



Northwest Justice Project

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

**Instructions and Forms
November 2009**

Table of Contents

Section 1: Introduction and Important Information	1
A. What is a Petition to Modify/Adjust a Parenting Plan/Custody Decree?.....	1
B. Should I use this packet?	2
C. What if I have questions that aren't answered in this packet?.....	3
D. In which county may I file my Petition?	3
E. How much does a modification/adjustment cost?	3
Section 2: Words You May Need To Know	4
Section 3: Steps to Take to File a Petition for Modification/Adjustment of a Parenting Plan/Custody Decree	11
A. Prepare the papers, file them with the court, and have the other party served ..	11
B. Complete your adequate cause hearing and, where appropriate, request temporary orders and/or a custody evaluation	14
C. Go to your parenting seminar or mediation (if required in your county), and ask for discovery if you need it	15
D. Finish your modification	15
Section 4: What Forms Are In This Packet?	17
Section 5: What Other Documents Or Forms Will I Need That Aren't In This Packet?	18
Section 6: Follow These General Instructions Before You Begin To Fill Out the Forms	20
Section 7: Instructions for Filling Out Individual Forms	25
A. Confidential Information Form and Addendum – WPF DRPSCU 09.0200 & 09.0210	25
B. Petition for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule – WPF DRPSCU 07.0100.....	26
C. Summons – WPF DRPSCU 07.0120.....	35
D. Civil Case Cover Sheet.....	36
E. Declaration form – WPF DRPSCU 01.0100.....	36
F. Proposed Parenting Plan – WPF DR 01.0400	39
G. Child Support Worksheets	39

H.	Notice re: Dependent of a Person in Military Service - WPF DRPSCU 01.0185	39
I.	Sealed Personal Health Care Records (Cover Sheet) – WPF DRPSCU 09.0260	39
J.	Sealed Confidential Reports (Cover Sheet) – WPF DRPSCU 09.0270	40
K.	Return of Service/Acceptance of Service – WPF DRPSCU 01.0250 / WPF DRPSCU 01.0310	41
L.	Waiver of Rights Under Service Members’ Civil Relief Act	41
M.	Petitioner’s Notice of Hearing for Adequate Cause Determination – WPF DRPSCU 07.0250	41
N.	Motion for re: Adequate Cause Determination – WPF DRPSCU 01.0050	43
O.	Order re Adequate Cause – WPF DRPSCU 07.0300	44
Section 8: Instructions for Filing and Serving Papers		46
A.	Filing your Petition with the Court	46
B.	Preparing to Serve Your Petition.....	47
C.	Acceptance of Service	50
D.	Instructions for Personal Service and the Return of Service	51
E.	Personal service in another state.....	53
F.	Filing your proof of service	54
G.	Serving Additional Papers as the Case Goes On	54
Section 9: Instructions If the Nonrequesting Party is in the Military or is the Dependent of a Service Member		55
A.	Instructions for the Waiver of Rights Under Service Members Civil Relief Act form	56
B.	File the Waiver form.....	56
Section 10: Agreed Cases		57
A.	Instructions for Filling out a Joinder Form if the Other Party Agrees with You ...	57
Section 11: Adequate Cause		58
A.	Introduction	58
B.	Complete the forms you’ll need.....	59
C.	Copy and file your papers	59
D.	Notify the other party(ies).....	60
E.	Prepare for your hearing	63

F. Going to the hearing 64

Section 12: Checklist of Forms and Documents 67

Section 13: Blank Forms 71

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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, November 2009.

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Section 1: Introduction and Important Information

This packet contains forms and instructions for filing a petition to modify/adjust a **permanent** parenting plan or custody decree. **Don't** use this packet to modify a **temporary** parenting plan or custody decree. Use this packet only if you and the other parent have been divorced and already have a parenting plan/custody decree from a Washington State court.

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

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

A. What is a Petition to Modify/Adjust a Parenting Plan/Custody Decree?

A Petition to Modify/Adjust asks the court to change the permanent parenting plan/custody decree you have now. If you provide enough evidence to support a change, then the judge¹ may approve a new parenting plan/custody decree. This packet contains forms and instructions. It **doesn't** explain when the law allows you to ask for a modification/adjustment. Our publications [Child Custody Modification](#) and [Parenting Plans](#), available at www.washingtonlawhelp.org, explain some of the applicable law.

◆ **If either party is in the military**, read our publication called [Military Service and Parenting Plan Modifications: Your Rights in Washington State](#) for additional rights the service member has in custody and modification cases.

