



Northwest Justice Project

# **Finishing Your Dissolution of Marriage (Divorce) with Children by Agreement**

**Instructions and Forms  
June 2010**

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**This publication provides general information concerning your rights and responsibilities. It's not intended as a substitute for specific legal advice.**

**This information is current as of the date of its printing, June 2010.**

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## Section 1: Introduction

### A. Should I use this packet?

This packet will help you fill out and file the forms and papers that you need to complete a dissolution (divorce) case when you and your spouse have children and you've reached an agreement (or settlement) about all the issues in your divorce. If you have no children, don't use this packet. Use our packet called [\*Finishing Your Dissolution without Children by Agreement\*](#).

To use this packet, you must've already filed your dissolution and served your spouse with the papers. You should also have already reached an agreement. For help finding out how to try to get your spouse to settle your case, read a publication called [\*Mediation\*](#), by the Northwest Women's Law Center, available at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org). Also, find out if you can schedule a settlement conference with the other party. Check with your local Family Law Facilitator or court clerk.

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

This packet will help you get final orders signed by the judge dissolving your marriage, dividing property and debts, changing your name (if desired), awarding maintenance (alimony) to one spouse, providing for the children, and entering a restraining order or protection order (if desired).

**This packet is not intended as a substitute for legal advice.** If possible, talk with an attorney for advice about your particular situation.

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

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

legal information publications about your particular family law case and information about legal aid programs in your area.

Also, read our publication called [\*Ending Your Marriage in Washington – The Basics\*](#), which provides more information about the law of divorce in Washington.

## Section 2: Words You May Need To Know

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner/Court Commissioner: This person is similar to a judge, but only makes decisions relating to a specific subject matter. Many counties have family law commissioners who decide only family law cases<sup>1</sup>.

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<sup>1</sup> Many decisions in family law cases are made by court commissioners instead of judges. However, to make this packet simpler, in most places we just use "judge."

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

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

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

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

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

Custody Decree: a court order, other than a parenting plan or residential schedule, that decides custody of a child. Since the law changed in 1987, most court orders in Washington dissolution and parentage cases are called "residential schedules" or "parenting plans," not custody decrees. (The final order in a nonparental custody case is still called a decree.) Orders from other states may still be called custody decrees, and in some circumstances, a Washington court has the right to modify another state's custody decree.<sup>2</sup>

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

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

Decree: One type of final court order.

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

Default Order: An order that can be requested if

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

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

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

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

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<sup>2</sup> Our publication, [Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether or Not a Washington Court Has Jurisdiction](#) gives general information about when Washington has the right to consider modifying another state's custody decree and when it doesn't.

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

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

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

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

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

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

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

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

Judgment: One type of final court order.

Jurisdiction: The court’s authority to make decisions regarding certain people and issues. If a court doesn’t have jurisdiction, it has no authority to make orders over the person or subject affected.

LEIS: abbreviation for Law Enforcement Information Sheet.

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

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

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

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

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

Moving Party:

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

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

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

Nonmoving party:

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

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

Nonrequesting party:

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

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

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

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

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

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

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

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

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

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

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

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

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

Paternity Affidavit: A special form, also known as an Acknowledgment of Paternity or Paternity Acknowledgment, typically used by unmarried parents to state who the father of the child is. In Washington, these forms are often offered to the mother in the hospital right after a child’s birth. The form must be signed by the mother and the father (and presumed father) of a child, and must have been filed after July 1, 1997, to be a conclusive legal determination of paternity. For more information, see our publication [Parentage and Parenting Plans for Unmarried Parents in Washington](#). Signed paternity affidavits may be rescinded or challenged for a limited time.

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

Petitioner: The person who first files a legal case. The petitioner in the caption of a form doesn't change, even when motions are filed later by the other party.

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

- The child was born while the man was married to the child's mother; OR
- The child was born within 300 days after the man's marriage to the child's mother was ended by divorce, separation, annulment, declaration or invalidity, or death. In general, if the man and the woman thought they'd gotten married, even if the marriage is found to be invalid, the child is presumed to be the man's child.
- The man and the child's mother married each other after the child was born, the man has voluntarily said he was the child's father AND the man agreed to be on the child's birth certificate, or signed an affidavit of paternity, or promised (in writing or another record) to support the child as his own.<sup>3</sup>

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

Process: Written notice to appear in court.

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

Requesting Party:

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

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

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

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

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

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

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<sup>3</sup> This definition of presumed father has been simplified to try to make it easier to understand. It's current as of the date of this publication. If you have questions about whether there is a presumed father in your case, read [RCW 26.26.116](#), and consult an attorney.

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

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

Ruling: A decision by the court.

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

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

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

Temporary Order: An order entered after a case is filed and before it’s finished, which is only in effect while the case is going on. Some temporary orders may end at a fixed time, even before the case ends.

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

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

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

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

## Section 3: Steps to Take To Finish Your Marital Dissolution

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

- ❑ **1. Check for Special Local Rules and Forms.** Some counties have local rules you must follow. Check with the court clerk's office or the Family Law Facilitator in the county where your dissolution was filed, to find out about case schedules and local court rules for dissolution cases. Some Family Law Facilitators have their own packets for finishing a marital dissolution by agreement. If your Family Law Facilitator does, use that packet instead of ours. If you use our packet, get any additional local forms that you'll need.

A 2007 law<sup>4</sup> requires that the court:

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

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

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

- ❑ **2. Get Any Additional Packets or Forms That You Need.**
- ❑ **3. Wait for 90 days After Service.** You must wait at least 90 days (3 months) after the dissolution was filed and served on the responding spouse to enter final orders. This is true even if you and your spouse agree.

### **During the 90 day waiting period, you may:**

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

\_\_\_\_\_ Obtain an Order for Protection if you need one. See our packet [Domestic Violence: How the Legal System Can Help Protect You](#).

### **During the waiting period, you should**

- Complete any locally required procedures, such as parenting classes or settlement conferences.

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<sup>4</sup> [Ch 496, Laws of 2007](#)

- Participate in the investigation, if a GAL or other child custody evaluator has been appointed.

**4. Follow the General Instructions for the Forms.**

**5. Complete the Note for hearing and Final Dissolution Papers including:**

- \_\_\_\_\_ Note for Dissolution Calendar OR Note for Motion Docket
- \_\_\_\_\_ Findings of Fact and Conclusions of Law
- \_\_\_\_\_ Decree of Dissolution
- \_\_\_\_\_ Parenting Plan
- \_\_\_\_\_ Order of Child Support
- \_\_\_\_\_ Child Support Worksheets
- \_\_\_\_\_ Residential Time Summary Report
- \_\_\_\_\_ Locally required forms
- \_\_\_\_\_ Order for Protection– if you’re entering an Order for Protection as part of your dissolution

**You and your spouse need to each sign all the papers above (except for the Note for Dissolution Calendar/Note for Motion Docket), in order to finish your case by agreement. Not all cases will have an Order for Protection.**

- \_\_\_\_\_ Law Enforcement Information Form (LEIS) – if you’re entering a Restraining Order or Order for Protection. (Don’t serve this paper on the other party.) This form is available at the clerk’s office. You can complete it when the judge signs the restraining order or Order for Protection.

**6. If the State of Washington (through the prosecuting attorney or attorney general) or a Guardian Ad Litem filed a Notice of Appearance in your dissolution, or if there are other parties, deliver the originals of your final orders to them for their signature. Don’t enter final orders without their approval. Give them at least two weeks to review the orders and get them back to you.**

**7. Follow the Instructions for Filing and Serving the Note for Dissolution Calendar or Note for Motion Docket and your proposed final papers.**

**8 Go to the Hearing and Ask the Judge to Sign Your Final Papers.**

◆ If both spouses have signed every final paper, only one party must go to the final hearing. However, it’s a good idea for both parties to go to the final hearing if possible. If one spouse isn’t present at the final hearing and the judge has questions or wants to make changes to the papers, you may need to come back for another hearing, to give the other spouse a chance to review and agree to any changes.

**9. The Last Steps:** Take these steps after the judge has signed your orders, you’ve filed the originals with the clerk, and you’ve obtained copies for yourself and the other party/parties

(remember: you need conformed copies of most orders, but one certified copy of any Protection order or Order containing a safety restraint),

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

\_\_\_\_\_ Have your server mail copies of the final orders the judge signed to the other party/ies at his/her last known address. Have your server fill out a Certificate of Mailing or Personal Delivery. File your Certificate of Mailing with the court clerk.

**10. Keep your copies of the final dissolution papers in a safe place.**

**11. Complete After-Divorce Tasks, such as the following:**

- If necessary, give a copy of your parenting plan and any restraining orders or Order for Protection to your children's school and daycare.
- Change your will, if you have one.
- Change beneficiaries on your life insurance, bank accounts, etc., if applicable.
- If you changed your name, update your
  - \_\_\_\_\_ Driver's license
  - \_\_\_\_\_ Social Security card
  - \_\_\_\_\_ Passport or immigration documents
- If you receive Social Security, inform them about your dissolution.
- Deal with necessary issues about converting health insurance.
- Make sure that title to any property that was awarded is changed.
- Follow the court's orders.

## Section 4: What Forms Are In This Packet?

This packet contains many of the forms you'll need to prepare your final papers.

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

The following is a list of the blank forms in this packet. If you have Microsoft Word and would like to fill out the forms on your computer, you can download the forms from the Administrative Office of the Courts web site at <http://www.courts.wa.gov/forms/>.

Form Title	Form Number
Findings of Fact and Conclusions of Law	WPF DR 04.0300
Decree of Dissolution	WPF DR 04.0400
Parenting Plan	WPF DR 01.0400
Residential Time Summary Report	WPF DR 01.0410
Child Support Worksheets	No Form Number
Order of Child Support	WPF DR 01.0500
Note for Dissolution Calendar	WPF DR 03.0300; Your county may have its own form
Note for Motion Docket	Non-Mandatory Form; your county may have its own form
Certificate of Mailing or Personal Delivery	Non-mandatory form

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

You may need other forms or packets to finish your dissolution case. Read the information below carefully. Check the boxes by the other packets or forms you need. Then get the other packets or forms you need from [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) or, if you're low-income and have no internet access, by calling CLEAR at 1-888-201-1014.

- Your county's Note for Motion Docket or Note for Dissolution Calendar form and local court rules.** Some counties have their own note for motion or note for dissolution calendar form. Some counties also have special rules for where and when you can note a motion to enter your final dissolution orders. Some counties may allow you to appear before a judge to enter your orders without filing a note for motion. Get the local note for motion form and the local rules to set a hearing to enter your final court orders.

◆ To get your local rules and local forms, visit the Family Law Facilitator's office in the county where your dissolution is filed. If there is no Family Law Facilitator, see the court clerk. Some counties' forms and local rules are online. To find them, see the OAC website at <http://www.courts.wa.gov/rules/local.cfm?group=superior>.

- [Law Enforcement Information Sheet \(LEIS\)](#) – WPF All Cases 1.0400 --** Get this form if you're entering a restraining order or Protection Order in your Decree of Dissolution. (Don't serve this form on the other party.) This form is available at the clerk's office. You can complete it when the judge signs the restraining order or Order for Protection.
- Declaration Regarding Public Assistance: WPF SRPSCU 01.0600:** This form is available at the Administrator of the Courts website <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>. We haven't included it in our packets because it's an optional form, because our instructions tell you to serve the State in any case where TANF, Medicaid, or foster care are involved, and because 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, you may need the form any 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.
- [Serving Papers on the State](#)** - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical coupons/Medicaid or is in foster care or out of home placement, get this packet. Include the state as a party. Serve them with all papers you file.
- [Ending Your Marriage in Washington with Children – The Basics](#).** To learn more about your legal rights in a dissolution, read this publication before entering your final orders.

- ❑ **Mediation: Should I Use It?** If you haven't yet reached agreement and would like help trying to settle your dissolution, read this publication.
- ❑ **Understanding the Washington State Child Support Schedule and How Child Support is Set in Washington** – To understand more about how child support is set, read this publication.
- ❑ **Community Debt and Bankruptcy**. If you're concerned about being able to pay your debts, read this publication by NWWLC.
- ❑ **Retirement, Divorce and You**. If you or your spouse may be entitled to retirement benefits (such as a pension) that were earned during the marriage, read this publication.
- ❑ **Enforcing Your Divorce Decree: Financial and Property Issues**. For help enforcing a maintenance award or property division in your Decree of Dissolution, read this publication.
- ❑ **Order for Protection forms** – Complete Order for Protection forms if you're asking for an Order for Protection from domestic violence or unlawful harassment as part of your dissolution, or if you're asking for the court to change or extend your Order for Protection as part of the dissolution case. Get the forms from your county clerk's office, domestic violence advocacy program, or for domestic violence forms, online at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16> Note: the "Petitioner" in the Protection Order form is always the protected person, even if s/he was the respondent in the dissolution.

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

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

**The caption.** The caption includes the name of your case, the case number, the name of the court, 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 case was filed in the blank space where the form reads "Superior Court of Washington County of \_\_\_\_\_."

**Case name.** Copy the case name from the petition.

**Case number.** When the petitioner first files the papers to begin the case and pays the filing fee (or has the fee waived), the court clerk will assign a case number. All parties must write that case number on every paper they file with the court and serve on the other parties during the case. Write the case number near the top on the right hand section of the first page of every form after "No." (abbreviation for "number"). When the petitioner first files the case, s/he may be able to use a special stamp at the court clerk's counter to stamp the case number on each paper. It doesn't matter if the case number is written or stamped. If you're filing a modification/adjustment case in the same court that entered the order you're asking to modify/adjust, 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 don't, 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. Sometimes you must add more information to complete it. (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. Use black or dark blue ink. If your forms don't 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've correctly filled in all the blanks you need to. If you have to make corrections, be sure the correction is neat and readable. Don't 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's 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. Look carefully. Some forms require you to sign in more than one place. 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." Look carefully. Some forms require you to sign in more than one place. 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." 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 – s/he can choose to sign, or not. However, if you've 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 isn't happy with the decision itself.
    - Agreed orders. If the other party agrees with the orders you've 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 didn't 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're 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's writing the declaration.

**Place signed.** Declarations and Returns of Service must include the place they're 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 (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 don't have to write these in court papers. However, you do need to write in an address where you can get mail from the court. Also, it's 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're not required to write these in court papers. If you do, write only the last four digits, not the whole number.

**Dates of Birth of Children:** Don't 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 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 won't 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 won't 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" don't. 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](#). There's no packet that tells you how to do this and there are presently no mandatory forms for this type of motion. Talk to an attorney.

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### Box #3

#### When You Should Write Private Information In Court Forms:

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

You're 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're afraid to give your address on these forms, consult an attorney, or call CLEAR at 1-888-201-1014.

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**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:

Fill in Respondent's name.

**JANE DOE,**

and

**JOE DOE,**

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  
1212 S. Harriet Drive  
Treelane, WA 99999

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

### A. Findings of Fact and Conclusions of Law (“Findings”) – WPF DR 04.0300

Have handy a copy of the Petition for Dissolution of Marriage you filed and the Response, if any, when you complete this form. It’ll be easier if you copy some of the information from those forms.

#### Section I - Basis For Findings

Check the first box.

#### Section II – Findings of Fact

##### **Paragraph 2.1. Residency of Petitioner.**

- If the petitioner lives in Washington, check the first box.
- If the petitioner doesn’t live in Washington, check the second box.
- If the petitioner has been in the military stationed in Washington for at least 90 days, check the third box.

##### **Paragraph 2.2. Notice to Respondent.**

Check the first box. Then, check the second box. In the blank space, write a short description of how your spouse (or other party) was served. Example: if your spouse was served personally, write “by personal service in the state of Washington.” If s/he signed an Acceptance of Service or a Joinder, write that in.

##### **Paragraph 2.3. Basis of Personal Jurisdiction Over the Respondent**

- If your spouse has never lived in Washington and has objected to jurisdiction in Washington, check the first box. **This is unlikely if you’re entering orders by agreement.**
- Otherwise, check the second box and at least one of the indented boxes in this paragraph. If your spouse currently lives in Washington, check the first indented box. If you and your spouse ever lived in Washington during the marriage, and the petitioner still lives in Washington or is a member of the military stationed here, check the second indented box. If you or your spouse may have gotten pregnant here with one of your children in Washington, check the third indented box. If there is another reason that Washington has personal jurisdiction over the respondent, check the last indented box and write the reason in the blank space. Example: Washington can have jurisdiction over your spouse if s/he’s joining in the petition. Write, “Respondent joined in the Petition and consents to personal jurisdiction in Washington.”

##### **Paragraph 2.4. Date and Place of Marriage**

Fill in the date and place of your marriage.

### **Paragraph 2.5. Status of the Parties**

Either copy the information about your date of separation from the Petition or write the date of separation that you and your spouse agree upon.

### **Paragraph 2.6. Status of the Marriage**

Check the first box only.

### **Paragraph 2.7. Separation Contract or Prenuptial Agreement**

- If you have no separation contract or prenuptial agreement, check the first box. (Most couples have no separation contract or prenuptial agreement.)
- If you have a separation contract or prenuptial agreement, check the second box. Fill in the blank, and check the appropriate indented box. If you've signed a separation contract or a prenuptial agreement, or if you don't know whether or not you've signed one, talk with an attorney.

### **Paragraph 2.8. Community Property**

Look at the "Property" paragraph in your Petition for Dissolution and the Response to it. All of the property listed in the Petition and Response) should be listed in paragraph 2.8 or 2.9 of the Findings. Since you have an agreement, you can add or change items of property on the list if you both agree. Community property, in general, is all property acquired between the date of the marriage and the date of separation, except for property received by gift or inheritance <sup>5</sup> In paragraph 2.8, list all community property, regardless of whether you want to award that item to the husband or wife.

- If you have a separation contract or prenuptial agreement, check the third box. Skip the rest of this paragraph.
- If you have no community property at all (including money, clothes, and household items), check the first box.
- If you have a long list of community property, check the second box,. Write "A" in the blank after Exhibit. Attach a copy of the list of all of your property (regardless of who should get the property in the dissolution) as Exhibit A.
- If you have a short list of community property and you didn't check box one, two or three, check the fourth box. In the blank space, list all of the property you agree is community property.

◆ **Caution:** Don't write your entire bank account number or similar information on any of the court papers in this packet. These papers will become part of the public record once filed with the court, and they'll be available to the public online. To identify which bank account you're referring to, use the bank name, type of account, and last four numbers. Do the same for other accounts (such as credit card accounts) that have identifying numbers.

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<sup>5</sup> To find out more about community property, talk with an attorney or read our publication [Ending Your Marriage in Washington](#).

### **Paragraph 2.9. Separate Property**

In general, separate property is property (including money) that is acquired before the marriage or after separation, as well as gifts or inherited items.<sup>6</sup> In paragraph 2.9, list all separate property belonging to either party.

- If you have a separation contract or prenuptial agreement, check the third box. Skip the rest of this paragraph.
- If the husband has no separate property, check the first box.
- If the wife has no separate property, check the second box.
- If the husband or wife has a long list of separate property, check the fourth and/or fifth boxes. Write “B” in the blank in the fourth box. Write “C” in the blank in the fifth box. Attach two lists: all of the husband’s separate property (Exhibit B), and all of the wife’s separate property (Exhibit C). Otherwise, check the sixth and seventh boxes. List in the blanks provided the husband and wife’s separate property.
- Look back at the Petition and Response to be sure the Findings form covers all the property.

### **Paragraph 2.10. Community Liabilities**

◆ If debts were created during the marriage, they’re almost always community debts, even if only one of you actually created or knew about the debt. (Example: even if your spouse was the only one who ever used the VISA card, it’s still a community debt if the debt happened during the marriage.)

In this paragraph, list all community debts, whether they’ll be paid by the wife or husband. Look at the Debts and Liabilities paragraph of your petition for dissolution and the Response. In general, you’d list all debts in the petition (and the Response to it) in the Findings under paragraph 2.10 or 2.11. Account for all the debts by identifying them as community debts or as separate debts. Since you’re entering final orders by agreement, add or delete debts, as appropriate.

- If you have a separation contract or prenuptial agreement, check the third box. Skip the rest of this paragraph.
- If there are no community debts (debts created during the marriage), check the first box.
- If the parties have a long list of debts and liabilities, check the second box. Write “D” in the blank. Attach to the Findings a separate list of debts as Exhibit D. Otherwise, check the fourth box and list the community debts of the husband and wife. Creditor means the person (or store, bank, etc.) you owe money to.

### **Paragraph 2.11. Separate Liabilities**

In this paragraph, list all separate debts, whether they’ll be paid by the husband or wife.

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<sup>6</sup> There are exceptions, however. To find out more about separate, talk with an attorney or read our publication [\*Ending Your Marriage in Washington - The Basics\*](#).

