signature. Find out the local procedure for doing this from your County Clerk or Family Court Facilitator. Also check to see if you both must go to a special parenting class. They're required in many counties. If possible, both parties should go to court the day the papers are presented to the judge.

Our packet [Finishing Your Modification/Adjustment of a Parenting Plan/Custody Decree in Dissolution Cases](#) contains more information.

A. You can choose to sign a Joinder form, but only if you agree completely with the requested modification/adjustment

In some cases, you may agree with the Petition's requests. If you agree with **everything** in the Petition, proposed parenting plan, child support worksheets, and other requested relief, you may sign a form called a *Joinder*.

◆ **You're never required to sign a joinder form.**

- ◆ If you disagree with any requests in the petition or any related paper, or if you agree with all the requests but want to be sure the court doesn't approve final agreed papers until you sign them, **don't** sign the joinder form.
- ◆ By signing the joinder form, you give the other party permission to enter final papers without your further approval or your signature on the papers.

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

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

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

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

1. **Caption.** Fill out the caption.
2. **Paragraph 1.** Read the paragraph carefully.
3. **Paragraph 2.** You should check the second box, so that the other party must send you the notice of hearings to finish your case. Checking this box doesn't mean the petitioner/requesting party must get your signature on the final papers. It only means you're asking him/her to send you notice. Write your address in the blank space. You don't need to give your home address, but make sure you use a reliable mailing address where you'll immediately learn of papers arriving for you. If you're sure that you don't want the other party to give you notice before final orders are entered, check the first box.
4. **Other.** Write in other information here.
5. **Signature.** Date the form and sign where it says "Signature of Joining Party." Print or type your name on the line below it.

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

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

Section 12: Adequate Cause

A. Introduction

A judge must make an “adequate cause” decision before the modification/adjustment case can go forward and be finished. In contested (disputed) cases, this decision is made at an “Adequate Cause” hearing, also called a threshold hearing.

If you don’t think the parenting plan/custody order should be changed, do everything you can to show the judge why s/he should find that there isn’t adequate cause. This is a critical time in the case. You must present information proving your point of view. Provide detailed facts, not just conclusions³⁵. If the judge finds there is adequate cause, the Petition can go forward to a further hearing. If the judge finds there is NO adequate cause, the Petition for Modification/Adjustment will be denied and the case dismissed without any further hearings. The judge’s decision will be shown on the Order re Adequate Cause form.

Unless you and the other party filed an agreed petition for modification, you should get a paper from the other party telling you about a time and date for an “adequate cause” hearing. In general, it’s the requesting party’s responsibility to schedule an adequate cause hearing. Technically, however, any party can schedule it, and in a few counties your case schedule may set the date. The requesting party can serve notice of the adequate cause hearing with the Petition, or later. In most counties, the adequate cause hearing must take place after the deadline to respond has passed.³⁶ And, in many counties, the court won’t make a temporary custody decision before the adequate cause hearing.³⁷

If you decide to schedule the adequate cause hearing yourself, use the Respondent’s Notice of Hearing for Adequate Cause Determination (WPF DRPSCU 07.0255). This packet doesn’t have detailed instructions for using this form and scheduling the hearing. Get the form at <http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14>.

In general, Washington law discourages parenting plan modifications. It’s harder to show adequate cause for a major modification than for a minor modification or adjustment.³⁸ In making the adequate cause decision, the judge will look at whether or not evidence appears to meet the legal requirements for a modification or adjustment. In most cases, the judge will review the materials that have been filed with the court and will listen to the arguments of the parties. The court will usually not hear live testimony.

³⁵ *In re Parentage of Jannot*, 110 Wn. App. 16, 25 (2002), aff’d 149 Wn. 2d 123 (2003).

³⁶ The deadline to respond is 20 days after personal service inside the state, 60 days after personal service outside the state or service by publication, and 90 days after service by mail.

