

PARENTING PLANS

(court orders about child custody)

What is a Parenting Plan?

A Parenting Plan is an order entered by a court in one of these legal matters:

- Divorce (Petition for Dissolution of Marriage)
- Separation (Petition for Legal Separation)
- Paternity (Petition to Establish Parentage)
- Request for a parenting plan after paternity has been settled without a parenting plan (Petition for a Parenting Plan)
- Change of child custody (Petition to Modify Custody)
- Request for child custody by a non-parent (Petition for Non-Parental Custody)

What does the Parenting Plan tell me?

- a) Which parent the child will live with;
- b) The amount of time the child will spend with each parent;
- c) Which parent will make major decisions about the child; and
- d) How the parents will work out major disagreements.

How do I get a Parenting Plan for my child?

You may obtain a Parenting Plan when you are a party to any of the court matters listed above. You may also file a proposed Parenting Plan if one of the above matters has already been filed, but a Parenting Plan has not been ordered by the court.

The Parenting Plan should be filed with your other papers--petition, motion, or response--and must be served on every other party in the case. You must give a copy of all your case papers to the other party in the case. Call CLEAR at 1-888-201-1014 or ask your court's family law facilitator about rules for serving court papers.

When will a court approve my Parenting Plan?

If the parents agree on a proposed Parenting Plan, the court will usually approve it.

If the parents do not agree, the court will decide upon a Parenting Plan after a hearing or trial. The court looks at many things when deciding, but the most important factor is the best interests of the child. It is very rare for a court in Washington to decide on a final Parenting Plan that provides for a 50/50 custody arrangement.

Enforcement of the Parenting Plan

Once the court signs a Parenting Plan, it becomes a binding court order and both parents must follow it. For example, you may not refuse to allow the other parent to see the child just because that parent has not paid child support.

If the other parent does not allow you to see the child when you have the right to do so, the other parent may be found in contempt of court. If a parent is found in contempt, the court could order make-up visitation time, jail time, fines, or some other type of punishment. **If a parent is found in contempt more than once in a three-year period, the court can use that as a reason to change custody of the child.**

How can I change a Permanent/Final Parenting Plan?

It is hard to change a Parenting Plan after it is final. Usually, it may be changed if the parents agree to the change. If the parents do not agree, the court may make major changes, such as whom the child lives with, only if a major change has occurred in the life of the child or the other parent since the original Parenting Plan was final. It is not enough that the parent wanting the change thinks that his or her life has improved so much that the children should now live with him or her.

If the parents do not agree on the change, one of these things must have occurred before the court will order a change in where the child lives:

- The child has gone to live with one parent for an extended period of time with permission of the other parent.
- The parent who does not want the change has been held in contempt of court at least twice in three years, or that parent has been convicted of interfering with the other parent's time with the child.
- The child's present life with a parent has been shown to be physically or emotionally harmful.

The court may make minor changes more easily. For example, a court can make minor changes to the amount of time or certain days the child spends with either parent if the court finds it to be in the child's best interests.

If you cannot afford to hire an attorney, you may ask to change your Parenting Plan on your own using our packet called [Filing a Petition to Modify/Adjust a Parenting Plan or Custody Decree](#). You can find this packet and other helpful information online at the Washington LawHelp website www.washingtonlawhelp.org.

You may also get the court forms on the web at <http://www.courts.wa.gov/forms/> or ask your courthouse facilitator. (Facilitators at the courthouse help people who do not have an attorney find the right forms in child custody and divorce matters and file them.) You may also ask the Superior Court Clerk for the forms. If you do not have access to the Internet or a courthouse, you may ask that forms be mailed to you from CLEAR by calling 1-888-201-1014.

What if a parent wants to move with the child?

As of June 8, 2000, all parenting plans must state what will happen if one of the parents wants to move (relocate) with the child. The new law requires the parent who wants to move the child to give the other parent written notice before a move. The notice gives the other parent a chance to object to the move and to ask the court to change the existing Parenting Plan. For more information on moving with your child, request the **Moving with Children: Washington's New Relocation Law** and **Child Custody Modification** publications from CLEAR by calling 1-888-201-1014 or download them at www.washingtonlawhelp.org. You may also call the Northwest Women's Law Center Legal Information & Referral Line at (206) 621-7691. If you are the primary custodian and are planning on moving, you must familiarize yourself with the relocation laws and follow the requirements before moving.

May I file my Parenting Plan in Washington State?

Washington may not have the ability (jurisdiction) to enter a Parenting Plan if:

- Your child lives in a different state;
- The child has not been living in Washington for at least six months;
- Another state has already entered an order about the child.

You should speak to an attorney about this. If you are low-income, call CLEAR at 1-888-201-1014 for free legal advice. You may also call the Northwest Women's Law Center Legal Information & Referral Line at (206) 621-7691.

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