- If you have a separation contract or prenuptial agreement, check the fourth box. Skip the rest of this paragraph.
- If the husband has no known separate debts (debts the husband created before the marriage or after separation), check the first box. If the husband has a long list of debts, check the third box. Write “E” in the blank. Attach a separate list of the husband’s debts as Exhibit E. If the husband has a short list of debts, check the sixth box. List the debts the husband’s separate debts in the space.
- If the wife has no known separate debts, check the second box. If the wife has a long list of debts, check the fifth box. Write “F” in the blank. Attach a list of the wife’s debts as Exhibit F. Otherwise, check the seventh box and list the wife’s separate debts in the space provided.

**Paragraph 2.12. Maintenance**

- If the parties have a separation contract or prenuptial agreement that addresses maintenance, check the second box. Skip the rest of this paragraph.
- If neither party asked for maintenance, check the first box.
- If you both agree that neither of you should pay maintenance to the other, check the third box.
- If one spouse is paying maintenance to the other, check the fourth box and write briefly why one spouse needs maintenance. (Examples: respondent has been a stay-at-home parent for 20 years, respondent’s disabled, etc.)

**Paragraph 2.13. Continuing Restraining Order**

- If no restraining order is being entered in your case, check the first box.
- If a restraining order should be entered, check the second box. Then, check whether the husband or wife should be restrained. In the blank, write briefly why a restraining order is necessary.

**Paragraph 2.14. Protection Order.**

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

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

### Paragraph 2.15. Fees and Costs

- If you have a separation contract or prenuptial agreement that provides for payment of attorney fees and costs, check the second box. Skip the rest of this paragraph.
- If you don’t want either spouse to pay for court costs and attorney’s fees, check the first box. If one spouse is paying the other party’s attorney fees and costs<sup>7</sup>, check the third box. Complete the other boxes and blanks in that paragraph.

### Paragraph 2.16. Pregnancy

If the wife is not pregnant, check the first box. If she is pregnant, check the second box.

- ◆ If the wife is pregnant, the law presumes that the husband is the father. If the husband is not the father, there is a specific procedure and usually only a limited time for challenging this legal presumption. The following steps **ARE NOT** enough to reverse the legal presumption that the husband is the father:
  - Denying the husband’s paternity in the dissolution papers
  - Leaving the unborn child out of the parenting plan and child support orders
  - Naming a different man as the father in the dissolution papers.
- ◆ If the wife is pregnant and the husband is not the father, talk with an attorney. The court shouldn’t stop you from getting a decree of dissolution if you’re pregnant, but the court may keep part of your case open until the paternity of your child can be established.
- ◆ If the wife is pregnant and the husband is the father, the court can still end your marriage and complete most of the parts of your dissolution, but you’ll be unable to enter child support and a parenting plan for this child until after s/he is born.

### Paragraph 2.17. Dependent Children

- If you and your spouse have no children under age 18 (or still dependent on you for support) who were born during your marriage, check the first box. **Note:** If you check this box, you

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<sup>7</sup> This packet doesn’t describe who may request attorneys’ fees or the procedure for doing so.

should use our other packet, [\*Finishing Your Dissolution of Marriage \(Divorce\) without Children by Agreement\*](#), instead of this one.

- If either you or your spouse has children (whether together or not), check the second box. Fill in the requested information for each child. This section includes children from other relationships, as well as the children of the marriage.

### **Paragraph 2.18. Jurisdiction over the Children**

Look at your petition for dissolution and the Response. It has information similar to this paragraph of the Findings. Check all boxes that apply. Fill in any blanks in the paragraphs you've checked. However, read the boxes instead of just counting them, since the forms aren't exactly the same. Note: check item #2 in the Findings only if the court has no jurisdiction over the children. If the court does have jurisdiction over the children, check the third box and the indented box(es) that apply. Fill in any necessary blanks.

### **Paragraph 2.19. Parenting Plan**

If you have no children under age 18 with your spouse check the first box. **Note:** If you check this box, you should use our other packet, [\*Finishing Your Dissolution of Marriage \(Divorce\) without Children by Agreement\*](#), instead of this one. Otherwise, check the second box. Fill in the date judge signed the final parenting plan, if different than the date the judge will sign the Findings form. Check the box showing your parenting plan is by agreement.

### **Paragraph 2.20. Child Support**

If you have no children under age 18 or still dependent upon you for support, check the first box. **Note:** If you check this box, you should use our other packet, [\*Finishing Your Dissolution of Marriage \(Divorce\) without Children by Agreement\*](#), instead of this one. Otherwise, check the second box. Fill in the date the judge signed the Final Order of Child Support if different than the date the judge will sign the Findings form.

### **Paragraph 2.21. Other**

Look at the "Other" paragraph of the petition for dissolution and Response. Copy any information from there that is part of your agreement into this paragraph. Also, if you're consolidating a protection order under this case, see the instructions to paragraph 2.14 of the Findings, above. Otherwise, leave this paragraph blank.

If the wife is pregnant at the time the court signs the final papers dissolving the marriage, write in, "The court should reserve all issues relating to the unborn child until after the child's birth."

## **Section III - Conclusions Of Law**

### **Paragraph 3.1 and 3.2. Jurisdiction and Granting of a Decree**

Check the first box in each paragraph.

### **Paragraph 3.3. Pregnancy.**

If the wife is not pregnant, check the first box. If the wife is pregnant, check the second box. Read the paragraph.

### **Paragraph 3.4. Disposition.**

Read this paragraph.

### **Paragraph 3.5. Continuing Restraining Order**

Check the first box if you're not asking for a restraining order, or the second box if you're asking for one.

### **Paragraph 3.6. Protection Order.**

If you're not asking for a protection order, check the first box. If you're agreeing that one should be entered or are asking that a protection order entered under a different case number be approved and incorporated, check the second box. Show which type of protection order you're asking for.

### **Paragraph 3.7. Attorney Fees and Costs**

Check "does not apply," unless you asked the court to order one spouse to pay attorney's fees and costs.

### **Paragraph 3.8. Other**

Look at paragraph 1.16 & the "other" section of relief requested in the petition for dissolution and the Response. If you and your spouse agree to the requests for relief under "Other" or paragraph 1.16 of the petition or the Response, copy any information in those two paragraphs into this paragraph.

If you're incorporating a protection order from another case or asking for a permanent protection order in this case, write in "the court should enter the requested protection order." Otherwise, leave this paragraph blank.

If the wife is pregnant at the time the court signs the final papers dissolving the marriage, write in, "The court should reserve all issues relating to the unborn child until after the child's birth."

### **Signatures**

The spouse who's taking the final orders to court for the judge to sign should sign and print his/her name on the left side under "Presented by." The other spouse should sign under "Approved for entry."

**DON'T fill in the date or sign on the line that says Judge/Commissioner.** The Judge fills those lines in when you have your Findings signed.

## **B. Decree of Dissolution - WPF DR 04.0400.**

**Caption.** Fill out the Caption and check the box for "Decree of Dissolution" under the case number. If you're including a restraining order, check the boxes next to "Clerk's Action Required" and "Law Enforcement Notification." If you're including a real property (real estate) or money judgment summary in your decree, check the box next to "Clerk's Action Required."

### **Section I. Judgment/Order Summaries.**

In this section, fill in a summary of any restraining orders, real property judgment (such as a house, or land) or a money judgment. A money judgment might include money you or your

spouse owes the other for overdue maintenance or attorney's fees, or might be related to the property and debt division.

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

If you're not requesting a restraining order, check the first box, "does not apply." Skip the rest of this paragraph.

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

### **Paragraph 1.2. Real Property Judgment Summary**

- If you own no real property (real estate such as a home, building or land), check the first box, "does not apply." Skip the rest of this paragraph.
- If you own real estate and you or your spouse is being awarded the home, building or land in the divorce, check the second box. Write the assessor's property tax parcel or account number in the first blank, and the legal description in the second blank. If you don't know the tax parcel number or legal description, try to get it from the county assessor's office in the county where the property is located, or from a title company. Try to talk with an attorney and have an attorney look at your final papers before asking the judge to sign them.

### **Paragraph 1.3. Money Judgment Summary**

If you or your spouse will owe each other money as a result of the decree, enter that information here. Add up any amounts one spouse owes to the other related to unpaid maintenance, property division, or attorney's fees and costs. **Remember: you can't ask for anything that you didn't request in your petition.** DON'T enter a back judgment for child support here. That'll be covered on the child support order.

If there is no money judgment, check "does not apply." If you're entering a money judgment, check the box "judgment summary is set forth below" and fill in the blanks:

- Judgment Creditor:* Write in the name of the person to whom money is owed
- Judgment Debtor:* Write in the name of the person who owes the money
- Principal Judgment Amount:* Write the total amount owed
- Interest to Date of Judgment:* Write the total amount of interest, if any, which will be owed by the date the court will sign the final orders.
- Attorney Fees:* Write in the total amount of any attorney fees owed by one party to the other.<sup>8</sup>
- Costs:* Write in the total amount of costs owed by one party to the other.
- Other recovery amount:* Write in any additional money owed by one party to the other.
- Principal Judgment shall bear interest at.* Enter any amount up to 12%.

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<sup>8</sup> This packet doesn't describe who may request attorneys fees or the procedure for doing so.

I. *Attorney fees, costs and other recovery amounts shall be interest at.* Enter any amount up to 12%.

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

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

L. *Other.* Leave this blank, unless you need to write more information.

### **Section III. Decree.**

◆ Caution: If you have a retirement plan (for example a pension or military retirement benefit) we recommend that, even if you don't hire an attorney for your whole case, you ask an attorney to advise you about the retirement issues and to prepare the retirement papers you need when you finish your case: for example, a Qualified Domestic Relations Order (QDRO or "quadro") and the retirement division portion in your dissolution decree. Our packets don't describe retirement benefits and property.

#### **Paragraph 3.1. Status of the Marriage**

Check the first box.

#### **Paragraph 3.2. Property to be Awarded to the Husband**

If you have a separation contract or prenuptial agreement that determines the division of property, check the second box. Write the date that the contract or agreement was signed. Check the box showing whether or not you're filing a copy with the court. Skip the rest of this paragraph.

If the husband will be awarded a long list of property, check the first box. Write "A" in the blank after "Exhibit." Attach the list of the property to the Decree as Exhibit A. Otherwise, check the third box and list all of the property to be awarded to the husband. Usually, you'll check the third box and write "all property currently in his possession" and then list any major items (such as cars), whether or not they're in his possession, and any items that the wife needs to give to the husband.

#### **Paragraph 3.3. Property to be Awarded to the Wife**

If you have a separation contract or prenuptial agreement that determines the division of property, check the second box. Skip the rest of this paragraph.

If the wife will be awarded a long list of property, check the first box. Write "B" in the blank after Exhibit. Attach the list of the property to the Decree as Exhibit B. Otherwise, check the third box and list all of the property to be awarded to the wife. Usually, you'd check the third box and write "all property currently in her possession" and then list any major items (such as cars), whether or not they're in her possession, and any items that the husband needs to turn over to the wife.

### **Paragraph 3.4. Liabilities to be Paid by the Husband**

If there are no debts to be paid by the husband, check the first box. If there is a separation contract or prenuptial agreement that provides for the division of debts, check the third box. Skip the rest of this paragraph.

If there is a long list of debts for the husband to pay, check the second box. Write “C” in the blank. Attach the list of debts the husband will pay as Exhibit C. Otherwise, check the fourth box and list the debts to be paid by the husband in the blank space.

### **Paragraph 3.5. Liabilities to be Paid by the Wife**

If there are no debts to be paid by the wife, check the first box. If there is a separation contract or prenuptial agreement that provides for the division of debts, check the third box. Skip the rest of this paragraph.

If there is a long list of debts for the wife to pay, check the second box. Write “D” in the blank. Attach the list of debts the wife will pay as Exhibit D. Otherwise, check the fourth box, and list the debts to be paid by the wife in the blank space.

### **Paragraph 3.6. Hold Harmless Provision**

**Entering a decree requiring one spouse to pay a debt doesn’t stop creditors from trying to collect from both parties.** Checking the first box means that a party who fails to pay one of the debts s/he is ordered to pay in the Decree can sue the other party for attorney’s fees and costs as well as the amount of the debt. This can be useful if you think your spouse will fail to pay debts s/he is ordered to pay, but could also cost you lots of money if you fail to pay debts that you’re ordered to pay in the Decree.

### **Paragraph 3.7. Maintenance**

If no maintenance is ordered, check the first box. If there is a separation contract or prenuptial agreement that addresses payment of maintenance, check the third box. Skip the rest of this paragraph.

Otherwise, check the fourth box. Check whether husband or wife is going to pay. Write the amount of maintenance to be paid in the blank. Check the box indicating how often maintenance will be paid. (Semi-monthly is twice per month.) Write in the date that the first maintenance payment is due.

To make sure that maintenance doesn’t end upon death of either party or remarriage of the receiving spouse, write the date that maintenance should end in the blank space.

Payment shall be made: If you want maintenance to be paid directly to the receiving spouse, check the first box. If the party receiving maintenance is having child support collected by the Division of Child Support (DCS), check the second box stating that payments shall be made to the Washington State Support Registry. If you want maintenance to be collected by the clerk, and your spouse won’t be paying child support, check the third box.

If the spouse paying support might have a pension or benefits under the Washington State Department of Retirement Systems, and the spouse receiving maintenance would like to be able to garnish those benefits if the paying spouse falls behind on maintenance payments, talk with an attorney to ensure that you fill out this part of the Decree correctly.

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

If there won't be a restraining order, check the first box.

If there will be a restraining order,

- check the second box. Copy the information from your petition for dissolution or the Response to it, as appropriate. Read each paragraph to be sure you check the appropriate items and fill in the appropriate blanks.
- check the box next to CLERK'S ACTION. Write in the police department that patrols the area where the protected person lives.
- Service: Check the first box, since the restrained party will be signing this order.
- Expiration: Write in the date that the restraining order will end.
- If a party had a temporary restraining order, check the last box under Expiration. Write in the name of the police department that patrols the area where that party lives.

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

- If there'll be no Protection Order (also called an Order for Protection), check the first box.
- If there will be a Protection Order, check the second box. Check the text box showing the type of protection order. Fill in the date the judge signed the protection order, if different than the date the judge will sign this decree.
- If you've agreed to have a protection order entered with the dissolution, you must fill out and ask the judge to sign the appropriate Order for Protection form when you prepare the decree. Make sure:
  - the no contact, custody and visitation provisions of the protection order are consistent with your final parenting plan;
  - the expiration date and other relief in the protection order are the same as you requested, or as the judge otherwise orders; and
  - add the following language to the protection order in paragraph 8. Other: "This Order for Protection is issued under RCW chapter 26.09, 26.10, or 26.26, and isn't subject to the one-year limitation on restraining the respondent from contacting the respondent's minor children. RCW 26.50.060(2)."
- If you're changing an existing protection order, also follow the additional instructions in Paragraph 3.15 "other."

### **Paragraph 3.10. Jurisdiction over the Children**

If you and your spouse have no dependent children together, check the first box. Otherwise, check the second box.

NOTE: If you and your spouse have no children together, use our packet entitled [Finishing Your Dissolution of Marriage \(Divorce\) without Children by Agreement](#), instead of this packet.

### **Paragraph 3.11. Parenting Plan**

If you and your spouse have children together and you're entering a parenting plan, check the second box. Fill in the date the judge signs the Final Parenting Plan, if different than the date the judge will sign the Decree form.

### **Paragraph 3.12. Child Support**

If you and your spouse have children together who are under 18 or still depend on you for support, check the second box. Fill in the date the judge signs the Final Order of Child Support, if different than the date the judge will sign the Decree form.

### **Paragraph 3.13. Attorney Fees, Other Professional Fees and Costs**

- If no attorney fees or costs will be awarded, check the first box. If attorney fees or costs will be paid under a separation contract or prenuptial agreement, check the second box.
- If attorney fees and costs are awarded, check the third box. In the blank, write the name of the spouse who owes fees and costs to the other spouse and the amount that'll be paid. (Example: Wife will pay husband \$300 for attorney's fees and costs.)

### **Paragraph 3.14. Name Changes**

- If neither spouse is changing their name, check the first box.
- If the wife is changing her name, check the second box. Write the wife's full new name in the blank.
- If the husband's name is being changed, check the third box. Write the husband's full new name in the blank.

### **Paragraph 3.15. Other**

Fill this in only to add more orders that were requested in your petition or Response and that you're agreeing to.

If you have a Protection Order that was originally entered under a different case number, and you agree for the court in the dissolution case to change it or extend the expiration date, write in what you're asking the court to do. Example: "The Protection Order entered on \_\_\_\_\_ [date] under Case No. XXXX is consolidated under this case number and it's approved and incorporated herein, except it's modified as follows: 1) The no contact, custody and visitation provisions are changed to follow the Final Parenting Plan; and 2) the expiration date is changed so that the Protection Order is permanent, as authorized by RCW 26.09.050(1) and RCW 26.50.060(2). The parties shall comply with that Order for Protection." Make sure you also complete a Law Enforcement Information Sheet and a new Order for Protection, including the changes you asked the court to make. See instructions for paragraph 3.9, above.

If the wife is pregnant, write in: "The court reserves all issues relating to the unborn child until after the child's birth."

### **Signature.**

The spouse who's taking the final orders to court for the judge to sign should sign and print his/her name on the left side under "Presented by." The other spouse signs under "Approved for entry."

**DON'T** fill in the date or write on the judge/commissioner line. Let the Judge do that.

◆ If you're asking for an order for protection, complete the order for protection and LEIS forms. If you or the children have ever received public assistance (welfare or Medicaid), or if the child is in foster care or out of home placement, the prosecuting attorney's office also must sign your Order of Child Support and Child Support Worksheets before the Judge or Court Commissioner will sign it. If a Guardian ad Litem (GAL) was appointed for either spouse, or to represent the best interests of any child of the marriage, the guardian ad litem must also sign the decree and, if appointed for a child, the parenting plan.

### **C. Parenting Plan – WPF DR 01.0400**

Read the instructions carefully. Take your time. Look at the parenting plan filed with the Petition and Response. Copy those parts out of it that you both have agreed to.

If you need hands-on help, your county may have a Family Law Facilitator who can give you more information or help filling out problem spots in the forms.

**Caption.** Fill in the caption.

#### **\*Dissolution Parenting Plan: Title/This Parenting Plan Is**

Check the box next to Final Order (PP) under the title, and the first box under the sentence *This parenting plan is*. Fill in the date the judge will sign the decree, if you know it and if it's different than the date the judge will sign the final parenting plan form.

#### **I. General Information**

List the names and ages of the minor children of this relationship. This means biological or adopted children, under age 18, that you and the other parent had together. Don't list stepchildren or children you have from other relationships.

#### **II. Basis for Restrictions**

##### **Paragraphs 2.1 & 2.2. Parental Conduct & Other Factors.**

Use these sections to tell the Court why one parent's time with the child(ren) ought to be restricted and, if so, why. Complete this section if the behavior of a parent is harmful to the child(ren) and you want the Court to restrict contact between that parent and the child(ren).<sup>9</sup> However, when parents settle a dissolution case, they sometimes agree not to check any of the sentences under paragraphs 2.1 and 2.2. If, in your case, you've agreed not to check these boxes, but you believe that one or more factors may apply to the other parent, write "Reserved" rather than "Does not apply."

If neither a parent nor a person living with a parent has done any of the things listed in paragraph 2.1, check the first box for "Does not apply."

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<sup>9</sup> To read the Washington law that is related to paragraphs 2.1 and 2.2 of the parenting plan, see [RCW 26.09.191](#)

If a parent's residential time with the children will be limited or restrained for one of the reasons listed in Paragraph 2.1, check the second box. Then, check which parent's time should be restricted or denied. If it was/is that parent himself/herself who engaged in the bad conduct, check the box before "this parent." If the person who engaged in the wrongful conduct is someone who lives with the parent, check the box before "a person residing with this parent."

Then check any of the three boxes that apply.

If neither parent has any of the involvement or conduct listed in paragraph 2.2, check the first box for "Does not apply."

**Paragraph 2.2** If there are any factors present and you believe that these are harmful to the child(ren), check the second box. Then check the box next to the parent whose conduct might have an adverse effect on the children. Then check the box(es) that apply. If a harmful factor exists, but isn't listed, check the box "other." Write it in.

### **III. Residential Schedule**

Some people find this section to be confusing. Talk with an attorney or your Family Law Facilitator for help completing this section. For additional potential help filling out the form, read our publication called [\*Ending Your Marriage with Children in Washington - The Basics\*](#).

The purpose of the residential schedule is to state in writing which parent the child(ren) will be with and when. This section is purposefully very specific. If you don't want to be that specific, it is not required. You may write your parenting plan in the blank section at 3.13 "Other." However, the specific paragraphs are very useful for many parents who want a detailed schedule for reasons of stability and planning.