³⁷ However, the courts may enter emergency orders before that, or shorten the time for the Adequate Cause hearing, if an emergency is proven.

³⁸ Read our publications [Child Custody Modification](#) and [Parenting Plans](#) for information about the legal standards for modification/adjustment.

◆ **Note:** The nonrequesting party may also want to file a Motion to Dismiss for lack of Adequate Cause, particularly if the other party doesn't schedule an adequate cause hearing soon after the start of the case. Our packet has no forms or instructions for a motion to dismiss for lack of adequate cause. If you want to file a Motion to Dismiss, talk with an attorney.

B. Know what to expect.

Learn and understand the adequate cause procedures in your county. The following description may not exactly apply in all counties. The court may enter an Order re: Adequate Cause:

1. **By Default:** If you've been served with the Petition and fail to file a Response before your deadline, the requesting party can ask the court for an Order of Default.³⁹ If s/he gets an Order of Default, approved by the judge, s/he may then get an Order finishing the modification/adjustment action without further notice to you. See the packet [*Finishing Your Modification/Adjustment of a Parenting Plan/Custody Decree in a Dissolution Case*](#) for more information and see the instructions in this packet for preparing, filing, and serving your Response to the Petition and your response to the notice for adequate cause hearing
2. **By an Agreed Order re Adequate Cause:** If all parties have signed an Agreed Order re Adequate Cause, either party may ask the court clerk or family law facilitator about how to present the agreed order to the judge for decision.
3. **By an Order re Adequate Cause entered after a contested hearing:** An adequate cause hearing will be necessary where there is no agreement or an order of default. The rest of this section describes the steps needed to complete the Adequate Cause process in contested cases.

If the requesting party notifies you of the hearing, you should receive the following papers (we will call them adequate cause papers):

- *Petitioner's Notice of Hearing for Adequate Cause Determination*, and/or any locally required form to schedule hearing (such as a Note for Motion Docket)
- *Declarations* (the requesting party and any witnesses), and any attached exhibits. The requesting party must show how s/he meets the legal standard for the kind of modification/adjustment requested.
- Where local rules require, a *Proposed Order re Adequate Cause* and/or a *Motion re: Adequate Cause*.
-

³⁹ Where you've filed a Notice of Appearance or taken other action that the law considers to be an "appearance," but you haven't yet filed a Response, the moving party should notify you if s/he moves for default after your deadline to Respond has passed. If you haven't "Appeared," you're not entitled to notice of the motion

◆ If a party applies for temporary orders, a hearing on the Motion for Temporary Orders is often scheduled the same day as the adequate cause hearing. We have separate packets on responding to motions for temporary and emergency orders.

C. Your Response to Petitioner’s Notice of Hearing for Adequate Cause Determination

1. Prepare your adequate cause response papers.

Before the deadline to respond to the adequate cause papers, you must prepare, file, and serve papers telling the court whether or not you think adequate cause to modify/adjust exists.

If you deny that adequate cause exists, prepare a Notice of Appearance (if you haven’t already done this), your own declaration, and your proposed Order re Adequate Cause, and get declarations of witnesses. Documents and other evidence can be attached to declarations if the declaration properly describes them.

If you agree that adequate cause exists, you should prepare a Notice of Appearance and negotiate with the other parties about an agreed Order re Adequate Cause.

If the requesting party is scheduled other motions for the same day (example: a motion for temporary orders), you must respond to those as well.⁴⁰

If there is relief that you want the court to grant, you should file your own Motions. If you file before your adequate cause hearing, you may be able to get the other party (or the court) to hold a hearing on both motions on the same (later) date. If you don’t know whether you need to file a motion, talk with an attorney.