**The most important thing to remember is to make sure the schedule you write is best for your children.**

◆ What if I think the other parent should not spend any time with the children? In some situations, you may want to ask the court to order that the other parent should not have any time with the children -- on a temporary or a permanent basis. Or, the court may already have restricted the other parent's contact with the children in a separate order, such as in an Order of Protection. If you want to ask the court to restrict the other parent from having any contact with the child, (or if the court orders this) you may do so as follows:

Under paragraph 3.1 or 3.2 (only 3.2 if the children have all reached school age), check the box to show which parent the children should reside with. Then, for time with the other parent, check the "other" box and write, "[Other parent's name] shall have no contact with the children until the parent has provided [your name or "the court"] with proof that he/she has successfully completed the requirements set forth in paragraph 3.10 of this parenting plan. Once these requirements have been completed the [ ] mother [ ] father [mark the restricted parent] may file a petition for modification to seek visitation."

Under paragraphs 3.3 – 3.9, write “see paragraphs 3.1/3.2 and 3.10.”

Go to the instructions for paragraph 3.10

### **Paragraph 3.1. Schedule for Children Under School Age**

If all your children are in school already, check the first box and move on to School Schedule.

If you and the other parent have any children who aren't yet in school (usually age birth through five years), check the second box and fill out this section. Check the box to show which parent the children will live with (mother or father). Write out the specific days of the week and times the children will spend with the other parent. Check whether the child will spend those days with the other parent every week, every other week, etc. Note that “every other week” is not the same as the “first and third week” because there are sometimes five weeks in a month.

### **Paragraph 3.2. School Schedule**

You should complete this section even if none of your children are yet in school. Check the box to show which parent the children will live with most of the time (mother or father). Fill in the days of the week and the specific times the children will spend with the other parent.

Check whether the child will spend those days with the other parent every week, every other week, etc. Note that “every other week” is not the same as the “first and third week” because there are sometimes five weeks in a month.

Check the boxes that indicate whether the school schedule will start when the child is in kindergarten or first grade.

### **Paragraph 3.3. Schedule for Winter Vacation**

Check the box for mother or father. In the blank, write in any time the children will spend with the other parent. Common ways of splitting school vacations include: splitting the vacation each year (1/2 of the vacation with each parent); alternating years (even years with dad, odd years with mom); or, where parents live far away from each other, designating that all of the vacation time will be spent completely with the parent who doesn't have primary custody of the child(ren) to make up for not being able to have more regular time during the school year. Be sure the vacation schedule is consistent with paragraphs 3.7 and 3.8, regarding holidays and special occasions.

### **Paragraph 3.4. Schedule for Other School Breaks.**

Check the box for mother or father. In the blank, write in any time that the children will spend with the other parent. As with winter break, common ways of dividing other school breaks include splitting them in half between parents each year, alternating the years, or designating that the time be spent just with the non-custodial parent.

### **Paragraph 3.5. Summer Schedule**

Paragraph 3.5 generally is for children who have started school; if you wish it to apply to younger children you should write in at what age the summer schedule will apply.

Check the box to show which parent the children will live with during the summer.

If the same schedule will be followed in the summer as during the school year, check the box for “Same as school year schedule.”

If the summer schedule will be a different (which is common), check the “Other” box and write in the blank the dates and times the children will spend with the other parent during the summer. You may set specific dates, or you may write that one or both parents notify each other by a certain date of the time they would like for that summer, such as “The children will reside with the father during the summer except for four weeks with the mother. The mother shall inform the father by May 15<sup>th</sup> of which weeks she would like.” You may also specify whether the time will be all together or split up, for example “four weeks, taken in two, two-week sessions.” Another option is to provide for time or phone contact with the primary parent during long times with the other parent. For example, if the children usually live with the mother and will be with the father for two, three-week periods in the summer, you could propose that the mother have the middle weekend of each session with the children, as well as phone contact as often as the children want.

### **Paragraph 3.6. Vacation with Parents**

If neither parent will have vacation time with the child, check “Does not apply.”

If either parent will have vacation time, check “The schedule for vacation with parents is as follows” and write in the blank any vacation time the children will have with each parent. (This refers to vacations a parent takes from work). For example, you could write “Each parent shall have two weeks of vacation with the child each summer.”

### **Paragraph 3.7. Schedule for Holidays**

You do not need to give specific time on the holidays. If you will follow the school schedule, check the last box next to “other” and write “same as school schedule.”

If you will make a special schedule for holidays, fill in the space in the same row as each holiday to show which parent the children will spend each holiday with. If you will alternate holidays by year, specify “odd” and “even” years. If you will split a holiday each year (for example, Christmas morning with mom, Christmas afternoon and evening with dad), write “Every” in the blank for both parents and fill out the split times for that holiday in the section below in the “other” section.

You may write additional holidays in the blank spaces if you have special religious or cultural holidays to include. It may be that some of the listed holidays are not important in your family while other important holidays are not listed, particularly if you are not Christian. You may mark out or change the listed holidays so that they show what is important to your family.

Check the box next to “For the purposes of this parenting plan, a holiday shall begin and end as follows” and write in the times for holiday visits to begin and end. Keep in mind that you might write special times for holidays like Christmas Day, which often begin early in the morning, or the 4<sup>th</sup> of July, when you might want to watch the fireworks late at night.

If Friday and Monday holidays will include the weekend, check the second box. Checking this box will usually give the parent with whom the child does not live most of the time extra weekends that s/he would not have had under the school schedule.

### **Paragraph 3.8. Schedule for Special Occasions**

List who the child will be with on Mother’s Day and Father’s Day. You may write “even/odd” as explained under the holiday schedule instructions, or “every” depending on your situation.

List any special occasions you did not list under holidays that will be listed in the parenting plan. For example, some people include the child's birthday, the parent's birthdays, an annual family reunion, etc. You may write "even/odd" as under the holiday schedule, or "every" if that is what you want.

You may also want to check the "other" box and write in "the special occasion time with the parent the child does not live with most of the time shall begin and end as follows" and write in the times for special occasion visits to begin and end.

### **Paragraph 3.9. Priorities Under the Residential Schedule**

This section tells what happens when parts of the residential schedule of your parenting plan conflict, such as when mom's Christmas Day falls on dad's weekend. You should check the second box. Then, you may choose:

- to number the lines showing which types of time with the children have priority in what order (and check any box appearing in front of the paragraph containing this list of priorities). For example, if holidays will be more important than the school schedule, you would write #1 in the blank next to holidays, and #2 next to school schedule, etc. or
- for a simpler rule, you may check the box (Other) and write your own priorities.

### **Paragraph 3.10. Restrictions**

This is the place to write any limitations on the other parent's time necessary for your children to spend time safely with the other parent. If limiting factors exist in Paragraphs 2.1 and/or 2.2 and you are at risk of harm if you have contact with the other parent, the limitations may also help protect your safety.<sup>10</sup> If you checked the "does not apply" boxes in Paragraphs 2.1 and 2.2, you will check the first box.

If you checked boxes in 2.2, but you do not think there should be any restrictions on the other parent's time with the children (or the court has decided this at your hearing), check the third box and the "mother" or "father" box, and then write in the blank why no restrictions are needed. If you are preparing a proposed parenting plan, your explanation will need to convince the court that even though there are factors present, your children will be safe when they are with the other parent. If you do not explain to the court why your children would be safe even though factors exist, the Court might not approve your parenting plan.

If you check boxes in Paragraph 2.1 or 2.2 and you want the court to order restrictions on the other parent's time (or the court did order restrictions at your hearing), check the second box and either "mother" or "father." Then, write in the blank any restrictions put on the other parent.

The following paragraphs contain some suggestions for restrictions. You may ask for these or other restrictions in appropriate cases when you write a proposed parenting plan, and/or the judge might order these types of restrictions at your hearing:

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<sup>10</sup> [RCW 26.09.191\(2\)\(m\)\(i\)](#)

- **Following Requirements of Other Court Orders:** You may ask the court to require that the other parent successfully complete requirements that have already been ordered in another court order (such as a dependency order or an Order for Protection) before the other parent is able to exercise residential time with the children (or, in some cases to have unsupervised residential time with the children). You may also ask the court to require the other parent to provide written proof of the successful completion of the requirements. For example, if you have a Protection Order requiring the other parent to complete domestic violence treatment, you may write “[Other parent] shall successfully complete all domestic violence treatment required under the Order of Protection entered on [date] under case number [protection order case number], and provide written proof of such successful completion to the court and all parties, before he/she may request residential time with the children.”
- **Drug and Alcohol Abuse:** You may ask the court to require the other parent to complete a drug and alcohol treatment program approved and certified by the State of Washington before unsupervised visits are allowed (or in severe cases, before any visits are allowed). You may also ask the court to require the other parent to have random urinalyses (urine tests) or other appropriate tests for drugs or alcohol. You may ask the court to place further restrictions on the other parent’s residential time with the children if s/he fails to pass a random urine test. You may ask the court to require other restrictions such as prohibiting the other parent from driving with the children.
- **Neglect:** You may ask that visitation be supervised until the other parent has successfully completed a parenting skills program and provides the court and you with written proof of having done so.
- **Domestic Violence:** You may ask the court to require the other parent’s residential time with the children be supervised (or otherwise restricted or denied) unless the other parent takes steps to get treatment for domestic violence from a certified provider and shows that he/she is not going to commit domestic violence again. For example, you may ask that the other parent have supervised visits while s/he is evaluated for domestic violence by a state-certified agency and, if recommended by the evaluator, participates and successfully completes a state-certified batterer’s treatment program. You may ask the court to immediately suspend the other parent’s visits if the other parent commits further acts of domestic violence or if s/he discontinues treatment.
- **Abusive Use of Conflict:** If the other parent has made derogatory comments to the children about you or is making untrue accusation to others (for example, makes repeated calls to CPS on you with no reason to do so), you may ask that the other parent be restrained from doing these things. You may also ask that visits be suspended if the other parent engages in this behavior and that no visits start up again until the other parent has completed a parenting skills class.
- **Supervised Visits:** If you are asking that visits with the children be supervised you need to specify who will supervise, when and where the supervised visits will take place, and who will pay for the costs of supervision, if applicable. The supervisor can be any adult you trust or a professional visitation supervisor, but it must be someone who can and will

protect the children from harm. If you choose a family or household member to supervise visits, the plan must include conditions to be followed during residential time.

The court will not appoint a supervisor who does not want to be a supervisor. If you have supervised visits, make sure that the visitation times in paragraphs 3.1 through 3.9 are consistent with the supervision in this paragraph. For example, if visitation lasts all weekend, can it realistically be supervised?

The supervisor may be required to follow any standard “supervised visitation order” used in your court and/or the court can set conditions during the visitation such as the supervisor being continuously present and being required to intervene to stop any conduct potentially harmful to the children.

Here is an example of how to write up the supervision:

“Visitation will be supervised by \_\_\_\_\_ (identify relationship to the parties and qualifications of supervisor or name of professional visitation center) and will take place on the first and third Saturdays of the month from 10:00 a.m. until 3:00 p.m. The visits will be at (write in the location of the visits)\_\_\_\_\_. The supervisor shall be provided and shall agree to follow \_\_\_\_\_ (**insert the title of any supervised visitation order used in your county or other written visitation rules that apply**) when supervising visitation under this plan/schedule.” Then specify if the mother or father shall pay all costs of supervision.

- **Conditions to Lift Restrictions:** You should specify the conditions under which the restrictions may be lifted, for example, if your plan denies all visitation at the present and requires the other parent to complete a state-certified batterer’s treatment program, you could add, “Once this treatment requirement has been completed the [ ] mother [ ] father [mark the restricted parent] may file a petition for modification to seek visitation.”
- **Removal of Children from the State:** You may write in that the other parent may not remove the child(ren) from the State of Washington without written consent from you. If you already know that the other parent will be taking the child to another state for an annual family reunion, for example, you may state that as an exception.
- **Neutral Exchange Site:** You may also choose and write a neutral place to drop the children off and pick them up. This is usually a public place, like a local McDonald’s or park. You may want to do this if you know that you and the other parent will fight in front of the children or if you have reason to be scared the other parent will hurt you. You may write in additional safeguards to protect your safety if you are at risk during exchanges.

### **Paragraph 3.11. Transportation**

Write down who will drive the children back and forth for visits and/or where you will meet the other parent to exchange the children. Arrangements for the cost of transportation should be written in the Order of Child Support.

### **Paragraph 3.12. Designation of Custodian**

Check the box for the parent the children will be living with most of the time (more than half of the time). That parent is considered the children's custodian for purposes of other state and federal laws.<sup>11</sup> If you and the other parent have agreed on joint custody, in which you will each have the child(ren) one half of the time, you may alternate the designation by odd/even year. If you want to do this, you should obtain legal advice specific to your situation to determine whether this would be a good idea for you.

### **Paragraph 3.13. Other**

If there are other rules you would like to write in your parenting plan, such as giving or denying access to school or medical records, being able to go to or get notice of school or extra-curricular events (sports, church events, music recitals, etc.), or phone contact, you may include those rules in this space. You could also choose to put those rules in Section VI, explained below.

### **Paragraph 3.14. Relocation**

This section gives you information about the laws that apply when a parent wants to relocate (move) with the children. You do not have to write anything here, but you need to read it. You may not delete or change the information in paragraph 3.14.

## **IV. Decision Making**

### **Paragraph 4.1. Day-to-Day Decisions.**

You do not need to write anything in this paragraph, and you may not change it. Either parent may make emergency decisions and day-to-day decisions about the child.<sup>12</sup>

### **Paragraph 4.2. Major Decisions.**

Education decisions. If one parent should make the decisions about the child's education (where the child attends school, for example), check the appropriate box for mother or father. If both parents should make the decision, check "joint." Now, do the same thing for non-emergency health care, which will deal with the child's regular check-ups and trips to the doctor, dentist, etc, and religious upbringing. If there are major issues that you are aware of that have not been listed, you may list those in the blank lines provided. Some other examples of issues include getting a driver's license or getting married before age 18, or enlisting in the military before age 18. If your parenting plan provides that both parents will make major decisions, then you must discuss major problems regarding your children with the other parent before a decision is made.

### **Paragraph 4.3. Restrictions in Decision Making**

If there were no factors that you checked in paragraphs 2.1 or 2.2, check the "does not apply" box.

You should check the second box if you think only one parent should have decision-making authority and check the box beside the appropriate parent. Then check the appropriate box showing the reason. (Note: If you checked any of the factors in paragraph 2.1 you must restrict decision-making.) If you checked a limiting factor in paragraph 2.2 but are not restricting mutual decision-making, check the last item in paragraph 4.3 and explain why restrictions are not necessary.

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<sup>11</sup> [RCW 26.09.285.](#)

<sup>12</sup> [RCW 26.09.184\(4\).](#)

Look back at paragraph 4.2 and make sure what you have written does not conflict with paragraph 4.3, (for example, if you checked the “sole decision-making” box in paragraph 4.3, you usually should not have any joint decision-making boxes checked in paragraph 4.2).

## **V. Dispute Resolution**

The parenting plan has three alternative dispute resolution processes. If one of the options is marked, you must use it every time you and the other parent have a major difference regarding the children that you cannot work out by yourselves. The process may be expensive, though sometimes it is easier and cheaper than going back to court.

Counseling is when you and the other parent meet with a counselor to try to reach agreement.

Mediation, which is more commonly used, is when you and the other parent meet with a “mediator” (a neutral person who could be a lawyer, professional mediator, or a mental health professional) to try to work out the problems by agreement.

Arbitration is when you and the other parent meet with an arbitrator (a neutral person who is usually a lawyer or retired judge), who will listen to both of you and make a decision that you both must follow if an agreement cannot be reached.

If you mark one of these processes, check the first box at the start of the paragraph and the appropriate box indented under it, write in the name of the person or organization you will use for the counselor, mediator or arbitrator. You must also check the box for how to divide the cost of dispute resolution between you. You may choose to divide the cost 50-50 or some other percentage, to divide it based on your incomes as shown on the child support worksheet, or to let the mediator, counselor or arbitrator help you decide.

If you mark one of these processes, you must also check the box showing how to start the “dispute resolution” process – by letter, by certified mail, or some other way.

In some cases, such as when one parent has committed domestic violence against the other, alternative dispute resolution may not be good to use because one parent may fear the other parent. The Parenting Plan should not require mediation or some other alternative to court if any of the restrictions in Paragraph 2.1 of the parenting plan are present.<sup>13</sup> You should check the last box: “No dispute resolution process, except court action is ordered.” However, if a victim of domestic violence requests mediation, the court may allow it if the court finds mediation is appropriate in the circumstances and the victim is allowed to have a supporting person present during mediation. Another reason that dispute resolution may not be a good idea is if you cannot afford it. If you do not want dispute resolution, or the court orders that there will not be alternative dispute resolution, check the last box: “No dispute resolution process, except court action . . .”

## **VI. Other Provisions**

If there are other rules to write in your parenting plan, and you did not write them in paragraph 3.13, you may write them in this section. The following is some sample language that you may use for rules that you might want to include or that the court might order:

- Telephone Calls Each parent shall be allowed to call the children at reasonable times when the child is with the other parent;

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<sup>13</sup> [RCW 26.09.191](#).

- Activities Outside of School Neither parent shall sign the child(ren) up for activities which will interfere with the other parent's time without the agreement of the other parent.
- Address and Telephone of Parents Both parents shall keep the other advised of their current residential address and telephone number.
- School and Activities Both parents shall have the right to attend school, sports, and other activities of the children.

## **VII. Declaration for Proposed Parenting Plan**

If you are writing this parenting plan as a court order, check the first box.

If you are using this parenting plan as your proposal, check the second box. Sign and fill in the date and place in the space depending upon whether you are the mother or father. If the other parent agrees with the parenting plan you are proposing, s/he should also sign and date in these spaces.

## **VIII. Order By the Court**

If you are using this parenting plan for a final order or a temporary parenting plan, sign your name on the line under "Presented by" and print your name in the blank below that. If the other parent agrees with the order, ask that parent to sign under "Approved for entry" and print that parent's name on the line below his or her signature.

◆ When you have finished filling out your Parenting Plan, read through your parenting plan **several times** to make sure you understand it and have filled everything in that you want.

## **D. Residential Time Summary Report - WPF DR 01.0410**

File this form with the final parenting plan. The judge doesn't sign it.

Use the same form for all the children in the parenting plan unless they have different residential schedules. If they have different residential schedules, fill out a separate form for each schedule.

### **Paragraph 1. The Parenting Plan.**

In the first box, fill in the date the court signs the parenting plan.

In the second box, on the left side, check the box showing that both parties agreed to the plan

In the second box, on the right side, check the box showing that the parenting plan ordered is an original order.

In the last box, fill in the number of children covered by this residential schedule.

### **Paragraph 2. Residential Schedule from Part III of the Parenting Plan**

Look at the Residential Schedule in your parenting plan (Part III of the Parenting Plan form) when filling out this item. Check the one row that best summarizes the percent (%) of time that the schedule shows the children will spend with the father and the percent (%) of time the children will spend with the mother. Example: if the children spend four days every two weeks with the father ( $4 \times 26 = 104$  days), plus one week at winter school break (7 days) and one month in the summer (30 days), check the row that says 60% of the time with the mother and 40% with the father.

( $104 + 7 + 30 = 141$  days total divided by 365 days in the year = 38% with father.)

### **Paragraph 3. Information about the Parents.**

Use the first box for the father and the second for the mother.

For each parent:

- check whether that parent represented him/herself or had an attorney.
- look back at paragraphs 2.1 and 2.2 of the parenting plan and check the correct box showing what the parenting plan states.

### **Paragraph 4**

Look back at Dispute Resolution part of the Parenting Plan and check the box showing the Dispute Resolution ordered there.

The person preparing this form signs and dates it on the last line.

## **E. Instructions for Washington State Child Support Worksheets**

◆ The instructions in the Washington State Child Support Schedule cover different types of cases and different stages of a case. You and your spouse are finishing your case by agreement, so use the income, child support amounts, expenses, and other information you agree is correct. Follow the instructions for preparing agreed final worksheets to be signed by the judge. Make sure you complete the Child Support Order Summary Report paragraph. When you go to your hearing, both spouses may need to produce proof of income showing your child support calculation is appropriate for the children.

When child support is an issue, each party fills out a set of child support worksheets, using the instructions and schedule that come with the worksheets. You may have to file and serve worksheets more than once during the course of your case:

- First with the Petition and Response, and
- New worksheets when there are motions and hearings involving child support (to update information in your 1<sup>st</sup> set of worksheets).

The judge will sign a set of worksheets s/he approves when entering an order which sets child support. The judge may sign worksheets previously prepared by one party. Or the judge may ask

a party to prepare a new set of worksheets with the specific income, expense, and child support amounts the judge announced.

The instructions and worksheets included in this packet are current as of June 2010. Use this set of instructions along with the Washington State Child Support Schedule published by the Administrative Office of the Courts. Download it from their website at <http://www.courts.wa.gov/forms/>, or call (360) 705-5328. You should also read our publication called [\*Understanding the Washington State Child Support Schedule and How Child Support is Set in Washington\*](#).

The instructions below are for preparing the worksheets based on the income, child support amounts, and expense figures you propose at the start of the case or before a hearing or trial.

If, however, you're filling in these worksheets after the judge has announced a decision, use the income, child support amounts, expenses, and other information announced by the judge, even if you disagree with them and even if they're different from what you proposed.

If you want to use the Child Support Calculator to estimate the amount of support that might be ordered in your case and/or for help in preparing proposed child support worksheets, it's on the DCS (Division of Child Support) website, at: <http://www.courts.wa.gov/ssgen/default.aspx>.

The calculator has a printable help section and offers step by step instructions. The estimate will be more useful if the information you put into the calculator is correct.

The calculator may not work if you're asking for a deviation from the standard child support calculation. (Deviations are often requested, for example, in situations where the parents share joint custody of the children, when there are children from other relationships, and where each parent has custody of one of the children.)

1. **Caption your worksheets:** At the top of worksheet page 1, fill in, where indicated, the name of the mother and father, the name of your county, and the case number.
2. **Above the caption,** check the box to show whether these worksheets are proposed or an order signed by the judge. If they're proposed, check the box showing who's proposing them.
3. **Child Support Order Summary Report.** Fill out this section only if you're also preparing a child support order to be signed by the judge. If so, come back to it after you've filled out the rest of the form.
4. **List the names and ages** of the children you have with the other parent in the very first box under the heading, *Worksheets*.
5. **To fill out the worksheets, follow the instructions in the Washington State Child Support Schedule.** The instructions explain the meaning of gross and net income and also explain how to list your income. They also tell you how to fill in the rest of the financial information.
6. **Fill in the columns of the Worksheet that apply to you (Father or Mother).**
7. **Fill in the information for the other parent, if you know or can estimate his/her income and expenses.** If you've used estimates, write that on the form. If you have any income information for the other parent, even if it's an estimate, use that information.

Explain in the “Other Factors for Consideration” at Line 26 any income information you listed which isn’t based on wage stubs or tax returns. The other parent will have the chance to correct any information that’s wrong.

If you can’t get accurate income information about the other parent and can’t estimate his/her income based on what you know, follow the instructions for *imputing* income to the other parent in page 2 of the Instructions.

8. **Low-income limitations.** If you’re very low-income, there are 3 different ways to adjust your child support payment using the worksheets. See the “Limitation Standards” section of the Schedule, page 3, paragraphs 2 – 4. (Paragraph 1 of that section describes a method you can use to adjust your income when you’re filling out the Order of Child Support.)
9. **Health Care Expenses.** If you pay uninsured medical expenses for the children that you want to include in the transfer payment, write the expenses in section 10 of the worksheets. **Only include regular expenses (such as a monthly health insurance premium) in this section.** Don’t include doctor bills that may change over time.

**On line 10a,** fill in any payments that either parent makes for the children’s health insurance premiums. Only that part of the premium that the parent actually pays for the child or children in the order of child support should be included. **DON’T INCLUDE** the part paid by the employer, or parts for the parent or other family members. **On line 10b,** fill in any other monthly uninsured medical expenses.

**Child Support adjustment and modification cases only:** If your existing order includes uninsured medical expenses in the transfer payment, and the expense has changed, fill in the new expense in section 10 of the worksheets.

10. **Daycare, Education & Travel Expenses May Be Included.** In section 11, fill in your daycare, tuition or other special child care expense if you want to have that amount included in the transfer payment. If you do this, you should mark the first box in paragraph 3.15 of the Order of Child Support. However, in most cases, you shouldn’t list your daycare, education and travel expenses in the worksheets at all. Instead, include them under paragraph 3.15 of the Order of Child Support.

**Child Support adjustment and modification cases only:** If your existing order includes day care education and travel expenses in the transfer payment, and the expense has changed, fill in the new expense in section 11 of the worksheets.

Think carefully about whether to include your daycare amounts in your worksheets. Daycare expenses tend to change over time, and may decrease as your children get older and no longer need to be in daycare. If you include daycare in the transfer payment, but your daycare expenses later aren’t as large as the amount in your worksheets, the other parent may file an administrative or a court action to try to make you repay the overpaid daycare. The court may order you to repay the daycare if you were overpaid by 20% or more.<sup>14</sup> This could result in your owing a large debt to the other parent.

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<sup>14</sup> [RCW 26.19.080\(3\)](#).

You may want to have DCS compute and collect daycare. See the instructions for paragraph 3.15 of the Order of Child Support.<sup>15</sup>

11. If there are other adults contributing money to you or to the other parent's household, or if you or the other parent has other children to support, or has many debts to pay, or if there is other income, or if there are other special circumstances, list such information on the worksheet. See the "Limitation Standards and the "Deviation Standards" on pages 3-4 of the Definitions and Standards section of the Washington State Child Support Schedule to decide what information to fill in.
12. **On the last page of the worksheet**, you can write in additional information. You can also explain how you calculated the amount of support. State how you calculated each parent's income. If the income you put for either parent is imputed or estimated, write how you figured out the income amount. If you believe support should be less than the standard calculation, state how much it should be and why.

Make Sure You Fill in the Worksheet Completely. There are many lines on the worksheets. It takes time and patience to fill them out completely. Complete the worksheet as accurately and completely as you can.

The child support payment or "transfer payment" is decided based upon the information on this worksheet.

### **Child Support Order Summary Report.**

If you're completing a temporary or permanent order of child support to be signed by the judge, return to page 1 of the worksheets and complete this section. If not, skip this paragraph. Go to Signature.

**Item A.** If this is the first child support order, check "does not." If you had an earlier court or administrative child support order and this order changes it, check "does."

**Item B.** Fill in the amount on item 17 of the worksheets signed by the judge.

**Item C.** Look at paragraph 3.5 of the Order of Child Support (transfer payment). Write the amount from paragraph 3.5 *total monthly transfer amount* into paragraph C of the summary report. Check whether it will be paid by mother or father.

**Item D.** Look at paragraph 3.7 of the Order of Child Support.

- If the first box (*no deviation*) is checked in the Order, check the first box in the Summary Report, "*Does not apply.*"
- If the second box in Paragraph 3.7 of the Order of Child Support is checked, check the box in the Summary Report that best summarizes the reason the judge gave for allowing a deviation. If none of the items applies, check the "other" box and explain. (Example: if the Order allows a deviation because of special medical needs of the children, then check the *other* box in the Summary. Write in "special medical needs of the children.")

**Item E.** Look at paragraphs 3.2 and 3.3 of the Order of Child Support. If the Order uses the actual income of the paying and receiving parent, check the “actual income” boxes for each parent. If the Order shows that income is imputed, check the imputed income box for that parent.

**Item F.** If all health care, day care, and special child rearing expenses are listed in Part II of the worksheets, check this box.

**Signature:** Sign where indicated. Show the date and place (city) you signed.

◆ Fill in the Worksheet **Completely**. There are many lines on the Worksheets, and it takes time and patience to fill them out completely. However, it’s important to complete the worksheet as accurately and completely as you can. The child support payment (“transfer payment”) is decided based upon the information in this worksheet.

## **F. Order of Child Support – WPF DR 01.0500**

Fill in this order to show your agreement. When you present the order for the judge to approve, you may need to have proof of the parents’ incomes and of other financial information used to calculate the child support transfer payment amount (the amount of support the parent the children won’t live with most of the time will pay).

◆ Our instructions for the Order of Child Support are written to cover several different types of family law cases. For some paragraphs you’ll need to find and follow the instructions for your type of case or for the exact stage of your case.

- If you’re writing the order as a **proposed order**, fill it in to show the decision you’re asking the court to make.
- If you’re preparing it because you’ve reached **agreement**, fill it in to show your agreement.
- If you’re preparing it after the judge has announced his/her decision, fill it in to show the **decision the judge made**, even if you don’t agree with it.

After the judge signs a temporary or permanent Order of Child Support, get a conformed copy from the court clerk. (The main packets you’re using have more information about orders the judge has signed.)

### **Caption.**

Fill in the caption. On the right side, under your case number, check the box to show whether this is a temporary order (entered before your case is over) or a final order (entered with other final orders at the end of the case).

## I. Judgment Summary.

◆ Note: There are now two separate judgment summaries. 1.1 is for non-medical support only. 1.2 is for medical support. The instructions below work for both 1.1 and 1.2.

Check the second box and fill in the judgment summary if you'll use this Order of Child Support as a final order with your Findings and Judgment or Decree, or with your Order on Modification of Parenting Plan or Child Support, and the other parent owes back child support or attorney's fees. Otherwise, check the first box, *Does Not Apply*.

If you're modifying a previous support order, in most cases, the court may not change the child support amount any earlier than the date that the petition for modification was served on the other party. However, if you asked for a judgment for back child support in your Petition, or your Response, or if the Periodic Adjustment paragraph (3.16) of your current Order of Child Support allows you to adjust support to a date that's effective before the date that you served the petition, you may be able to ask the court to enter a judgment for back child support. In that case, fill out the judgment summary section.

- A. **Judgment creditor:** Fill in the name of the person to whom the support is owed.
- B. **Judgment debtor:** Fill in the name of the parent who owes the support.
- C. **Principal judgment amount:** Fill in the total back non-medical or medical support owed, and the dates for which it's owed.
- D. **Interest to the date of judgment:** Write the total amount of interest due for the back (medical or non-medical) support.

◆ By Washington law, child support earns simple interest of 12% per year, whether or not your Order of Child Support says that your support amount earns interest. If you want to collect interest, you must figure it out yourself. Generally, you apply any payments made toward back support to the oldest unpaid support payments. You'd multiply the outstanding principal from each month by 1% per month.

- E. **Attorney's Fees:** If you're asking for attorney's fees or the court awards them at your hearing/trial<sup>16</sup>, write the amounts in here.
- F. **Costs:** Fill in any costs of your legal case (filing fee, service fees, etc.)
- G. **Interest:** Interest should be no higher than 12%.
- H. **Attorneys fees.** See G, above.

<sup>16</sup> This packet doesn't tell you how to request attorney's fees or when the court might allow them.

**I & J. Attorneys:** Fill in the attorney for each party, or “pro se” if the party didn’t have an attorney.

**K. Other:** If needed, use this space to explain the judgment in more detail.

**II. Basis.**

**Paragraph 2.1** This paragraph identifies the type of case and the stage of the case. Check the box that shows your type of order. If you’re not sure, look at the other order(s) the judge is signing now as part of your case.

**III. Findings and Order.**

**Paragraph 3.1. Children for Whom Support is Required.**

Write in the names and ages of the children covered by this order.

**Paragraphs 3.2 Person Paying Support and 3.3 Person Receiving Support.**

Fill out as much of the information as you can for the person who’ll be paying the support and the person who’ll receive it.

Don’t fill in your home address if you’re concerned about your address being in a public record. But do list an address where you can get your legal mail on a regular basis even after the case is finished. If you change your address for legal mail, you must give your new address to DCS, the other party and to the court very soon by filing an updated Confidential Information Form. If you don’t update your address information with the court, the other party, and with DCS, you could be served with legal papers at the address you filled in on this form, and orders could be entered without notice to you.

◆ If you write your home address on this form, it will be available to the other parties in your case, and will be in the public court record. If you’re afraid to give out your home address, don’t write your home address on this form. Use a P.O. Box or an address of a friend or relative who is stable in his/her residence and will get mail to you quickly. You may be able to get a safe address from your local domestic violence program or shelter.

**If you’re preparing a proposed order:**

The net income listed in paragraphs 3.2 and 3.3 should be the same net income information that you used in line 3 of the child support worksheets. If the income in the worksheets is based on actual numbers, then you should check the box next to “*Actual Monthly Net Income.*” Then write in the same net income information that you used in line 3 of the child support worksheets.

Under a new law passed in 2009, you can now in some circumstances exempt some overtime pay or pay from a 2<sup>nd</sup> job. If you believe these circumstances apply to the paying parent in your case, check the box next to “The court excludes.” Then check the appropriate box or boxes

underneath. You should also exclude that amount of income from the wages and salaries listed in the worksheets on line 1a, and disclose the excluded income in the worksheets on line 22c.

If a parent has no income, or you don't know what it is, you must *impute* income to that parent in the worksheets on line 1f. For more information about imputing income, see pages 2 and 5 of the Washington State Child Support Schedule Definitions and Standards, and RCW 26.19.071(6).

If you impute income, check the box next to "*the net income of the obligor/obligee is imputed at.*" Then write the same net income information that you used in line 3 of the child support worksheets. Then, check one of the three boxes below, based on whether you're imputing income because that parent's income is unknown, the parent is voluntarily unemployed, or the parent is voluntarily under-employed.

The amount of imputed income must be based on one of the methods listed in the child support order after the part that begins "*The amount of imputed income is based on...*" You must use the first option for which you have information, beginning with current rate of pay information, and ending with the Median Net Monthly Income Table. Check the appropriate box(es) showing how you imputed income.

If you're preparing an order based upon the judge's decision at your trial or hearing, fill in the income information the judge announced for each parent. State whether the judge found that the income is net or imputed. If it's imputed, check the appropriate box to show the reason for imputing. Then check what information the judge based his/her imputation on, as appropriate.

### **Paragraph 3.5. Transfer Payment.**

Paragraph 3.5 shows the obligated parent's basic share of the monthly child support obligation for the children. Write in the children's names. If support will be the standard calculation child support amount (and not a deviation), write the amount listed at line 17 of the child support worksheets for the parent covered by this order in the blank next to "Total Monthly Transfer Amount."

On the other hand, if you're requesting or if the court ordered a deviation from the standard calculation, write in the blank the amount this parent will be ordered to pay. For a detailed explanation of the meaning of "standard calculation," "deviations" and "limitations," see pages 2-4 of the Washington State Child Support Schedule Definitions and Standards.

Don't fill in the blanks above the "Total Monthly Transfer Amount" line unless you need to write in how much of the total child support payment is for each child. You can do this where one child is going to turn 18, graduate from high school very soon and will no longer need support (see instructions for paragraph 3.13), or if one of the children is going to turn 12 soon. If you specify the child support amount for each child, write in the blanks next to each child's name the amount of support that will be paid by this parent for each child. To figure out the child support for each child, multiply the basic support obligation for that child (in the left-hand box at line 5 on the child support worksheets) by this parent's proportional share of income (line 6 of the worksheets). Make sure the amounts you write in for each child all add up to the "Total Monthly Transfer Amount" you've written on the last line.

After you've filled out the "Total Monthly Transfer Amount" section, read items #1 to #4 below to see if you also need to check any of the boxes in Paragraph 3.5.

1. Check the box (“The parents combined monthly ...”) if the parents’ combined monthly net income is over \$12,000 and the paying parent will pay more than the presumptive child support amount for combined monthly incomes of \$12,000. Then explain why the transfer payment should be higher than the presumptive amount.

◆ Special rules apply to set child support when both parents’ combined monthly net income is over \$12,000. A parent in this situation is likely to be able to afford an attorney. Therefore this packet won’t give details about the special rules that apply to wealthier households. See the Washington State Child Support Schedule at pages 3 for more information. RCW 26.09.020 & .065.

2. Check the next box (“The court finds that the ... exceeds 45% of his or her net income...”) if the total child support owed by the paying parent for **all** of his/her children would be more than 45% of his/her net income if s/he were ordered to pay the amount at line 17 (called the standard calculation).

◆ 45% of each parents’ net income is calculated on line 18 of the worksheets. Child support owed for children from other relationships is listed on line 24 of the worksheets.

The court decides whether to reduce the transfer payment to avoid exceeding 45% of the paying parent’s net income based upon the best interest of the children and the circumstances of each parent. The court must consider the the paying parent’s child support obligations to all of his/her children, but can only reduce the obligation owed to the children involved in this court case.

If you’re preparing a proposed order, check the appropriate boxes for whether you believe it would be “just” or “unjust” to apply the 45% limitation. Then give your reasons for why it would be “just” or “unjust” to apply the limitation in the space after the words “based upon the best interests of the child(ren)... ” If you’re saying it’s “just” to apply the limitation, then you should reduce the transfer payment amount you’ve listed above in paragraph 3.5, to reflect the 45% limitation. If you’re saying that it’s “unjust” to apply the limitation, then the transfer payment should be the same as the standard calculation.

3. Check the next box (“If one of the children ...”) if child support will change. Examples: one of the children no longer needs child support or turns 12. Then fill in the information about the future obligation.
  - a. To find out how much the child support should increase after the child turns 12, look at the Economic Table at page 10 of the Washington State Child Support Schedule, column B, for the number of children that are in the support order.
  - b. To find out how much child support should be paid for a child after that child’s sibling graduates and no longer needs support, look at the basic child

support obligation in the Economic Table for the family size that's one child smaller than the number of children in your support order.

4. Check the third box (downward modification) or the fourth box (upward modification) if this order modifies an earlier support order and there's now an overpayment or underpayment. IF you check one of these boxes, fill in the amount of the over/underpayment and how it shall be paid.
5. Check "other" if the paying parent's getting credit for benefits that the children are receiving directly because of that parent's disability. Write in the blank that the paying parent's receiving credit for disability payments to the children. Then write how much those benefits are per month.

◆ **If a child gets Social Security or Labor and Industries benefits or other disability benefits on behalf of a disabled parent**, that parent should ask the court to credit the amount paid to the child as part of the parent's child support payment. Make it clear that credit should only be given if the benefits are actually paid, as parents sometimes become able to work and stop getting benefits. Also, be sure the SSA or L&I income for both the disabled parent and the children is listed on the child support worksheets as income to the disabled parent.

### **Paragraph 3.6. Standard Calculation.**

Write the amount listed at line 17 of the worksheets you proposed, even if that's not the amount you're asking the court to set. If you're writing this order after the judge made a decision, write in the figure on line 17 of the worksheets the judge approved.

### **Paragraph 3.7. Reasons for Deviation.**

Check the first box "*the child support amount .... does not deviate...*" unless you're asking for (or agreeing to) deviation or the court ordered a deviation at your hearing.

If a deviation will be made, check the second box "*the child support amount ... deviates.*" Then check each box thereafter that applies to your situation. There are several reasons for deviation given in the Washington State Child Support Schedule at pages 3 - 4. Another reason for deviation may be a parent's temporary unemployment to receive schooling or training. You could write that in. Under "factual basis," write a short reason why each deviation applies. (Example: "Mother supports two other children from a previous marriage.")

### **Paragraph 3.8. Reasons Why Request for Deviation Was Denied.**

If no one asked for a deviation, check "*A deviation was not requested.*"

If you're writing a proposed order, the other parent requested a deviation and you agree with it (or if you're the parent asking for the deviation), check the box for "*Does not apply. A deviation was ordered.*"

If you're writing a proposed order and if a parent asked for a deviation but you don't agree with it, mark the last box showing that "*deviation is denied.*" Show who requested that deviation. Then mark the box next to "no good reason exists for the deviation."

If the judge has already made a decision, check the first box if a deviation was given. Check the second box if no one requested a deviation. Check the third box if someone requested a deviation but the court denied it. Then show who requested the deviation and the reason it was denied.

### **Paragraph 3.9. Starting Date and Date to be Paid.**

Write the date when child support due under this order will start, and the day of each month it will be due. (In most cases, the earliest that a new Order of Child Support can become effective is the date the petition was filed and served.) If the judge has set a date at your hearing or trial, write that in. If the parent will be paying other than once a month, note that here.

◆ **Caution:** Be careful how you word this section if your support is collected by DCS. If you want to have half of the support paid by one date and half by another, be specific. Don't write "1st and 15<sup>th</sup>." This may confuse DCS about whether the paying parent must pay the transfer payment twice per month. Instead, use language like this: "Day(s) of the month support is due: *½ of the transfer payment is due on the first and ½ is due on the 15<sup>th</sup> of each month.*"

### **Paragraph 3.10. Incremental Payments.**

In most cases, you'll check "Does not apply."

However, if this order modifies an earlier support order, and the child support payment is going to increase by more than 30% over the previous amount, then consider allowing the paying parent to increase the payments gradually (or the court may order this). In you want to do this or if the court orders it, check the second box. Then fill in a date that's six months from the start date of the order (paragraph 3.9).

### **Paragraph 3.11. How Support Payments Shall be Made.**

Check the first box (and the appropriate boxes in that paragraph's text) if the child has ever received public assistance or you'd like (or the court orders) the Division of Child Support (DCS) to help you collect your child support. It's usually good to have DCS collect your support. If DCS collects your support, DCS must help if the parent paying support becomes overdue or stops paying, and there will be documented proof of the dates and amounts of all payments.

If you want DCS to keep records of child support payments, but not try to collect, check the second box. If you want the paying parent to pay child support to the receiving parent directly, check the third box.

For more information about the differences between enforcement and payment processing services, contact your local DCS office.

### **Paragraph 3.12. Wage Withholding Action.**

Usually, child support is deducted from the paying parent's wages and sent to the support registry. Therefore, most people won't check anything in this paragraph. However, if you want (or the court orders) a special exception made to the usual rule, check the first box, and the boxes

thereafter that apply to your case. The court should order immediate wage withholding in most cases. The court must find good cause not to order wage withholding.