2. Copy, file, and serve your adequate cause responding papers.

- **Check Your Deadlines.** Make sure to file and serve your responding Adequate Cause papers **far enough before your hearing date**. (Example: if your local rules say that you must serve motions four days before the hearing, then your Adequate Cause papers must be filed with the court, and working papers delivered to the judge or court commissioner, and all parties served by four days before the hearing. Count Day 1 as the day **after** you delivered or mailed the papers. Also, add at least 3 days⁴¹ for mailing.)
- **Copy, file and serve your adequate cause response papers using the same process described in the Filing and Serving section. Prove service by using the Certificate of Mailing or Personal Delivery Procedure described in that section.**
- **Deliver Working Papers for the judge, if required.** Working papers are an extra copy of all of the papers (including proposed orders) for your hearing for the judge to read.

⁴⁰ If you were served with a Motion for Default, you must also file a Response to the Petition. If you don’t, an adequate cause order may be entered without a hearing.

⁴¹ 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.

Ask the clerk or facilitator where to deliver the Working Papers. Working Papers are required in some counties. (We recommend you provide them even where not required.) **Write the date, time and room number of the hearing, and “family law motion–nonrequesting party’s papers,” in the upper right hand corner of the first paper. Deliver it to the correct place.**

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

D. Prepare for and attend your hearing.

- **Read any Reply you receive.** In most counties (which follow the general Civil Rules), the requesting party gets no chance to file a reply.⁴² However, other counties do allow a reply. In these counties the other party may reply by writing their own declarations. S/he can’t bring up new issues in the reply. S/he should only reply to things that the other party talks about. You’ll have no chance to respond in writing to the reply. You can address issues in the reply when it’s your turn to speak at the hearing.
- **If another Party Gets an Attorney.** If at any time before the hearing another party’s attorney contacts you, or if an attorney shows up at a hearing, you may decide to get an attorney yourself. If so, tell the attorney and the court that you need to delay (continue) your hearing. Don’t sign any documents you don’t understand. You may need written court approval for a delay in some counties.
- **Prepare for the Hearing.** Try to go to court before the day of your hearing and watch how the hearings are generally done. Also try to make some notes to yourself about the main points that you want to make when it’s your turn to talk during the hearing.
- **Take your papers to the hearing.** Your papers should include the Adequate Cause papers you’ve received and filed so far, the Certificates of Mailing or Personal Delivery showing you served the other party, and blank copies of the Order forms in case your proposed Orders need major changes.
- **Get to Your Hearing Early.** Dress neatly. Bring a pad of paper and black pen to write notes with. Don’t bring children if you can help it – the judge will usually not let them sit in the courtroom. If you’re late, the hearing will be cancelled (or the other party may win).
- **When You Get to the Courtroom.** Tell the person in charge in the courtroom (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 your Order re Adequate Cause.** If you have scheduled hearings in your case for the same time, give the judge all the proposed Orders you’ve prepared (example: Temporary Order).

⁴² [CR 6\(d\)](#).

- **Presenting Your Case.** If the other party shows up at the hearing, each of you will have a chance to tell your side of the case. Stand while speaking. Tell the judge briefly what you want, and why. (If you have motions for the same day, tell the court.) Try to keep your argument short. Only outline your main points. Some courts give you only 5 minutes to talk. In most cases, the judge will have read your papers before the hearing, so don't repeat everything in your papers. You usually won't be allowed to add new evidence. In a few counties, the court may expect the parties to testify about their requests. During the hearing, talk to the judge, not the other party.
- **If the other party doesn't appear, show the judge your Certificate of Mailing or Personal Delivery.** Ask the judge to sign your Order re Adequate Cause (and your other Orders, if you've scheduled other motions for the same time). Tell the clerk or bailiff you need a copy of the order.

DON'T INTERRUPT THE JUDGE.

- **Hearing the Judge's Decision.** After the judge has heard all sides, s/he'll decide if there is adequate cause to allow the modification to go forward. Listen carefully. Make notes. The judge may make changes to the order you prepared, or s/he may direct you, the other party, or the other party's attorney to do it. If another party makes changes to the order, read it carefully. Make sure that it says what the judge said. If you're not sure about any of the changes, don't sign the orders. Ask the other party to go back before the judge to make sure that the order shows the judge's decision.