◆ You shouldn't be fired because your paycheck is being garnished for child support.<sup>17</sup> If your employer threatens to fire you if you're garnished, contact DCS, an attorney, your local legal services office, or CLEAR at 1-888-201-1014.

### **Paragraph 3.13. Termination of Support.**

Our instructions for this form cover several types of support cases, so, in completing this paragraph, you need to identify the correct stage of your case. There are three types:

Temporary orders. If you're filing this form with a motion for temporary or emergency orders (or a response to a motion) (or after the court makes a temporary support decision at a hearing), check the first box.

Modification of final support orders. If you asked the court to change the date support terminates in your petition for Modification or Response, check the box showing when you want support to end. Or, if you're writing this order after trial, write in the date the judge ordered support to terminate. Most parents check the second box. Otherwise, check the same boxes that are checked on your current Order of Child Support. (Note: the order of boxes in the form has been changed. Read the text. Don't just count the box number if you're copying from your current order.)

Final orders in dissolution and parentage cases. If your children aren't yet in high school and aren't disabled, check the second box (ordering support through high school or age 18, whichever is later), unless the court has ordered otherwise. If one of your children is disabled and will need your support even after age 18, check the fourth box. Then write in the child's name. If your children are high school age and you want the parent to be ordered to pay for college or vocational school (or the court has ordered this), check the fifth box. If you want child support to end at some other time (or the court has ordered this), check the sixth box and write in when support will end. It's usual for child support to end when the child turns 18 years old **or** completes secondary (high school) education, whichever is later.

### **Paragraph 3.14. Post-Secondary Educational Support.**

This paragraph is about support for college or vocational education after high school.

Identify the correct stage of your case in completing this paragraph. Then follow the instructions for that stage.

Child support Modification cases. If you asked the court to set post secondary support, or to change this part of your current Order of Child Support, check the box showing whether you want post secondary support to be ordered, and when. Or, if you prepare this form after trial, show the judge's decision. Most parents of children younger than high school age check the first

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<sup>17</sup> [RCW 26.18.110\(8\)](#).

box. If you didn't ask the court to change this provision, check the same boxes that are checked on your current Order of Child Support. (Note: the order of boxes in the form has been changed. Read the text. Don't just count the box number if you're copying from your current order.)

Final Orders in dissolution or parentage cases. If you know that you never want either parent to be required to help pay for your child's college (or if the court has ordered this), check the third box "*no post-secondary educational support.*" If needs for support to attend school after high school are unknown because the child is too young or plans not yet certain, but you want to have the chance to return to court before the child's 18<sup>th</sup> birthday to request support (or the court has said you could return later), check the first box "*the right to petition ... is reserved.*" If you know that both parents should be required to pay for college, but the child isn't going to college soon, check the second box, "*the parents shall pay.*" If you want to write in a requirement that post-secondary support be paid, and how it should be paid (or if the court has ordered this), check the last box. Then write that information in the blank.

### **Paragraph 3.15. Payment for Expenses Not Included in the Transfer Payment.**

Fill out this section based on whether there are daycare and educational expenses for the children that the paying (noncustodial) parent should be ordered to help pay, or that the court ordered this parent to pay when you had your trial or hearing.

If daycare or other expenses were included in Sections 8 and 9 of the worksheets, or you don't want the paying parent to pay for daycare, educational or long distance transportation expenses (or the court denied this), check the first box "*does not apply.*" Skip the rest of the paragraph.

If you have daycare, educational, or long distance transportation expenses (such as when the parents live in different states), and you'd like each parent to contribute to those expenses based on a percentage amount (or if the court ordered this at trial) check the second box and the appropriate indented box(es). Fill in the income proportions from line 6 of the child support worksheets (example: .60 on line 6 would be filled in as 60% of the daycare expense). You must check either the box requiring payment to be made to the daycare (or other service) provider, or to the receiving parent.

If daycare or other expenses weren't included in Sections 8 and 9 of the worksheets, but the paying parent should be ordered pay a fixed amount towards these expenses (or the court ordered this), check the third box and each indented box that applies. Fill in the information in any box you checked.

◆ If you want DCS to collect daycare for you, check the box requiring that payments be made to the parent receiving support. Also check "other." Then write in: *The receiving parent shall provide receipts for daycare to DCS, which shall calculate and collect the paying parent's proportionate share of daycare from her/him at least once every six months. The paying parent's proportionate share of daycare is \_\_\_\_\_ (fill in proportion from line 6 of child support worksheets).*

### **Paragraph 3.16. Periodic Adjustment.**

In most cases, you'll check "Does not apply." If this paragraph says "Does not apply," then you may adjust or modify this order according to Washington law.

If you'd like the child support amount adjusted periodically, such as every year due to small changes in income (or if the court ordered this), check the second box. Then specify when adjustments should occur. (Note: you'll still have to go back to court to get the adjustment. It won't automatically happen.)

### **Paragraph 3.17. Income Tax Exemptions.**

Read the instructions for the proper stage of your case.

Proposed orders in Modification cases: If you asked the court to change the income tax exemption in the Petition for Modification or Response, check the box that you'd like to apply (or that the court orders at your modification trial). If you didn't ask the court to change the income tax exemption, check the same box as the one that's checked in your current Order of Child Support.

Proposed Orders in dissolution and parentage cases: If you want the custodial parent to claim the children as dependents on their federal income taxes, check the first box. If you want to divide the dependent exemptions for the children, check the second box. Then write in which parent should claim the exemptions. You may split the exemptions between the parents, or alternate even/odd years. If the paying (noncustodial) parent is going to claim the exemptions part of the time, you should check the third box that requires the parents to sign a form with the IRS that tells who gets the tax exemptions. If you're the parent receiving support, you should check the fourth box. Then write in that "the obligor may claim the exemption only if the obligor has fully paid all child support, daycare, and uninsured medical expenses that are owed as of December 31<sup>st</sup> of the relevant tax year." That way, if the other parent doesn't pay support payments on time, that parent won't be allowed to take the exemption.

Orders entered after hearing or trial. If the court has made a decision about income tax exemptions, fill in this paragraph to show the judge's decision.

### **Paragraph 3.18. Medical Support.**

If you're filling this out as a proposed order:

In general, show what you're asking the judge to order.

If you don't have enough information, or if you don't want the court to make a ruling about medical support, check A.(1): "There is insufficient evidence..." Next, go down to C. and check the first box. Then skip to Paragraph 3.19. Be aware: the provisions of Paragraph 3.18.2. will apply even when the court doesn't make a specific ruling about medical support.

If you have information about whether or not health insurance coverage is available:

First, check A.(2): "There is sufficient evidence..."

Next, check the second box under B.

There's a chart right below the first two check boxes for B. Fill in the name of each parent in the first two top boxes of the chart. The column below each name is the column for that parent. Check the boxes as they apply to each parent.

Next, check the second box for C. Then fill out the chart and columns the same as you did for B. Where you're given room to explain why a box is checked, after "*because*," try to do so briefly.

If you're filling this out after a hearing:

Show what the judge ordered, even if different from what you asked for. Use the support worksheets approved by the judge.

### **Paragraph 3.19. Uninsured Medical Expenses.**

Most people should write in the father's proportional share of income from the worksheets at line 6 in the first blank and the mother's proportional share of income from the worksheets at line 6 in the second blank. If the court orders a different amount in your case, write in what the court orders.

### **Paragraph 3.20. Back Child Support.**

In most cases, you'll check the second box: "Back child support that may be owed is not affected by this order" and the fifth box: "Back interest that may be owed is not affected by this order."

If you want the court to set back support (or if the court set back support at your hearing or trial), check the third box. Then write in the dates for which back support should be paid and the amount. For more information on computing back support, look at the section above on the Judgment Summary.

◆ **Caution:** Don't check the first box unless you know that the paying parent owes no back child support or unless the court ordered this. If you check the first box, the paying parent could be excused from paying any back support owed.

If you want the court to set back interest (or the court set back support at your hearing or trial), check the third box. Then write in the dates and the amount of back interest that should be paid. For more information on computing back interest, look at the section above on the Judgment Summary.

◆ **Caution:** Don't check the fourth box unless you know that the paying parent owes no interest on back child support at all or unless the court ordered this. If you check the fourth box, the paying parent could be excused from paying any of the interest owed.

### **Paragraph 3.21. Past Due Unpaid Medical Support.**

If you're filling out a proposed order, check the boxes to show what you want the judge to order.

If you're filling this out after a hearing, check the boxes to show what the judge ordered, even if different than what you asked for. You should also include a declaration and supporting documents to prove the debt.

### **Paragraph 3.22. Other Unpaid Obligations.**

If you're filling out a proposed order, check the boxes to show what you want the judge to order.

If you're filling this out after a hearing, check the boxes to show what the judge ordered, even if different than what you asked for. You should also include a declaration and supporting documents to prove the debt.

### **Paragraph 3.23. Other.**

Read the instructions for your type of case.

Modifications of Child Support. Unless one party requested a modification of this paragraph or the court ordered it, look at your current Order of Child Support and fill in any information written under "Other." If this paragraph is being modified from your existing order, write in the changes being requested, if you agree with them, or if you've had your hearing or trial, write in the judge's decision.

Dissolution and parentage cases. Write in any additional rules you'd like to include or that the judge ordered.

**Signature. DON'T fill in the date or Judge's signature.** The Judge will do that when s/he approves the final order.

The parent who'll be taking the Order to the judge should sign and print his/her name on the lines below "Presented by." Check the box about full support enforcement services and sign if you'd like the Division of Child Support to help you collect your child support. (Read the item about when DCS may charge an annual \$25 fee.) The other parent should sign and print his or her name on the lines below "Approved for entry, Notice of presentation waived" to show that s/he agrees with the order. If the State of Washington is a party in your case, the Deputy Prosecuting Attorney will need to sign your order before you present it to the judge. Give the prosecutor about two weeks to review the order before returning it to you.

## **G. Scheduling a Hearing to Ask a Judge to Sign Your Orders**

### **1. How do I Get a Date for My Hearing?**

Check your local court rules (at the law library), your Family Law Facilitator's office (if your county has one), or call the court clerk's office to find out what days and times you may schedule entry of your final dissolution orders. Tell the clerk that you want to ask the judge to sign AGREED final marital dissolution orders. Some counties will allow you to appear in court to have your final orders signed without scheduling a hearing or filing a Note for Dissolution.

Motions for entry of final orders in dissolution cases are often scheduled in the "ex parte" department, but may be scheduled on the family law calendar or with a judge. In some counties, hearings to enter final dissolution orders are scheduled only on certain days or at certain times. In many counties, if the State is a party to your case (such as when the children have received public assistance), you must schedule your hearing on a date that the prosecutor is present for family law motions.

You might be able to use the Note for Dissolution Calendar form to set up a hearing to ask the court to sign your final orders for a dissolution of marriage. However, many counties require you to use their own Note for Dissolution Calendar form, or they may require a different form, which may be called a “Note for Motion Docket,” a “Notice of Issue,” a “Note for Hearing” or a “Notice of Hearing.” **Check with the Family Law Facilitator or court clerk in the county where your dissolution was filed to see if your county has a special form.** If the court clerk has no special form to set up a hearing to dissolve your marriage, use the form included here.

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

Under the Washington civil rules, you must give your motion and other legal papers to the other parties and the court at least **five court days** (business days that aren’t court holidays) **before the hearing date**.<sup>18</sup> (Don’t count the day you deliver/mail the papers, weekends, or holidays.) However, some counties require more than five court days’ notice for family law hearings. Check with your local court rules, your Family Law Facilitator’s office, or the court clerk to find out how many days’ notice you must give. Make sure you count Day 1 as the day **after** you delivered or mailed the papers.

### Add Days for Mailing.

**Mailing.** If the papers are mailed, instead of personally delivered, add at least three (3) days<sup>19</sup> to the number of days’ notice required by your county’s rules. Example: if you mail a document on a Monday, it’ll be presumed to have been served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day that isn’t a legal holiday or weekend.<sup>20</sup>

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

## H. Instructions for the Note for Dissolution Calendar Form

**Caption.** Fill out the caption.

**To the Clerk and to:** Fill in the name(s) of your spouse and of any other parties.

**Paragraph 1:** Write the name of the items you’re putting on the court calendar, for example “*Entry of Agreed Decree of Dissolution and related relief.*”

**Paragraph 2:** Write the date, time, place and courtroom number of your hearing.

**Signature:** Date the form and sign it on the line that says Signature of Requesting Party or Lawyer. Print your name and mailing address on the lines below your signature. If you don’t want to give your home address, fill in an address where you can reliably receive mail – such as a post office box, or a friend’s address.

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<sup>18</sup> [Civil Rule \(CR\) 6\(d\)](#).

<sup>19</sup> Three days are clearly required under [CR 5](#). There’s one legal argument that, reading [CR 5](#) and [CR 6](#) together, you must give at least six days.

<sup>20</sup> [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#).

## **I. Preparing to File and Serve the Note for Dissolution Calendar and Presentation of Final Orders.**

**Before going to the courthouse, copy and organize your papers.** Make copies of every paper – see the checklists in this packet – one for yourself and one for every other party who’ll receive notice of your hearing. Include the State of Washington if your children have received public assistance, and a Guardian ad Litem if one has been appointed in your case. Make one more copy for the judge if you need working papers – see the section “Working Papers” below.<sup>21</sup> **Don’t make a copy of the law enforcement information sheet (if you’re using this form) for any other party.**

Organize the copies into sets so that each set contains a copy of every paper you’re filing (except, don’t give the other parties the Certificate of Mailing and don’t give them the law enforcement information sheet).

Keep one set for yourself. Put any Law Enforcement Information Sheet into this set.

Put the other party/parties’ sets into an envelope, addressed to them. These are the sets you’ll use for service.

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

## **J. Filing the Note for Dissolution Calendar and Presentation of Final Orders.**

Take your completed papers (originals and copies) to the court clerk in the Superior Courthouse where your petition for dissolution was filed. Give the clerk your original Note for Dissolution Calendar (or other local form). **Ask the clerk to file the originals of all of your papers except** don’t file the originals of your proposed orders (any form that the judge signs at the final hearing). In most cases, you’ll keep these originals and bring them to the hearing for the judge to sign then. Make sure by asking the clerk if you should file the originals of the proposed orders, too. If working papers are required in your county, you’ll need to provide the judge copies of these proposed orders as part of the working papers.

## **K. Serving the Note for Dissolution Calendar and Presentation of Final Orders**

To serve your spouse (and any other parties) with the Note for Dissolution Calendar Note for Motion Docket or the form required in your county, and your final orders, use first class mail or hand delivery described below.

- **Make sure that your papers are served in time to give the other party enough notice before the hearing date.** See the Instructions in the section called “How Much Notice Do I

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

Need to Give?” You must serve all the parties on time. This includes your spouse, and any other parties such as the GAL or prosecutor. For more information on serving the prosecuting attorney, see our packet [Serving Papers on the State](#).

- **Double check the copies you made of your papers to make sure** you have a complete set of papers for each party, and if you need Working Papers, one set for the judge (see the Working Papers section below), and a complete set for yourself. Compare the sets to the lists in this packet to make sure everything is included. (Don’t give the other parties the Certificate of Mailing or LEIS.)

Follow the instructions below for giving the papers to the other parties.

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

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

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

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

**Make sure that papers are mailed or delivered before your deadline.** When counting, you don’t count the day of delivery or mailing, weekends, or court holidays.

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

**Mailing.** If your friend mails the papers, rather than personally delivering them, add at least three (3) days<sup>22</sup> to the number of days’ notice required by your county’s rules. For example, if you mail a document on a Monday, it’ll be presumed to have been served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day that isn’t a legal holiday or weekend.<sup>23</sup>

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

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

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

If a document is sent by regular first class mail, and if you think another party won't show up at a hearing, have an additional copy sent by certified mail, return receipt requested, so you have more proof of mailing. Staple the green return receipt card to the Certificate.

**Personal Delivery.** Your friend may deliver the papers to the other party rather than mail them. "Delivering" the packet of papers to another party (or the other party's attorney) means:

- handing it to the attorney or to the party; or
- leaving it at his office with his/her clerk or other person in charge of the office<sup>24</sup>; or,
- if there is no one in charge, leaving it in a place in the office where someone can easily find it (for example, on top of the front desk); or,
- if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode (home) with some person of suitable age and discretion then residing there.<sup>25</sup>

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

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

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

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

<sup>25</sup> [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who's an adult (or at least an older teenager) who doesn't have a mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

### 3. Filing the Certificates of Mailing or Personal Delivery

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

1. **Take the originals and the copies to the superior court clerk's office** in the courthouse where your case was filed. Give the clerk the originals of the Certificate of Mailing or Personal Delivery forms.
2. **Ask the clerk to stamp your copies** to show the date that you filed the Certificates. Take each stamped copy back from the clerk. The clerk keeps the originals.
3. **Keep your copies of the Certificates in a safe place.** You may need them.

### L. Working Papers and Confirming Your Hearing

In many counties, you must:

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

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

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

If you need working papers, make one copy of all your hearing papers (including the proposed orders) for the judge. Keep one copy for yourself. (Look at the forms checklists in this packet. Make sure that you've included all you need.) Try to make an index for the judge that lists the title of each paper you submitted for working papers, and number them. **Write the date, time and room number of the hearing, and "Family Law, Motion for \_\_\_\_\_" (fill in the subject of your hearing) in the upper-right hand corner of the first paper.** Ask the clerk's office where to deliver the papers. Deliver them to the correct place.

## **M. Going to the Hearing**

- **Take Your Court Papers with You.** Bring along all the proposed orders and other original papers you'll ask the judge to approve. If you've already delivered the original proposed orders to the court, take along an extra copy in case the judge needs it. Bring your own copies of those papers and your hearing papers. Also, take copies of your proofs of service (Returns of Service and/or the Certificates of Mailing or Personal Delivery). The judge may want to see them. Also bring your own copy of all the papers you filed and served on the other parties earlier in the case, because the judge may have a question about them and not have the court file.
- **Get to Your Hearing Early.** Try to dress neatly and bring a pad of paper and black pen to write notes with. It's better not to bring your children— the judge will usually not let them sit in the courtroom. If you're not there on time, the hearing may be cancelled.
- **When You Get to the Courtroom.** When you get there, tell the person in charge in the courtroom (often called the clerk or the bailiff) your name and that you're there to enter final dissolution orders by agreement. 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.
- **Presenting Your Case.** When you're told to come forward, do so and give the court the originals of the Findings and Decree, Parenting Plan, Order of Child Support, and any other orders that you filled out. The judge will usually ask if any other party is present. The judge may ask you to speak to explain what you're asking the court to approve and why. Be brief. Make your statement directly to the judge. If any other party appears at the hearing, the judge may allow him/her to speak and may ask if s/he agrees with the final orders.
- **Don't interrupt the judge.** The judge may ask you questions about your final papers. The judge may also swear you in and go through the Findings of Fact, asking you questions about each paragraph. Examples: the judge may ask what county you live in, where the other party lives, whether the wife is pregnant, whether there are children, etc. This is called "formal proof." It shows the court that there is evidence to support the judge signing the final orders. If you don't understand what the judge is asking, ask the judge to explain his/her question.
- **DON'T LEAVE THE COURTHOUSE WITH OR CHANGE OR DESTROY COURT ORDERS THAT HAVE BEEN SIGNED BY THE JUDGE.** If the clerk in the courtroom gives you the original orders the judge has signed, file them with the court clerk's office. If you don't know what to do with the original orders, ask someone at the clerk's office for help.
- **Getting Copies of the Orders.** You'll need copies of the orders as signed by the judge. You need certified copies of any order with a safety restraint and of any Protection Order. (Get one certified copy for yourself, and one certified copy for each restrained party that you need to serve.) Get conformed copies of other orders.
- Ask the clerk how to get the conformed and certified copies you need and follow those instructions.

- For certified copies, the clerk will need to make them and may charge you a fee (such as \$5 for the first page and \$1 for every additional page)
- For conformed copies,
  - the clerk may allow you to take the original orders and make copies in the library or at the clerk's office.
  - Or, if the copies of proposed orders you brought to court are exactly the same as the orders the judge signed, the clerk may tell you to stamp those copies with the date filed stamp and the judge's signature stamp.

**Additional insert for final orders packets**

- Return to the “Steps to Take” section of this packet for important information. If the judge signed your order(s), you must properly deliver copies of the papers to the other parties. The “Steps to Take” section explains how to do that.

## **Section 8: Blank Forms**

The rest of this packet contains blank forms for you to complete. Make a copy of each form so that you have an extra in case your first draft needs lots of changes. You may need forms from other packets, and you may not need all the forms in this packet. If you have Microsoft Word and would rather fill out the forms on your computer, you can download them from the Administrative Office of the Courts web site at <http://www.courts.wa.gov/forms/>.

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

In re the Marriage of:

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

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

**Findings of Fact and  
Conclusions of Law  
(Marriage)  
(FNFCL)**

**I. Basis for Findings**

The findings are based on:

- agreement.
- an order of default signed by the court on this date or dated \_\_\_\_\_.
- trial. The following people attended:
  - Petitioner.
  - Petitioner's Lawyer.
  - Respondent.
  - Respondent's Lawyer.
  - Other:

**II. Findings of Fact**

Upon the basis of the court records, the court ***Finds:***

**2.1 Residency of Petitioner**

The Petitioner

- is a resident of the state of Washington.
- is not a resident of the state of Washington.
- is a member of the armed forces and has been stationed in this state for at least 90 days.

## 2.2 Notice to the Respondent

The respondent

- appeared, responded or joined in the petition.
- was served in the following manner:

## 2.3 Basis of Personal Jurisdiction Over the Respondent

- There are no facts to establish personal jurisdiction over the respondent.
- The facts below establish personal jurisdiction over the respondent.
  - The respondent is currently residing in Washington.
  - The parties lived in Washington during their marriage and the petitioner continues to reside, or be a member of the armed forces stationed, in this state.
  - The parties may have conceived a child while within Washington.
  - Other:

## 2.4 Date and Place of Marriage

The parties were married on (date) \_\_\_\_\_ at  
(city and state only) \_\_\_\_\_.

## 2.5 Status of the Parties

Husband and wife separated on (date) \_\_\_\_\_.

## 2.6 Status of Marriage

- The marriage is irretrievably broken and at least 90 days have elapsed since the date the petition was filed and since the date the summons was served or the respondent joined.
- The petitioner wishes to be legally separated.
- The petitioner is petitioning for a declaration concerning the invalidity of the marriage. The court **finds** the following facts concerning the validity of the marriage:

## 2.7 Separation Contract or Prenuptial Agreement

- There is no written separation contract or prenuptial agreement.
- A written separation contract or prenuptial agreement was executed on (date) \_\_\_\_\_ and is incorporated herein.
- The separation contract or prenuptial agreement should be approved.
- The separation contract or prenuptial agreement should not be approved because:
  
- Other:

## 2.8 Community Property

- The parties do not have real or personal community property.
- The parties have real or personal community property as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The parties have real or personal community property as set forth in the separation contract or prenuptial agreement referenced above.
- The parties have the following real or personal community property:
  
  
  
  
  
  
  
  
  
  
- Other:

## 2.9 Separate Property

- The husband has no real or personal separate property.
- The wife has no real or personal separate property.
- The parties have separate property as set forth in the separation contract or prenuptial agreement referenced above.
- The husband has real or personal separate property as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The wife has real or personal separate property as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.
  
- The husband has the following real or personal separate property:

The wife has the following real or personal separate property:

Other:

## 2.10 Community Liabilities

- There are no known community liabilities.
- The parties have incurred community liabilities as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The parties have community liabilities as set forth in the separation contract or prenuptial agreement referenced above.
- The parties have incurred the following community liabilities:

<u>Creditor</u>	<u>Amount</u>
-----------------	---------------

Other:

## 2.11 Separate Liabilities

- The husband has no known separate liabilities.
- The wife has no known separate liabilities.
- The husband has incurred separate liabilities as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.
- The parties have separate liabilities as set forth in the separation contract or prenuptial agreement referenced above.

The wife has incurred separate liabilities as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of these findings.

The husband has incurred the following separate liabilities:

<u>Creditor</u>	<u>Amount</u>
-----------------	---------------

The wife has incurred the following separate liabilities:

<u>Creditor</u>	<u>Amount</u>
-----------------	---------------

Other:

## **2.12 Maintenance**

Maintenance was not requested.

Maintenance shall be paid as set forth in the separation contract or prenuptial agreement referenced above.

Maintenance should not be ordered because:

Maintenance should be ordered because:

Other:

## **2.13 Continuing Restraining Order**

Does not apply.

A continuing restraining order against the  husband  wife  both parties is necessary because:

Other:

## 2.14 Protection Order

Does not apply.

The  domestic violence  antiharassment Order for Protection signed by the court on this date or dated \_\_\_\_\_, is approved and incorporated as part of these findings.

## 2.15 Fees and Costs

There is no award of fees or costs.

Attorney fees, other professional fees and costs shall be paid as set forth in the separation contract or prenuptial agreement referenced above.

The  husband  wife has the need for the payment of fees and costs and the other spouse has the ability to pay these fees and costs. The  husband  wife has incurred reasonable attorney fees and costs in the amount of \$\_\_\_\_\_.

Other:

## 2.16 Pregnancy

The wife is not pregnant.

The wife is pregnant. **Note: Under RCW 26.26.116, the husband is the presumed father. If husband or wife believes the husband is not the father, this presumption may be challenged up to two years after the birth of the child or as otherwise provided in RCW 26.26.500 through 26.26.625.**

Other:

## 2.17 Dependent Children

The parties have no dependent children of this marriage.

The children listed below are dependent upon either or both spouses.

<u>Name of Child</u>	<u>Age</u>	<u>Mother's Name</u>	<u>Father's Name</u>
----------------------	------------	----------------------	----------------------

Other:

## 2.18 Jurisdiction Over the Children

- Does not apply because there are no dependent children.
- This court does not have jurisdiction over the children.
- This court has jurisdiction over the children for the reasons set forth below.
  - This court has exclusive continuing jurisdiction. The court has previously made a child custody, parenting plan, residential schedule or visitation determination in this matter and retains jurisdiction under RCW 26.27.211.
  - This state is the home state of the children because:
    - the children lived in Washington with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of this proceeding.
    - the children are less than six months old and have lived in Washington with a parent or a person acting as parent since birth.
    - any absences from Washington have been only temporary.
    - Washington was the home state of the children within six months before the commencement of this proceeding and the children are absent from the state but a parent or person acting as a parent continued to live in this state.
  - The children and the parents or the children and at least one parent or person acting as a parent, have significant connection with the state other than mere physical presence; and substantial evidence is available in this state concerning the children's care, protection, training and personal relationships; and
    - the children have no home state elsewhere.
    - the children's home state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under RCW 6.27.261 or .271.
  - All courts in the children's home state have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the children under RCW 26.27.261 or .271.
  - No other state has jurisdiction.
  - This court has temporary emergency jurisdiction over this proceeding because the children are present in this state and the children have been abandoned or it is necessary in an emergency to protect the children because the children, or a sibling or parent of the children is subjected to or threatened with abuse. RCW 26.27.231.
    - There is a previous custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in

a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. The requirements of RCW 26.27.231(3) apply to this matter. This state's jurisdiction over the children shall last until (date) \_\_\_\_\_.

There is no previous custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. If an action is not filed in (potential home state) \_\_\_\_\_ by the time the child has been in Washington for six months, (date) \_\_\_\_\_, then Washington's jurisdiction will be final and continuing.

Other:

## 2.19 Parenting Plan

Does not apply.

The parenting plan signed by the court on this date or dated \_\_\_\_\_, is approved and incorporated as part of these findings.

This parenting plan is the result of an agreement of the parties.

Other:

## 2.20 Child Support

Does not apply.

There are children in need of support and child support should be set pursuant to the Washington State Child Support Schedule. The Order of Child Support signed by the court on this date or dated \_\_\_\_\_, and the child support worksheet, which has been approved by the court, are incorporated by reference in these findings.

Other:

## 2.21 Other

### III. Conclusions of Law

The court makes the following conclusions of law from the foregoing findings of fact:

#### 3.1 Jurisdiction

- The court has jurisdiction to enter a decree in this matter.
- Other:

#### 3.2 Granting a Decree

- The parties should be granted a decree.
- Other:

#### 3.3 Pregnancy

- Does not apply.
- The wife is pregnant. Any challenge to the husband's presumed paternity shall be initiated by: 1) signing and filing a valid denial of paternity and a valid acknowledgement of paternity under RCW 26.26.300 through 26.26.375; or, 2) a proceeding to determine the parentage of the unborn child under RCW 26.26.500 through 26.26.625.

#### 3.4 Disposition

The court should determine the marital status of the parties, make provision for a parenting plan for any minor children of the marriage, make provision for the support of any minor child of the marriage entitled to support, consider or approve provision for maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders, and make provision for the change of name of any party. The distribution of property and liabilities as set forth in the decree is fair and equitable.

#### 3.5 Continuing Restraining Order

- Does not apply.
- A continuing restraining order should be entered.

**3.6 Protection Order**

- Does not apply.
- A  domestic violence  antiharassment Order for Protection should be entered.

**3.7 Attorney Fees and Costs**

- Does not apply.
- Attorney fees, other professional fees and costs should be paid.

**3.8 Other**

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

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

Presented by: \_\_\_\_\_

Approved for entry:  
Notice of presentation waived:

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

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**Superior Court of Washington  
County of**

In re the Marriage of:

and

Petitioner,

Respondent.

**No.**

- Decree of Dissolution (DCD)**
- Decree of Legal Separation (DCLGSP)**
- Declaration Concerning Validity (DCINMG) (Marriage)**
- Clerk's action required**
- Law Enforcement Notification, ¶ 3.8**

**I. Judgment/Order Summaries**

**1.1 Restraining Order Summary:**

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

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

***Violation of a Restraining Order in Paragraph 3.8 Below With Actual Knowledge of its Terms is a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to Arrest. RCW 26.09.050.***

**1.2 Real Property Judgment Summary:**

Does not apply.  Real Property Judgment Summary is set forth below:

Assessor's property tax parcel or account number:

Or

Legal description of the property awarded (including lot, block, plat, or section, township, range, county and state):

	See Page _____ for full legal description

**1.3 Money Judgment Summary:**

Does not apply.  Judgment Summary is set forth below.

- A. Judgment creditor \_\_\_\_\_
- B. Judgment debtor \_\_\_\_\_
- C. Principal judgment amount \$ \_\_\_\_\_
- D. Interest to date of judgment \$ \_\_\_\_\_
- E. Attorney fees \$ \_\_\_\_\_
- F. Costs \$ \_\_\_\_\_
- G. Other recovery amount \$ \_\_\_\_\_
- H. Principal judgment shall bear interest at \_\_\_\_\_ % per annum
- I. Attorney fees, costs and other recovery amounts shall bear interest at \_\_\_\_\_ % per annum
- J. Attorney for judgment creditor \_\_\_\_\_
- K. Attorney for judgment debtor \_\_\_\_\_
- L. Other: \_\_\_\_\_

***End of Summaries***

**II. Basis**

Findings of Fact and Conclusions of Law have been entered in this case.

**III. Decree**

***It Is Decreed*** that:

**3.1 Status of the Marriage**

- The marriage of the parties is dissolved.
- The husband and wife are legally separated.
- The marriage of the parties is invalid.
- The marriage of the parties is valid.

**3.2 Property to be Awarded the Husband**

- The husband is awarded as his separate property the property set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The husband is awarded as his separate property the property set forth in the separation contract or prenuptial agreement executed by the parties on (date) \_\_\_\_\_. The separation contract or prenuptial agreement is incorporated by reference as part of this Decree. The prenuptial agreement or, pursuant to RCW 26.09.070(5), the separation contract  is  is not filed with the court.
- The husband is awarded as his separate property the following property (list real estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):

Other:

### 3.3 Property to be Awarded to the Wife

- The wife is awarded as her separate property the property set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The wife is awarded as her separate property the property set forth in the separation contract or prenuptial agreement referenced above.
- The wife is awarded as her separate property the following property (list real estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):

Other:

### 3.4 Liabilities to be Paid by the Husband

- Does not apply.
- The husband shall pay the community or separate liabilities set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The husband shall pay the community or separate liabilities as set forth in the separation contract or prenuptial agreement referenced above.
- The husband shall pay the following community or separate liabilities:

Creditor

Amount

Other:

Unless otherwise provided herein, the husband shall pay all liabilities incurred by him since the date of separation.

### **3.5 Liabilities to be Paid by the Wife**

- Does not apply.
- The wife shall pay the community or separate liabilities set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of this decree.
- The wife shall pay the community or separate liabilities as set forth in the separation contract or prenuptial agreement referenced above.
- The wife shall pay the following community or separate liabilities:

Creditor

Amount

Other:

Unless otherwise provided herein, the wife shall pay all liabilities incurred by her since the date of separation.

### **3.6 Hold Harmless Provision**

- Each party shall hold the other party harmless from any collection action relating to separate or community liabilities set forth above, including reasonable attorney's fees and costs incurred in defending against any attempts to collect an obligation of the other party.
- Other:

### **3.7 Maintenance**

- Does not apply.
- The  husband  wife shall pay maintenance as set forth in Exhibit \_\_\_\_\_. This exhibit is attached or filed and incorporated by reference as part of this decree.
- Maintenance shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
- The  husband  wife shall pay \$ \_\_\_\_\_ maintenance. Maintenance shall be paid  weekly  semi-monthly  monthly.  
The first maintenance payment shall be due on (date) \_\_\_\_\_.

The obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance unless otherwise specified below:

Payments shall be made:

- directly to the other spouse.
- to the Washington State Child Support Registry (only available if child support is ordered).
- to the clerk of this court as trustee for remittance to the other spouse (only available if there are no dependent children).
- If a maintenance payment is more than 15 days past due and the total of such past due payments is equal to or greater than \$100, or if the obligor requests a withdrawal of accumulated contributions from the Department of Retirement Systems, the obligee may seek a mandatory benefits assignment order under Chapter 41.50 RCW without prior notice to the obligor.
- The Department of Retirement Systems may make a direct payment of all or part of a withdrawal of accumulated contributions pursuant to RCW 41.50.550(3).
- Other:

### **3.8 Continuing Restraining Order**

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

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

**Violation of a Restraining Order in Paragraph 3.8 With Actual Knowledge of its Terms Is a Criminal Offense Under Chapter 26.50 RCW and Will Subject the Violator to Arrest. RCW 26.09.060.**

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

**Service**

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

**Expiration**

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

**Full Faith and Credit**

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

**3.9 Protection Order**

- Does not apply.
- The parties shall comply with the  domestic violence  antiharassment Order for Protection signed by the court on this date or dated \_\_\_\_\_, in this cause number. The Order for Protection signed by the court is approved and incorporated as part of this decree.

### **3.10 Jurisdiction Over the Children**

- Does not apply because there are no dependent children.
- The court has jurisdiction over the children as set forth in the Findings of Fact and Conclusions of Law.

### **3.11 Parenting Plan**

- Does not apply.
- The parties shall comply with the Parenting Plan signed by the court on this date or dated \_\_\_\_\_. The Parenting Plan signed by the court is approved and incorporated as part of this decree.

### **3.12 Child Support**

- Does not apply.
- Child support shall be paid in accordance with the Order of Child Support signed by the court on this date or dated \_\_\_\_\_. This order is incorporated as part of this decree.

### **3.13 Attorney Fees, Other Professional Fees and Costs**

- Does not apply.
- Attorney fees, other professional fees and costs shall be paid as set forth in the separation contract or prenuptial agreement referenced above.
- Attorney fees, other professional fees and costs shall be paid as follows:

### **3.14 Name Changes**

- Does not apply.
- The wife's name shall be changed to (first, middle, last name) \_\_\_\_\_.
- The husband's name shall be changed to (first, middle, last name) \_\_\_\_\_.

### **3.15 Other**

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

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

Petitioner or petitioner's lawyer:  
A signature below is actual notice of this order.  
 Presented by:  
 Approved for entry:  
 Notice for presentation waived:

Respondent or respondent's lawyer:  
A signature below is actual notice of this order.  
 Presented by:  
 Approved for entry:  
 Notice for presentation waived:

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

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**Superior Court of Washington  
County of**

In re the Marriage of:  
 In re the Domestic Partnership of:

and  
Petitioner,  
  
Respondent.

**No.**

**Parenting Plan**  
 **Proposed (PPP)**  
 **Temporary (PPT)**  
 **Final Order (PP)**

This parenting plan is:

- the final parenting plan signed by the court pursuant to a decree of dissolution, legal separation, or declaration concerning validity signed by the court on this date or dated \_\_\_\_\_.
- the final parenting plan signed by the court pursuant to an order signed by the court on this date or dated \_\_\_\_\_, which modifies a previous parenting plan or custody decree.
- a temporary parenting plan signed by the court.
- proposed by (name) \_\_\_\_\_.

**It Is Ordered, Adjudged and Decreed:**

**I. General Information**

This parenting plan applies to the following children:

Name

Age

## II. Basis for Restrictions

*Under certain circumstances, as outlined below, the court may limit or prohibit a parent's contact with the child(ren) and the right to make decisions for the child(ren).*

### 2.1 Parental Conduct (RCW 26.09.191(1), (2))

- Does not apply.
- The  petitioner's  respondent's residential time with the child(ren) shall be limited or restrained completely, and mutual decision-making and designation of a dispute resolution process other than court action shall not be required, because  this parent  a person residing with this parent has engaged in the conduct which follows:
  - Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions (this applies only to parents, not to a person who resides with a parent).
  - Physical, sexual or a pattern of emotional abuse of a child.
  - A history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

### 2.2 Other Factors (RCW 26.09.191(3))

- Does not apply.
- The  petitioner's  respondent's involvement or conduct may have an adverse effect on the child(ren)'s best interests because of the existence of the factors which follow:
  - Neglect or substantial nonperformance of parenting functions.
  - A long-term emotional or physical impairment which interferes with the performance of parenting functions as defined in RCW 26.09.004.
  - A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions.
  - The absence or substantial impairment of emotional ties between the parent and child.
  - The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development.
  - A parent has withheld from the other parent access to the child for a protracted period without good cause.
  - Other:

### III. Residential Schedule

*The residential schedule must set forth where the child(ren) shall reside each day of the year, including provisions for holidays, birthdays of family members, vacations, and other special occasions, and what contact the child(ren) shall have with each parent. Parents are encouraged to create a residential schedule that meets the developmental needs of the child(ren) and individual needs of their family. Paragraphs 3.1 through 3.9 are one way to write your residential schedule. If you do not use these paragraphs, write in your own schedule in Paragraph 3.13.*

#### 3.1 Schedule for Children Under School Age

- There are no children under school age.  
 Prior to enrollment in school, the child(ren) shall reside with the  petitioner  respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:

from (day and time) \_\_\_\_\_ to (day and time) \_\_\_\_\_

- every week  every other week  the first and third week of the month  
 the second and fourth week of the month  other:

from (day and time) \_\_\_\_\_ to (day and time) \_\_\_\_\_

- every week  every other week  the first and third week of the month  
 the second and fourth week of the month  other:

#### 3.2 School Schedule

Upon enrollment in school, the child(ren) shall reside with the  petitioner  respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:

from (day and time) \_\_\_\_\_ to (day and time) \_\_\_\_\_

- every week  every other week  the first and third week of the month  
 the second and fourth week of the month  other:

From (day and time) \_\_\_\_\_ to (day and time) \_\_\_\_\_

- every week  every other week  the first and third week of the month  
 the second and fourth week of the month  other:

The school schedule will start when each child begins  kindergarten  first grade  
 other:

### **3.3 Schedule for Winter Vacation**

The child(ren) shall reside with the  petitioner  respondent during winter vacation, except for the following days and times when the child(ren) will reside with or be with the other parent:

### **3.4 Schedule for Other School Breaks**

The child(ren) shall reside with the  petitioner  respondent during other school breaks, except for the following days and times when the child(ren) will reside with or be with the other parent:

### **3.5 Summer Schedule**

Upon completion of the school year, the child(ren) shall reside with the  petitioner  respondent, except for the following days and times when the child(ren) will reside with or be with the other parent:

Same as school year schedule.  
 Other:

### **3.6 Vacation With Parents**

Does not apply.  
 The schedule for vacation with parents is as follows:

### **3.7 Schedule for Holidays**

The residential schedule for the child(ren) for the holidays listed below is as follows:

	With Petitioner (Specify Year <u>Odd/Even/Every</u> )	With Respondent (Specify Year <u>Odd/Even/Every</u> )
New Year's Day	_____	_____
Martin Luther King Day	_____	_____
Presidents' Day	_____	_____
Memorial Day	_____	_____
July 4th	_____	_____
Labor Day	_____	_____
Veterans' Day	_____	_____
Thanksgiving Day	_____	_____
Christmas Eve	_____	_____
Christmas Day	_____	_____
_____	_____	_____
_____	_____	_____

For purposes of this parenting plan, a holiday shall begin and end as follows (set forth times):

Holidays which fall on a Friday or a Monday shall include Saturday and Sunday.