Ask the judge to sign the Order re Adequate Cause. If you've scheduled other Motions in your case for the same day, such as a Motion for Temporary Orders, ask the judge to sign orders showing his/her decision on those motions (example: a Temporary Order).

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

- **Getting Copies of the Orders and Filing Them.** Make sure you get a copy of the orders as signed by the judge. Ask the clerk how to do this. The clerk may give you the originals and tell you to go make copies in the library or at the clerk's office. **DON'T LEAVE THE COURTHOUSE WITH (OR CHANGE OR DESTROY) COURT ORDERS THAT HAVE BEEN SIGNED BY THE JUDGE.** After you've made copies, take the originals to the court clerk's office and file them with the clerk.
- **If you prepared the order that the judge signed,** use the Certificate of Mailing or Personal Delivery procedure explained in this packet to provide copies of the signed order to the other parties.

E. If You Disagree with the Court's Order regarding Adequate Cause

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

1. Motion for Reconsideration. If a court commissioner or judge decided the motion,

and you believe that there is new evidence or another legal reason that could change the commissioner or judge's mind, you may file a Motion for Reconsideration. See [CR 59\(a\)](#). You have 10 days from the date the court signed the order to file a Motion for Reconsideration.⁴³ Local court rules may require you to also serve the other parties within the same deadline – if you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Reconsideration aren't usually easy to win. Consult with an attorney, if possible, before filing one.

2. Motion for Revision. If a court commissioner decided the motion, and you don't want to try to give that commissioner more evidence, you may file a Motion for Revision. A motion for revision is heard by a judge. That judge can hold a "new hearing" on the evidence that the commissioner considered. You have 10 days from the date the court commissioner signed the order to file a Motion for Revision.⁴⁴ Local court rules may require you to also serve the other parties within the same deadline – if you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Revision aren't usually easy to win. Consult with an attorney, if possible, before filing one.
3. If you choose not to file either of the above motions or if you lose these motions, then your only remedy is to file an appeal with the Court of Appeals (or, in some cases, a request for discretionary review) and properly notify the other parties. Generally, you have 30 days from the date the court signed the order to do this.⁴⁵ However, there are other requirements for filing in the Court of Appeals, not all decisions can be appealed, and few cases are successful. Definitely talk with an attorney before filing an appeal/request for discretionary review

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

⁴³ [CR 59\(b\)](#).

⁴⁴ [RCW 2.24.050](#).

⁴⁵ [Rules of Appellate Procedure \(RAP\) 5.2\(a\)](#).

Section 13: Blank Forms

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

Confidential Information Form (INFO)

County:	Cause Number:	Don't file in a public access file.
Court Clerk: This is a Restricted Access Document		

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

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

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

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

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

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

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

2) Child's Name (Last, First, Middle)
Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts
List the names and present addresses of the persons with whom the child(ren) lived during the last five years:
List the names and present addresses of any person besides you and the respondent who has physical custody of, or claims rights of custody or visitation with, the child(ren):

<u>Except for petitions in protection order cases (Domestic Violence/Antiharassment/ Sexual Assault), the following information is required:</u>	
Petitioner's Information	Respondent's Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
Telephone No.: ()	Telephone No.: ()
Employer:	Employer:
Empl. Address:	Empl. Address:
Empl. Phone No.: ()	Empl. Phone No.: ()
For Nonparental Custody Petitions only, list other Adults in Petitioner(s) household (Name/DOB):	

Additional information: _____

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

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

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

 Petitioner/Respondent

Addendum to Confidential Information Form (AD)

County:	Cause Number:	Don't file in a public access file.
---------	---------------	--

Court Clerk: This is a Restricted Access Document

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

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

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

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

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

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

**Superior Court of Washington
County of _____**

In re:

Petitioner,

and

Respondent.