Other:

### 3.8 Schedule for Special Occasions

The residential schedule for the child(ren) for the following special occasions (for example, birthdays) is as follows:

	With Petitioner (Specify Year <u>Odd/Even/Every</u> )	With Respondent (Specify Year <u>Odd/Even/Every</u> )
<u>Mother's Day</u>	_____	_____
<u>Father's Day</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other:

### 3.9 Priorities Under the Residential Schedule

- Does not apply because one parent has no visitation or restricted visitation.
- Paragraphs 3.3 - 3.8 have priority over paragraphs 3.1 and 3.2 in the following order:

Rank the order of priority, with 1 being given the highest priority:

- |  |  |
|--|--|
| <input type="checkbox"/> winter vacation (3.3) | <input type="checkbox"/> holidays (3.7)              |
| <input type="checkbox"/> school breaks (3.4)   | <input type="checkbox"/> special occasions (3.8)     |
| <input type="checkbox"/> summer schedule (3.5) | <input type="checkbox"/> vacation with parents (3.6) |

Other:

### **3.10 Restrictions**

- Does not apply because there are no limiting factors in paragraphs 2.1 or 2.2.
- The  petitioner's  respondent's residential time with the children shall be limited because there are limiting factors in paragraphs 2.1 and 2.2. The following restrictions shall apply when the children spend time with this parent:  
  
 There are limiting factors in paragraph 2.2, but there are no restrictions on the  petitioner's  respondent's residential time with the children for the following reasons:

### **3.11 Transportation Arrangements**

Transportation costs are included in the Child Support Worksheets and/or the Order of Child Support and should not be included here.

Transportation arrangements for the child(ren), between parents shall be as follows:

### **3.12 Designation of Custodian**

The children named in this parenting plan are scheduled to reside the majority of the time with the [ ] petitioner [ ] respondent. This parent is designated the custodian of the child(ren) solely for purposes of all other state and federal statutes which require a designation or determination of custody. This designation shall not affect either parent's rights and responsibilities under this parenting plan.

### **3.13 Other**

### **3.14 Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child**

This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480.

If the person with whom the child resides a majority of the time plans to move, that person shall give notice to every person entitled to court ordered time with the child.

If the move is outside the child's school district, the relocating person must give notice by personal service or by mail requiring a return receipt. This notice must be at least 60 days before the intended move. If the relocating person could not have known about the move in time to give 60 days' notice, that person must give notice within 5 days after learning of the move. The notice must contain the information required in RCW 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended Relocation of A Child).

If the move is within the same school district, the relocating person must provide actual notice by any reasonable means. A person entitled to time with the child may not object to the move but may ask for modification under RCW 26.09.260.

Notice may be delayed for 21 days if the relocating person is entering a domestic violence shelter or is moving to avoid a clear, immediate and unreasonable risk to health and safety.

If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.

A relocating person may ask the court to waive any notice requirements that may put the health and safety of a person or a child at risk.

Failure to give the required notice may be grounds for sanctions, including contempt.

If no objection is filed within 30 days after service of the notice of intended relocation, the relocation will be permitted and the proposed revised residential schedule may be confirmed.

A person entitled to time with a child under a court order can file an objection to the child's relocation whether or not he or she received proper notice.

An objection may be filed by using the mandatory pattern form WPF DRPSCU 07.0700, (Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule). The objection must be served on all persons entitled to time with the child.

The relocating person shall not move the child during the time for objection unless: (a) the delayed notice provisions apply; or (b) a court order allows the move.

If the objecting person schedules a hearing for a date within 15 days of timely service of the objection, the relocating person shall not move the child before the hearing unless there is a clear, immediate and unreasonable risk to the health or safety of a person or a child.

#### IV. Decision Making

##### 4.1 Day-to-Day Decisions

Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. Regardless of the allocation of decision making in this parenting plan, either parent may make emergency decisions affecting the health or safety of the children.

##### 4.2 Major Decisions

Major decisions regarding each child shall be made as follows:

Education decisions	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
Non-emergency health care	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
Religious upbringing	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint
_____	<input type="checkbox"/>	petitioner	<input type="checkbox"/>	respondent	<input type="checkbox"/>	joint

##### 4.3 Restrictions in Decision Making

Does not apply because there are no limiting factors in paragraphs 2.1 and 2.2 above.

- Sole decision making shall be ordered to the  petitioner  respondent for the following reasons:
  - A limitation on the other parent's decision making authority is mandated by RCW 26.09.191 (See paragraph 2.1).
  - Both parents are opposed to mutual decision making.
  - One parent is opposed to mutual decision making, and such opposition is reasonably based on the following criteria:
    - (a) The existence of a limitation under RCW 26.09.191;
    - (b) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(4)(a);
    - (c) Whether the parents have demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(4)(a); and
    - (d) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.
- There are limiting factors in paragraph 2.2, but there are no restrictions on mutual decision making for the following reasons:

## V. Dispute Resolution

*The purpose of this dispute resolution process is to resolve disagreements about carrying out this parenting plan. This dispute resolution process may, and under some local court rules or the provisions of this plan must be used before filing a petition to modify the plan or a motion for contempt for failing to follow the plan.*

- Disputes between the parties, other than child support disputes, shall be submitted to (list person or agency):
  - counseling by \_\_\_\_\_, or
  - mediation by \_\_\_\_\_, if this box is checked and issues of domestic violence or child abuse are present, then the court finds that the victim requested mediation, that mediation is appropriate and that the victim is permitted to have a supporting person present during the mediation proceedings, or
  - arbitration by \_\_\_\_\_.

The cost of this process shall be allocated between the parties as follows:

- \_\_\_\_\_% petitioner \_\_\_\_\_% respondent.

- based on each party's proportional share of income from line 6 of the child support worksheets.
- as determined in the dispute resolution process.

The dispute resolution process shall be commenced by notifying the other party by  written request  certified mail  other:

In the dispute resolution process:

- (a) Preference shall be given to carrying out this Parenting Plan.
  - (b) Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.
  - (c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party.
  - (d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the other parent.
  - (e) The parties have the right of review from the dispute resolution process to the superior court.
- No dispute resolution process, except court action is ordered.

## **VI. Other Provisions**

- There are no other provisions.
- There are the following other provisions:

## **VII. Declaration for Proposed Parenting Plan**

- Does not apply.

*Parenting Plan (PPP, PPT, PP) - Page 10 of 11*

*WPF DR 01.0400 Mandatory (6/2008) - RCW 26.09.016, .181; .187; .194*

[ ] (Only sign if this is a proposed parenting plan.) I declare under penalty of perjury under the laws of the state of Washington that this plan has been proposed in good faith and that the statements in Part II of this Plan are true and correct.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Date and Place of Signature

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Date and Place of Signature

### VIII. Order by the Court

It is ordered, adjudged and decreed that the parenting plan set forth above is adopted and approved as an order of this court.

**WARNING:** Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

If a parent fails to comply with a provision of this plan, the other parent's obligations under the plan are not affected.

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

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

Presented by: \_\_\_\_\_

Approved for entry: \_\_\_\_\_

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

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

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

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

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

In re the Marriage of:

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

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

**Residential Time Summary  
Report  
(RTSR)**

**Clerks Action Required**

Submit with final Parenting Plan, *only*. This form is for statistical reporting purposes only.

**1. The Parenting Plan**

The court signed the Parenting Plan on (Date) _____.	
It was: <input type="checkbox"/> by agreement of the parties <input type="checkbox"/> after a contested hearing or trial <input type="checkbox"/> by default	It is: <input type="checkbox"/> an original order <input type="checkbox"/> a modification of a prior order
How many children under the parenting plan have the residential schedule summarized in paragraph 2, below? _____	

**2. Residential Schedule from Part III of the Parenting Plan**

***If the same schedule does not apply to all children, fill out a separate Residential Time Summary Report for each schedule.***

Check the box that comes closest to representing the time spent with each parent:	% of time the children spend with the Mother	% of time the children spend with the Father
<input type="checkbox"/>	0%	100%
<input type="checkbox"/>	10%	90%
<input type="checkbox"/>	20%	80%
<input type="checkbox"/>	30%	70%
<input type="checkbox"/>	40%	60%
<input type="checkbox"/>	50%	50%
<input type="checkbox"/>	60%	40%

<input type="checkbox"/>	70%	30%
<input type="checkbox"/>	80%	20%
<input type="checkbox"/>	90%	10%
<input type="checkbox"/>	100%	0%

### 3. Information about the Parents

<b>Father:</b> <input type="checkbox"/> self-represented <input type="checkbox"/> represented by an attorney
The court found under paragraphs 2.1 and 2.2: <input type="checkbox"/> does not apply, or the Father <input type="checkbox"/> committed domestic violence <input type="checkbox"/> abused or neglected a child <input type="checkbox"/> has chemical dependency issues <input type="checkbox"/> has mental health issues <input type="checkbox"/> other:_____

<b>Mother:</b> <input type="checkbox"/> self-represented <input type="checkbox"/> represented by an attorney
The court found under paragraphs 2.1 and 2.2: <input type="checkbox"/> does not apply, or the Mother <input type="checkbox"/> committed domestic violence <input type="checkbox"/> abused or neglected a child <input type="checkbox"/> has chemical dependency issues <input type="checkbox"/> has mental health issues <input type="checkbox"/> other:_____

### 4. Dispute Resolution from Part V. of the Parenting Plan

<input type="checkbox"/> Arbitration <input type="checkbox"/> Mediation <input type="checkbox"/> Counseling <input type="checkbox"/> No dispute resolution process except court action
--

Prepared by: \_\_\_\_\_, on (Date)\_\_\_\_\_.

## Washington State Child Support Schedule Worksheets

Proposed by  (name) \_\_\_\_\_  State of WA  Other \_\_\_\_\_. (CSWP)  
Or,  Signed by the Judicial/Reviewing Officer. (CSW)

Mother \_\_\_\_\_ Father \_\_\_\_\_

County \_\_\_\_\_ Case No. \_\_\_\_\_

### Child Support Order Summary Report

***This section must be completed for all Worksheets signed by the judicial/reviewing officer.***

- A. The order  **does**  **does not** replace a prior court or administrative order.
- B. The **Standard Calculation** listed on line 17 of the Worksheet for the paying parent is:  
\$ \_\_\_\_\_.
- C. The **Transfer Amount** ordered by the Court from the Order of Child Support is: \$ \_\_\_\_\_ to be paid by  mother  father
- D. The Court deviated (changed) from the **Standard Calculation** for the following reasons:  
 Does not apply  
 Nonrecurring income  Sources of income and tax planning  
 Split custody  Residential schedule (including shared custody)  
 Child(ren) from other relationships for whom the parent owes support  
 High debt not voluntarily incurred and high expenses for the child(ren)  
 Other (please describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- E. Income for the father is  imputed  actual income.  
Income for the mother is  imputed  actual income.  
  
Income was imputed for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- F. If applicable:  All health care, day care and special child rearing expenses are included in the worksheets in Part III.

## Worksheets

<b>Child(ren) and Age(s):</b>			
<b>Part I: Income</b> (see Instructions, page 6)			
	Father	Mother	
<b>1. Gross Monthly Income</b>			
a. Wages and Salaries	\$	\$	
b. Interest and Dividend Income	\$	\$	
c. Business Income	\$	\$	
d. Maintenance Received	\$	\$	
e. Other Income	\$	\$	
f. Imputed Income	\$	\$	
g. Total Gross Monthly Income (add lines 1a through 1f)	\$	\$	
<b>2. Monthly Deductions from Gross Income</b>			
a. Income Taxes (Federal and State)	\$	\$	
b. FICA (Soc.Sec.+Medicare)/Self-Employment Taxes	\$	\$	
c. State Industrial Insurance Deductions	\$	\$	
d. Mandatory Union/Professional Dues	\$	\$	
e. Mandatory Pension Plan Payments	\$	\$	
f. Voluntary Retirement Contributions	\$	\$	
g. Maintenance Paid	\$	\$	
h. Normal Business Expenses	\$	\$	
i. Total Deductions from Gross Income (add lines 2a through 2h)	\$	\$	
<b>3. Monthly Net Income</b> (line 1g minus 2i)	\$	\$	
<b>4. Combined Monthly Net Income</b> (add father's and mother's monthly net incomes from line 3)		\$	
<b>5. Basic Child Support Obligation</b> (enter total amount in box →) Child #1 _____ Child #3 _____ Child #5 _____ Child #2 _____ Child #4 _____		\$	
<b>6. Proportional Share of Income</b> (each parent's net income from line 3 divided by line 4)	.	.	
<b>Part II: Basic Child Support Obligation</b> (see Instructions, page 7)			
<b>7. Each Parent's Basic Child Support Obligation</b> without consideration of low income limitations. (Multiply each number on line 6 by line 5.)	\$	\$	
<b>8. Calculating low income limitations:</b> Fill in only those that apply.			
Self-Support Reserve: (125% of the Federal Poverty Guideline.)		\$	
a. Is combined Net Income Less Than \$1,000? <b>If yes</b> , for each parent, enter the presumptive \$50 <b>per child</b> .	\$	\$	
b. Is Monthly Net Income Less Than Self-Support Reserve? <b>If yes</b> , for that parent enter the presumptive \$50 <b>per child</b> .	\$	\$	
c. Is Monthly Net Income Greater Than Self-Support Reserve? <b>If yes</b> , for each parent subtract the self-support reserve from line 3. If that amount is less than line 7, then enter that amount or the presumptive \$50 per child, whichever is greater.	\$	\$	
<b>9. Each parent's basic child support obligation</b> after calculating applicable limitations. For each parent, enter the lowest amount from line 7, 8a - 8c, but not less than the presumptive \$50 per child.	\$	\$	

<b>Part III: Health Care, Day Care, and Special Child Rearing Expenses</b> (see Instructions, page 8)		
<b>10. Health Care Expenses</b>	<b>Father</b>	<b>Mother</b>
a. Monthly Health Insurance Premiums Paid for Child(ren)	\$	\$
b. Uninsured Monthly Health Care Expenses Paid for Child(ren)	\$	\$
c. Total Monthly Health Care Expenses (line 10a plus line 10b)	\$	\$
d. Combined Monthly Health Care Expenses (add father's and mother's totals from line 10c)		\$
<b>11. Day Care and Special Expenses</b>		
a. Day Care Expenses	\$	\$
b. Education Expenses	\$	\$
c. Long Distance Transportation Expenses	\$	\$
d. Other Special Expenses (describe)	\$	\$
	\$	\$
	\$	\$
e. Total Day Care and Special Expenses (add lines 11a through 11d)	\$	\$
<b>12. Combined Monthly Total Day Care and Special Expenses</b> (add father's and mother's day care and special expenses from line 11e)		\$
<b>13. Total Health Care, Day Care, and Special Expenses</b> (line 10d plus line 12)		\$
<b>14. Each Parent's Obligation for Health Care, Day Care, and Special Expenses</b> (multiply each number on line 6 by line 13)	\$	\$
<b>Part IV: Gross Child Support Obligation</b>		
<b>15. Gross Child Support Obligation</b> (line 9 plus line 14)	\$	\$
<b>Part V: Child Support Credits</b> (see Instructions, page 9)		
<b>16. Child Support Credits</b>		
a. Monthly Health Care Expenses Credit	\$	\$
b. Day Care and Special Expenses Credit	\$	\$
c. Other Ordinary Expenses Credit (describe)		
	\$	\$
d. Total Support Credits (add lines 16a through 16c)	\$	\$
<b>Part VI: Standard Calculation/Presumptive Transfer Payment</b> (see Instructions, page 9)		
<b>17. Standard Calculation</b> (line 15 minus line 16d or \$50 per child whichever is greater)	\$	\$
<b>Part VII: Additional Informational Calculations</b>		
<b>18. 45 % of each parent's net income from line 3</b> (.45 x amount from line 3 for each parent)	\$	\$
<b>19. 25% of each parent's basic support obligation from line 9</b> (.25 x amount from line 9 for each parent)	\$	\$
<b>Part VIII: Additional Factors for Consideration</b> (see Instructions, page 9)		
<b>20. Household Assets</b> (List the estimated present value of all major household assets.)	Father's Household	Mother's Household

a. Real Estate	\$	\$
b. Investments	\$	\$
c. Vehicles and Boats	\$	\$
d. Bank Accounts and Cash	\$	\$
e. Retirement Accounts	\$	\$
f. Other (describe)	\$	\$
	\$	\$
21. Household Debt (List liens against household assets, extraordinary debt.)		
	\$	\$
	\$	\$
	\$	\$
22. Other Household Income		
a. Income Of Current Spouse or Domestic Partner (if not the other parent of this action) Name _____ Name _____	\$ \$	\$ \$
b. Income Of Other Adults In Household Name _____ Name _____	\$ \$	\$ \$
c. Gross income from overtime or from second jobs the party is asking the court to exclude per Instructions, page 10 _____	\$	\$
d. Income Of Child(ren) (if considered extraordinary) Name _____ Name _____	\$ \$	\$ \$
e. Income From Child Support Name _____ Name _____	\$ \$	\$ \$
f. Income From Assistance Programs Program _____ Program _____	\$ \$	\$ \$
g. Other Income (describe) _____ _____	\$ \$	\$ \$
23. Non-Recurring Income (describe) _____ _____	\$ \$	\$ \$
24. Child Support Owed, Monthly, for Biological or Legal Child(ren)	Father's Household	Mother's Household



**Superior Court of Washington  
County of**

In re the Marriage of:  
 In re the Domestic Partnership of:

and  
Petitioner,  
  
Respondent.

**No.**

**Order of Child Support**

**Temporary (TMORS)**

**Final Order (ORS)**

**Clerk's Action Required**

**I. Judgment Summary**

**1.1 Judgment Summary for Non-Medical Expenses**

- Does not apply.
- Applies as follows:
  - A. Judgment creditor \_\_\_\_\_
  - B. Judgment debtor \_\_\_\_\_
  - C. Principal judgment amount (back child support/other obligations) \$ \_\_\_\_\_  
from (date) \_\_\_\_\_ through (date) \_\_\_\_\_
  - D. Interest to date of judgment \$ \_\_\_\_\_
  - E. Attorney fees \$ \_\_\_\_\_
  - F. Costs \$ \_\_\_\_\_
  - G. Other recovery amount \$ \_\_\_\_\_
  - H. Principal judgment shall bear interest at \_\_\_\_\_ % per annum
  - I. Attorney fees, costs and other recovery amounts shall bear interest at \_\_\_\_\_ % per annum
  - J. Attorney for judgment creditor \_\_\_\_\_
  - K. Attorney for judgment debtor \_\_\_\_\_
  - L. Other: \_\_\_\_\_

**1.2 Judgment Summary for Medical Support**

- Does not apply.
- Applies as follows:
- A. Judgment creditor \_\_\_\_\_
- B. Judgment debtor \_\_\_\_\_
- C. Judgment for medical support \$ \_\_\_\_\_  
from (date) \_\_\_\_\_ through (date) \_\_\_\_\_
- D. Interest to date of judgment \$ \_\_\_\_\_
- E. Attorney fees \$ \_\_\_\_\_
- F. Costs \$ \_\_\_\_\_
- G. Principal judgment shall bear interest at \_\_\_\_\_ % per annum
- H. Attorney fees, costs and other recovery amounts shall bear interest at \_\_\_\_\_ % per annum
- I. Attorney for judgment creditor \_\_\_\_\_
- J. Attorney for judgment debtor \_\_\_\_\_
- K. Other \_\_\_\_\_

**II. Basis**

**2.1 Type of Proceeding**

This order is entered under a petition for dissolution of marriage or domestic partnership, legal separation, or declaration concerning validity:

- decree of dissolution, legal separation or a declaration concerning validity.
- order for modification of child support.
- hearing for temporary child support.
- order of adjustment.
- order for modification of a custody decree or parenting plan.
- other:

**2.2 Child Support Worksheet**

The child support worksheet which has been approved by the court is attached to this order and is incorporated by reference or has been initialed and filed separately and is incorporated by reference.

**2.3 Other**

**III. Findings and Order**

***It Is Ordered:***

**3.1 Child(ren) for Whom Support is Required**

Name (first/last)

Age

### 3.2 Person Paying Support (Obligor)

Name (first/last):

Birth date:

Service Address: (You may list an address that is not your residential address where you agree to accept legal documents.)

***The Obligor Parent Must Immediately File With the Court and the Washington State Child Support Registry, and Update as Necessary, the Confidential Information Form Required by RCW 26.23.050.***

***The Obligor Parent Shall Update the Information Required by Paragraph 3.2 Promptly After any Change in the Information. The Duty to Update the Information Continues as long as any Support Debt Remains due Under This Order.***

For purposes of this Order of Child Support, the support obligation is based upon the following income:

A.  Actual Monthly Net Income: \$ \_\_\_\_\_.

OR

B.  Monthly net income after exclusion requiring findings:

Actual monthly gross income \$ \_\_\_\_\_ from which the court excludes \$ \_\_\_\_\_ because the court finds that the obligor earned that income from overtime or from second jobs beyond 40 hours per week averaged over a 12-month period to:

provide for a current family's needs; or

retire past relationship debts; or

retire child support debt; and

that the income will cease when the obligor has paid off his or her debts.

Monthly net income after allowed exclusion: \$ \_\_\_\_\_.

OR

C.  The net income of the obligor is imputed at \$ \_\_\_\_\_ because:

the obligor's income is unknown.

the obligor is voluntarily unemployed.

the obligor is voluntarily underemployed.