No. _____

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

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

Service Address:

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

Phone Number: Listed on Confidential Information Form.

Dated: _____

Signature of Party Appearing

Print or Type Name

**Superior Court of Washington
County of _____**

In re:

and

Petitioner,

Respondent.

No. _____

**Response to Petition for
Modification/Adjustment of
Custody Decree/Parenting
Plan/Residential Schedule
(RSP)**

Check box if petition is attached for:

Order for protection DV (PTORPRT)

Order for protection UH (PTORAH)

To: _____

I. Response

1.1 Admissions and Denials

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

Paragraph of the Petition

1.1	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.2	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.3	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.1	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.2	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.3	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.4	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.5	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.6	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.7	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.8	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information

2.9	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.10	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.11	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.11.1	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.11.2	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.11.3	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.12	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.13	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.14	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.15	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.16	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information

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

1.2 Notice of Further Proceedings

Notice of all further proceedings in this matter should be sent to the address below

1.3 Other

II. Requests

2.1 Request for Dismissal

- Does not apply.
- The nonrequesting party requests that the petition be dismissed.

2.2 Request for Modification or Adjustment

- Does not apply.
- The nonrequesting party requests that the court enter an order modifying or adjusting the custody decree/parenting plan/residential schedule in this matter and approving the proposed parenting plan/residential schedule, which is filed with or attached to this response. The nonrequesting party also requests that the court:
- Find there is adequate cause for hearing this matter.
- Enter an order establishing child support in accordance with the proposed parenting plan/residential schedule. The child support worksheet and financial declaration are filed with this response.
- Other:

2.3 Protection Order

- There is a protection order between the parties filed in case number _____, court _____, which expires on (date) _____.
- The court should grant the domestic violence antiharassment petition for order for protection:
 attached to this response.
 filed separately under this case number case number _____.

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

Dated: _____

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

Signature of Nonrequesting Party or Lawyer/WSBA No.

Print or Type Name

(Address)

**Superior Court of Washington
County of _____**

In re:

Petitioner(s),

and

Respondent(s).

No. _____

**Sealed Personal Health Care
Records
(Cover Sheet)
(SEALPHC)
Clerk's Action Required**

Sealed Personal Health Care Records

(List documents below and write "Sealed" at least one inch from the top of the first page of each document.)

Records or correspondences that contain health information that:

- Relates to the past, present, or future physical or mental health condition of an individual including past, present, or future payments for health care.
- Involves genetic parentage testing.

Submitted by:

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

**Superior Court of Washington
County of _____**

In re:

Petitioner(s),

and

Respondent(s).

No. _____

**Sealed Confidential Reports
(Cover Sheet)
(SEALRPT)
Clerk's Action Required**

Sealed Confidential Reports

(List documents below and write "Sealed" at least one inch from the top of the first page of each document.)

This cover sheet shall be used to file the sealed portion of the following reports:

- Parenting evaluations
- Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court
- Risk Assessment Reports created by Family Court Services or a qualified expert
- CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services
- Sexual abuse evaluations
- Reports of a guardian ad litem or Court Appointed Special Advocate
- Other:

The sealed portion of these reports include: 1) Detailed descriptions of material, or information gathered or reviewed; 2) Detailed descriptions of all statements reviewed or taken; 3) Detailed descriptions of tests conducted or reviewed; 4) Analysis to support the conclusions and recommendations.

Submitted by:

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

**Superior Court of Washington
County of _____**

In re:

Petitioner(s),

and

Respondent(s).

No. _____

**Order re Adequate Cause
(Modification/Adjustment of
Custody Decree/Parenting
Plan/Residential Schedule)**

Denied (ORRACD)

Granted (ORRACG)

Hearing set (ORH)

Clerk's Action Required

I. Basis

- 1.1 A petition requesting the modification/adjustment of the custody decree/parenting plan/residential schedule in this matter has been presented to the court.
- 1.2 A hearing was held on _____ [Date].