The amount of imputed income is based on the following information in order of priority. The court has used the first option for which there is information:

- current rate of pay.
  - reliable historical rate of pay information.
  - Past earnings when there is incomplete or sporadic information of the parent's past earnings.
  - minimum wage in the jurisdiction where the parent lives at full-time earnings because the parent:
    - has a recent history of minimum wage jobs,
    - recently came off public assistance, general assistance-unemployable, supplemental security income, or disability
    - was recently released from incarceration, or
    - is a high school student.
  - Median Net Monthly Income Table.
- Other:

### 3.3 Person Receiving Support (Obligee)

Name (first/last):

Birth date:

Service Address: (You may list an address that is not your residential address where you agree to accept legal documents.)

***The Obligee Must Immediately File With the Court and the Washington State Child Support Registry and Update as Necessary the Confidential Information Form Required by RCW 26.23.050.***

***The Obligee Shall Update the Information Required by Paragraph 3.3 Promptly After any Change in the Information. The Duty to Update the Information Continues as Long as any Monthly Support Remains Due or any Unpaid Support Debt Remains Due Under This Order.***

For purposes of this Order of Child Support, the support obligation is based upon the following income:

A.  Actual monthly Net Income: \$ \_\_\_\_\_.

OR

B.  Monthly net income after exclusion requiring findings:

Actual monthly gross income \$ \_\_\_\_\_ from which the court excludes \$ \_\_\_\_\_ because the court finds that the obligee earned that income from overtime or from second jobs beyond 40 hours per week averaged over a 12-month period to:

- provide for a current family's needs; or
  - retire past relationship debts; or
  - retire child support debt; and
- that the income will cease when the obligee has paid off his or her debts.

Monthly net income after allowed exclusion: \$ \_\_\_\_\_.

OR

C.  The net income of the obligee is imputed at \$ \_\_\_\_\_ because:

- the obligee's income is unknown.
- the obligee is voluntarily unemployed.
- the obligee is voluntarily underemployed.

The amount of imputed income is based on the following information in order of priority. The court has used the first option for which there is information:

- current rate of pay;
- reliable historical rate of pay information;
- Past earnings when there is incomplete or sporadic information of the parent's past earnings;
- minimum wage in the jurisdiction where the parent lives at full-time earnings because the parent:
  - has a recent history of minimum wage jobs;
  - recently came off public assistance, general assistance-unemployable, supplemental security income; or disability
  - was recently released from incarceration, or
  - is a high school student;
- Median Net Monthly Income Table.

Other:

The obligor may be able to seek reimbursement for day care or special child rearing expenses not actually incurred. RCW 26.19.080.

### 3.4 Service of Process

**Service of Process on the Obligor at the Address Required by Paragraph 3.2 or any Updated Address, or on the Obligees at the Address Required by Paragraph 3.3 or any Updated Address, may Be Allowed or Accepted as Adequate in any Proceeding to Establish, Enforce or Modify a Child Support Order Between the Parties by Delivery of Written Notice to the Obligor or Obligees at the Last Address Provided.**

**3.5 Transfer Payment**

The obligor parent shall pay the following amounts per month for the following child(ren):

<u>Name</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>Total Monthly Transfer Amount</b>	\$ _____

The parents' combined monthly net income exceeds \$12,000 and the court sets child support in excess of the presumptive amount for \$12,000 because:

The court finds that the obligor's child support obligations owed for all his or her biological or legal children exceed 45% of his or her net income and it is  just  unjust to apply the 45% limitation based upon the best interests of the child(ren) and the circumstances of each parent as follows:

If one of the children changes age brackets, the child support shall be as follows:

This is a downward modification that has caused an overpayment of \$ \_\_\_\_\_.  
This amount shall be repaid or credited as follows:

This is an upward modification that has caused an underpayment of \$ \_\_\_\_\_.  
This amount shall be paid as follows:

Other:

***The Obligor Parent's Privileges to Obtain or Maintain a License, Certificate, Registration, Permit, Approval, or Other Similar Document Issued by a Licensing Entity Evidencing Admission to or Granting Authority to Engage in a Profession, Occupation, Business, Industry, Recreational Pursuit, or the Operation of a Motor Vehicle may Be Denied or may Be Suspended if the Obligor Parent is not in Compliance With This Support Order as Provided in Chapter 74.20A Revised Code of Washington.***

### 3.6 Standard Calculation

\$ \_\_\_\_\_ per month. (See Worksheet line 17.)

### 3.7 Reasons for Deviation From Standard Calculation

- The child support amount ordered in paragraph 3.5 does not deviate from the standard calculation.
- The child support amount ordered in paragraph 3.5 deviates from the standard calculation for the following reasons:
  - Income of a new spouse or new domestic partner of the parent requesting a deviation for other reasons;
  - Income of other adults in the household of the parent requesting a deviation for other reasons;
  - Child support actually paid or received for other child(ren) from other relationships;
  - Gifts;
  - Prizes;
  - Possession of wealth;
  - Extraordinary income of child(ren);
  - Tax planning which results in greater benefit to the child(ren);
  - Income from overtime or second jobs that was excluded from income of the parent requesting a deviation for other reasons;
  - A nonrecurring source of income;
  - Extraordinary debt not voluntarily incurred;
  - A significant disparity in the living costs of the parents due to conditions beyond their control;
  - Special needs of disabled child(ren);

- Special medical, educational, or psychological needs of the child(ren);
- The child(ren) spend(s) a significant amount of time with the parent who is obligated to make a support transfer payment. The deviation does not result in insufficient funds in the receiving parent's household to meet the basic needs of the child(ren). The child(ren) do(es) not receive public assistance;
- Child(ren) from other relationships;
- Costs incurred or anticipated to be incurred by the parents in compliance with court-ordered reunification efforts or under a voluntary placement agreement with an agency supervising the child(ren);
- The obligor has established that it is unjust to apply the presumptive minimum payment of \$50.00 per child;
- The obligee has established that it is unjust to apply the self-support reserve.
- Other reason(s) for deviation:

The factual basis for these reasons is as follows:

### 3.8 Reasons why Request for Deviation Was Denied

- Does not apply. A deviation was ordered.
- A deviation was not requested.
- The deviation sought by the  obligor  obligee was denied because:
  - no good reason exists to justify deviation.
  - other:

### 3.9 Starting Date and Day to Be Paid

Starting Date: \_\_\_\_\_  
 Day(s) of the month support is due: \_\_\_\_\_

### 3.10 Incremental Payments

- Does not apply.
- This is a modification of child support. Pursuant to RCW 26.09.170 (9)(a) and (c), the obligation has been modified by more than 30 percent and the change would cause significant hardship. The increase in the child support obligation set forth in Paragraph 3.5 shall be implemented in two equal increments, one at the time of this order and the second on (date) \_\_\_\_\_ six months from the entry of this order.

### 3.11 Making Support Payments

Select Enforcement and Collection, Payment Services Only, or Direct Payment:

- Enforcement and collection: The Division of Child Support (DCS) provides support enforcement services for this case because:  this is a public assistance case,  this is a case in which a parent has requested services from DCS,  a parent has **signed** the

application for services from DCS **on the last page of this support order**. (Check all that apply.) Support payments shall be made to:

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

- Payment services only: The Division of Child Support will process and keep a record of all payments but will not take any collection action. Support payments shall be made to:

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

- Direct Payment: Support payments shall be made directly to:

Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_

A party required to make payments to the Washington State Support Registry will not receive credit for a payment made to any other party or entity. The obligor parent shall keep the registry informed whether he or she has access to health insurance coverage at reasonable cost and, if so, to provide the health insurance policy information.

Any time the Division of Child Support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child(ren).

### **3.12 Wage Withholding Action**

Withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the obligor parent at any time after entry of this order unless an alternative provision is made below:

[If the court orders immediate wage withholding in a case where Division of Child Support does not provide support enforcement services, a mandatory wage assignment under Chapter 26.18 RCW must be entered and support payments must be made to the Support Registry.]

- Wage withholding, by notice of payroll deduction or other income withholding action under Chapter 26.18 RCW or Chapter 74.20A RCW, without further notice to the obligor, is delayed until a payment is past due, because:

- the parties have reached a written agreement that the court approves that provides

for an alternate arrangement.

- the Division of Child Support provides support enforcement services for this case [see 3.11] and there is good cause [as stated below under "Good Cause"] not to require immediate income withholding which is in the best interests of the child(ren) and, in modification cases, previously ordered child support has been timely paid.
- the Division of Child Support does not provide support enforcement services for this case [see 3.11] and there is good cause [as stated below under "Good Cause"] not to require immediate income withholding.

Good Cause:

### **3.13 Termination of Support**

Support shall be paid:

- provided that this is a temporary order, until a subsequent child support order is entered by this court.
- until the child(ren) reach(es) the age of 18 or as long as the child(ren) remain(s) enrolled in high school, whichever occurs last, except as otherwise provided below in Paragraph 3.14.
- until the child(ren) reach(es) the age of 18, except as otherwise provided below in Paragraph 3.14.
- after the age of 18 for (name) \_\_\_\_\_ who is a dependent adult child, until the child is capable of self-support and the necessity for support ceases.
- until the obligation for post secondary support set forth in Paragraph 3.14 begins for the child(ren).
- Other:

### **3.14 Post Secondary Educational Support**

- The right to request post secondary support is reserved, provided that the right is exercised before support terminates as set forth in paragraph 3.13.
- The parents shall pay for the post secondary educational support of the child(ren). Post secondary support provisions will be decided by agreement or by the court.
- No post secondary educational support shall be required.
- Other:

### **3.15 Payment for Expenses not Included in the Transfer Payment**

- Does not apply because all payments, except medical, are included in the transfer payment.

- The petitioner shall pay \_\_\_\_\_% and the respondent \_\_\_\_\_ % (each parent's proportional share of income from the Child Support Schedule Worksheet, line 6) of the following expenses incurred on behalf of the child(ren) listed in Paragraph 3.1:)
- day care.
  - educational expenses.
  - long distance transportation expenses.
  - other:

Payments shall be made to  the provider of the service  the parent receiving the transfer payment.

- The obligor shall pay the following amounts each month the expense is incurred on behalf of the child(ren) listed in Paragraph 3.1:
- day care: \$ \_\_\_\_\_ payable to the  day care provider  other parent;
  - educational expenses: \$ \_\_\_\_\_ payable to the  educational provider  other parent;
  - long distance transportation: \$ \_\_\_\_\_ payable to the  transportation provider  other parent.
  - other:

### **3.16 Periodic Adjustment**

- Does not apply.
- Child support shall be adjusted periodically as follows:

Other:

### **3.17 Income Tax Exemptions**

- Does not apply.
- Tax exemptions for the child(ren) shall be allocated as follows:

- The parents shall sign the federal income tax dependency exemption waiver.
- Other:

### **3.18 Medical Support – Health Insurance**

Each parent shall provide health insurance coverage for the child(ren) listed in paragraph 3.1, as follows:

**3.18.1 Health Insurance** (either check box A(1), or check box A(2) and complete sections B and C. *Section D applies in all cases.*)

A. Evidence

(1)  There is insufficient evidence for the court to determine which parent must provide coverage and which parent must contribute a sum certain. Therefore, the court is not specifying how insurance coverage shall be provided. The petitioner's and respondent's medical support obligations may be enforced by the Division of Child Support or the other parent under RCW 26.18.170 as described in paragraph 3.18.2, below.

OR

(2)  There is sufficient evidence for the court to determine which parent must provide coverage and which parent must contribute a sum certain. Fill in B and C below.

B. Findings about insurance:

Does not apply because A (1) is checked, above.

The court makes the following findings:

_____ (Parent's Name)	_____ (Parent's Name)	<b>Check at least one of the following findings for each parent.</b>
<input type="checkbox"/>		Insurance coverage for the child(ren) is available <u>and</u> accessible to this parent at \$_____ cost (child(ren)'s portion of the premium, only).
	<input type="checkbox"/>	Insurance coverage for the child(ren) is available <u>and</u> accessible to this parent at \$_____ cost (child(ren)'s portion of the premium, only).
<input type="checkbox"/>		Insurance coverage for the child(ren) is available <u>but not</u> accessible to this parent at \$_____ cost (child(ren)'s portion of the premium, only).
	<input type="checkbox"/>	Insurance coverage for the child(ren) is available <u>but not</u> accessible to this parent at \$_____ cost (child(ren)'s portion of the premium, only).
<input type="checkbox"/>		Neither parent has available or accessible insurance through an employer or union; but this parent is able to provide private coverage at a cost not to exceed 25% of this parent's basic support obligation.
	<input type="checkbox"/>	Neither parent has available or accessible insurance through an employer or union; but this parent is able to provide private coverage at a cost not to exceed 25% of this parent's basic support obligation.
<input type="checkbox"/>	<input type="checkbox"/>	(Check only one parent) Both parties have available and accessible coverage for the child(ren). The court finds that this parent has better coverage considering the needs of the child(ren), the cost and extent of each

		parent's coverage, and the accessibility of the coverage.
[ ]	[ ]	Other:

C. Parties' obligations:

- [ ] Does not apply because A (1) is checked above.  
 [ ] The court makes the following orders:

_____ (Parent's Name)	_____ (Parent's Name)	<b>Check at least one of the following options for each parent.</b>
[ ]	[ ]	This parent shall provide health insurance coverage for the child(ren) that is available through <b>employment or is union-related</b> as long as the cost of such coverage <u>does not exceed</u> 25% of this parent's basic support obligation.
[ ]	[ ]	This parent shall provide health insurance coverage for the child(ren) that is available through <b>employment or is union-related</b> even though the cost of such coverage <u>exceeds</u> 25% of this parent's basic support obligation. It is in the best interests of the child(ren) to provide such coverage despite the cost <b>because:</b>
[ ]	[ ]	This parent shall provide <b>private</b> health insurance coverage for the child(ren) as long as the cost of such coverage <u>does not exceed</u> 25% of this parent's basic support obligation.
[ ]	[ ]	This parent shall provide <b>private</b> health insurance coverage for the child(ren) even though the cost of such coverage <u>exceeds</u> 25% of this parent's basic support obligation. It is in the best interests of the child(ren) to provide such coverage despite the cost <b>because:</b>

[ ]	[ ]	This parent shall pay \$_____ towards the health insurance premium being paid by the other parent. This amount is this parent's proportionate share of the premium or 25% of this parent's basic support obligation, whichever is less. This payment is only required if this parent is not providing insurance as described above.
[ ]	[ ]	This parent's contribution to the health insurance premium is calculated in the Worksheet and included in the transfer payment.
[ ]	[ ]	This parent shall be <b>excused</b> from the responsibility to provide health insurance coverage and from the responsibility to provide monthly payment towards the premium <b>because:</b>  (Only one parent may be excused.)

D. Both parties' obligation:

If the child(ren) are receiving state financed medical coverage, the Division of Child Support may enforce the responsible parent's monthly premium.

The parent(s) shall maintain health insurance coverage, if available for the child(ren) listed in paragraph 3.1, until further order of the court or until health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

A parent who is required under this order to provide health insurance coverage is liable for any covered health care costs for which that parent receives direct payment from an insurer.

A parent who is required under this order to provide health insurance coverage shall provide proof that such coverage is available or not available within 20 days of the entry of this order to the other parent or the Washington State Support Registry if the parent has been notified or ordered to make payments to the Washington State Support Registry.

If proof that health insurance coverage is available or not available is not provided within 20 days, the parent seeking enforcement or the Department of Social and Health Services may seek direct enforcement of the coverage through the other parent's employer or union without further notice to the other parent as provided under Chapter 26.18 RCW.

### 3.18.2 Change of Circumstances and Enforcement

A parent required to provide health insurance coverage must notify both the Division of Child Support and the other parent when coverage terminates.

If the parents' circumstances change, or if the court has not specified how medical support shall be provided, the parents' medical support obligations will be enforced as provided in RCW 26.18.170. If a parent does not provide proof of accessible coverage for the child(ren) through private insurance, a parent may be required to satisfy his or her medical support obligation by doing one of the following, listed in order of priority:

- 1) Providing or maintaining health insurance coverage through the parent's employment or union at a cost not to exceed 25% of that parent's basic support obligation;
- 2) Contributing the parent's proportionate share of a monthly premium being paid by the other parent for health insurance coverage for the child(ren) listed in paragraph 3.1 of this order, not to exceed 25% of the obligated parent's basic support obligation; or
- 3) Contributing the parent's proportionate share of a monthly premium paid by the state if the child(ren) receives state-financed medical coverage through DSHS under RCW 74.09 for which there is an assignment.

A parent seeking to enforce the obligation to provide health insurance coverage may apply for support enforcement services from the Division of Child Support; file a motion for contempt (use form WPF DRPSCU 05.0100, Motion/Declaration for an Order to Show Cause re Contempt); or file a petition.

### **3.19 Uninsured Medical Expenses**

Both parents have an obligation to pay their share of uninsured medical expenses.

The petitioner shall pay \_\_\_\_\_% of uninsured medical expenses (unless stated otherwise, the petitioner's proportional share of income from the Worksheet, line 6) and the respondent shall pay \_\_\_\_\_% of uninsured medical expenses (unless stated otherwise, the respondent's proportional share of income from the Worksheet, line 6).

### **3.20 Back Child Support**

Back child support that may be owed is not affected by this order.

Back interest that may be owed is not affected by this order.

(Name) \_\_\_\_\_ is awarded a judgment against (name) \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for back child support for the period from (date) \_\_\_\_\_ through (date) \_\_\_\_\_.

(Name) \_\_\_\_\_ is awarded a judgment against (name) \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for back interest for the period from (date) \_\_\_\_\_ through (date) \_\_\_\_\_.

No back child support is owed at this time.

No back interest is owed at this time.

Other:

### **3.21 Past Due Unpaid Medical Support**

*Order of Child Support (TMORS, ORS) - Page 15 of 17*

*WPF DR 01.0500 Mandatory (6/2010) - RCW 26.09.175; 26.26.132*

- Unpaid medical support that may be owed is not affected by this order.
- Back interest that may be owed is not affected by this order.
- (Name) \_\_\_\_\_ is awarded a judgment against (name) \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for past due unpaid medical support for the period from (date) \_\_\_\_\_ through (date) \_\_\_\_\_.
- (Name) \_\_\_\_\_ is awarded a judgment against (name) \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for back interest for the period from (date) \_\_\_\_\_ through (date) \_\_\_\_\_.
- No past due unpaid medical support is owed at this time.
- No back interest is owed at this time.
- Other:

### 3.22 Other Unpaid Obligations

- Other obligations that may be owed are not affected by this order.
- Back interest that may be owed is not affected by this order.
- (Name) \_\_\_\_\_ is awarded a judgment against (name) \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for  child care  ordered contributions to extracurricular activities  long distance transportation costs  educational expenses  post secondary  other \_\_\_\_\_ for the period from (date) \_\_\_\_\_ through (date) \_\_\_\_\_.
- (Name) \_\_\_\_\_ is awarded a judgment against (name) \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for back interest for the period from (date) \_\_\_\_\_ through (date) \_\_\_\_\_.
- No other obligations are owed at this time.
- No back interest is owed at this time.
- Other:

### 3.23 Other

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

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

Presented by:

Approved for entry:  
Notice of presentation waived:

\_\_\_\_\_

\_\_\_\_\_

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

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

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

- I apply for full support enforcement services from the DSHS' Division of Child Support (DCS). (Note: If you never received TANF, tribal TANF, or AFDC, an annual \$25 fee applies if over \$500 is disbursed on a case, unless the fee is waived by DCS.)

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

- Approval required in Public Assistance cases. The DSHS' Division of Child Support received notice required by RCW 26.23.130. This order has been reviewed and approved as to:

- Current Child Support
- Back Child Support
- Medical Support
- Other:

\_\_\_\_\_  
Deputy Prosecuting Attorney/WSBA No.

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

In re the Marriage of:  
 In re the Domestic Partnership of:

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

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

**Note for Dissolution Calendar  
(Non-Contested Case - Optional  
Use)  
(NTC)  
Clerk's Action Required**

**To the Clerk of Court and to:**

1. Please note that this case will be placed on the non-contested dissolution calendar for hearing on \_\_\_\_\_, on the date set out below.
2. A hearing has been set for the following date, time and place.  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m.  
Place: \_\_\_\_\_ Room/Department: \_\_\_\_\_

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

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

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

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

\_\_\_\_\_  
Address  
\_\_\_\_\_

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

In re the Marriage of:

\_\_\_\_\_

Petitioner,

and

\_\_\_\_\_

Respondent.

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

**Note for Motion Docket**

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

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

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

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

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

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

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

\_\_\_\_\_

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

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

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

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

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

\_\_\_\_\_  
Address

\_\_\_\_\_

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

In re the Marriage of:

\_\_\_\_\_

Petitioner,

and

\_\_\_\_\_

Respondent.

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

**Certificate of Mailing or  
Personal Delivery**

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

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

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

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

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

- Hand Delivery

At the following address:

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

\_\_\_\_\_

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

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at

\_\_\_\_\_ (city), \_\_\_\_\_ (state).

\_\_\_\_\_  
Signature

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

**Finishing Your Dissolution of Marriage by Agreement with Children 6/10**  
**EVALUATION FORM**

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

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

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