II. Findings

The Court Finds:

2.1 Jurisdiction

This court has jurisdiction over the proceeding and the parties.

2.2 Service on Nonmoving Party

The nonmoving party was served with a copy of the petition for modification/adjustment of custody decree/parenting plan/residential schedule, summons, a proposed parenting plan, and child support worksheet, if any, on _____ [Date].

2.3 Time Elapsed Since Service on the Nonmoving Party

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

2.4 Response

- The nonmoving party has responded.
- The nonmoving party has not responded and is in default.

2.5 Adequate Cause Finding

- Adequate cause for hearing the petition has not been established.
- Adequate cause for hearing the petition has been established.
- The parties stipulate that there's adequate cause for hearing the petition.

2.6 Servicemembers Civil Relief Act Statement

2.6.1 Service member status --- It appears the nonmoving party:

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

2.6.2 Dependent of a service member status --- It appears the nonmoving party:

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

III. Order

It is Ordered:

- The petition is denied.
- The matter is set for hearing or trial at the date or time established or to be established.
- The matter is set for hearing or trial at:

Date: _____ Time: _____ a.m./p.m.
Place: _____ Room/Department: _____

[] The nonmoving party is in default.

[] Other:

Dated: _____

Judge/Commissioner

Presented by:

Approved by:

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

Print Name Date

Print Name Date

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

Print Name Date

Print Name Date

Signature of Party or Lawyer/WSBA No.

Print Name Date

**Superior Court of Washington
County of _____**

In re:

Petitioner(s),

and

Respondent(s).

No. _____

**Certificate of Mailing or
Personal Delivery**

(No Mandatory Form Developed)

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

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

_____ in the following
manner

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

- Hand Delivery

At the following address:

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

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

DATED this _____ day of _____, 20____ at
_____(city), _____(state).

Signature

Print or Type Name

**Superior Court of Washington
County of _____**

In re the Marriage of:

Petitioner,

and

Respondent.

No. _____

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

(No Mandatory Form Available)

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

I received a copy of the Summons and Petition for Modification/Adjustment of Parenting Plan/Custody Decree and Proposed Parenting Plan and Proposed Order of Child Support (if applicable) and

other documents listed in the Return of Service or Acceptance of Service in this matter on

_____.

Name of Service member: _____

Rank: _____

Serial No.: _____

Unit: _____

Signed at _____, on _____.
[Place] [Date]

Signature of Nonrequesting Party

Print or Type Name

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____.

NOTARY PUBLIC in and for
the state of _____,
residing at _____.
My Commission Expires: _____.

**Superior Court of Washington
County of _____**

In re the Marriage of:

Petitioner,

and

Respondent.

No. _____

Notice of Military Dependent

(No Mandatory Form Developed)

I declare under penalty of perjury under the laws of the State of Washington that I am the dependent of a member of the National Guard or a military reserve component under a call to active service for a period of more than thirty consecutive days. I am filing this Notice to inform the court that I believe I am entitled to protections under the Servicemembers' Civil Relief Acts and that I don't waive those protections.

I am:

the service member's spouse

the service member's minor child

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

I am the dependent of the following service member:

Name of Service member: _____

Rank: _____

Serial No.: _____

Unit: _____

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

Signature

Print or Type Name

**Superior Court of Washington
County of _____**

In re:

Petitioner,

and

Respondent.

No. _____

**Joinder
(JN)**

1. Joinder

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

2. Notice of Further Proceedings

I waive notice of entry of the decree.

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

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

3. Other

Dated: _____

Signature of Joining Party

Print or Type Name

**Responding to a Petition to Modify a Parenting Plan/Custody Decree in a Dissolution Case - 3/09
EVALUATION FORM**

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

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

1. Where did you get this packet? _____

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

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