¹ Many decisions in family law cases are made by court commissioners instead of judges. To make this packet simpler, we just use "judge."

B. Should I use this packet?

Before using this packet, answer the following questions. If you don't understand the questions, talk with an attorney, or look at our publications [Child Custody Modification](#) and [Parenting Plans](#).

1. **Is my parenting plan/custody decree from a Washington State court?** If not, talk with an attorney before filing, because Washington might not have the authority to change a custody order from another state or a tribal court.² See 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](#).
2. **Is the parenting plan/custody decree I want to modify a “final” one? Don't use this packet to modify a temporary parenting plan/custody decree.** The law is different. Instead, try to adapt the forms in our packet [Filing a Motion for Temporary Orders for Dissolution Cases](#).
3. **Do I really need a change (a modification/adjustment) in the plan/decreed? Or do I need something else?** Is what I really need clarification (to make the terms of the plan/decreed clearer)? Or do I really need enforcement (to require the other party to obey the existing plan/decreed)? This packet only covers modifications/adjustments, not clarification or enforcement.
4. **Do I need a modification/adjustment because the custodial parent is moving³?** This packet has no relocation forms. See the packet [Child Relocation Forms - How to Fill Out](#), available at www.washingtonlawhelp.org.
5. **Does my case meet the legal standards for modification/adjustment, and can I prove this?** If not, your Petition may be denied. Also, if the court finds that the petition was filed in bad faith, you may be ordered to pay the other party's court-related costs.⁴ Try to talk with an attorney before filing.
6. **Have I followed the “dispute resolution” requirements of my existing parenting plan?** (See Section V of your Parenting Plan.) If not, then in some cases your Petition may be denied.
7. **Do I need a major modification, a minor modification, or an adjustment?** This packet contains forms and instructions for each. You must decide what to ask for.
8. **Do I need any orders to cover the time between filing the modification/adjustment action and the time the court makes its final decision?** If so, you'll need additional packets, as explained later.
9. **Have I followed what the parenting plan requires me to do?** If you're the noncustodial parent, and the existing parenting plan requires you to complete evaluations, treatment, or parenting or other classes before asking for more residential

² [RCW 26.27.221](#).

³ To make things easier, we use the terms “custodial parent” and “noncustodial parent.” Note: the legal terms are actually “the parent with whom the child lives most of the time” and “the parent with whom the child does not live most of the time.”

⁴ [RCW 26.09.260\(11\)](#).

time under [RCW 26.09.260\(5\)\(c\)](#), you must your requirements before filing a modification. If not, your request to get more time will probably be denied.⁵

10. **Will the nonrequesting party agree to the modification/adjustment?** If so, read the section in this packet about Agreed Cases. Then talk to the county clerk or courthouse facilitator about procedures for getting court approval for agreed cases.

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

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

D. In which county may I file my Petition?

Assuming you have a valid Washington State court parenting plan/custody decree, you may file your Petition in one of the following counties:

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

E. How much does a modification/adjustment cost?

If you file in the same county and under the same case number as your dissolution, there's a filing fee of about \$30 - \$56, plus photocopying fees, and (possibly) fees for service (delivering the papers to the other parties in your case). If you file in a new county, the fees will be higher (\$200 to \$250). If you can't afford the filing fee, there's a special form which may let you file without paying the filing fee, called a Motion to Proceed In Forma Pauperis.

⁵ [RCW 26.09.260\(9\)](#).

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 cases⁶.

⁶ 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.⁷

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.

⁷ 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.⁸

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

Process: Written notice to appear in court.

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

Requesting Party:

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

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

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

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

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

Response: A formal written answer to a Petition filed with the court. The term can also be used to describe the papers a person files in response to a motion, so it can be confusing. Here, “Response” with a capital “R” refers to the Response form. We’ll say “response” with a small “r” for all types of responses, including for example, responses to motions as well as to petitions.

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

⁸ 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.

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 File a Petition for Modification/Adjustment of a Parenting Plan/Custody Decree

This section is an overview. There is more detail later in this packet.

A. Prepare the papers, file them with the court, and have the other party served

1. **Learn About the Law.** Read our publications [Child Custody Modification](#) and [Parenting Plans](#). Talk with a family law attorney, or call CLEAR, to make sure this is the right legal action for you.

Decide what you want to ask for. Decide whether you're asking for a major modification, a minor modification, or an adjustment. Decide whether you'll ask for emergency or temporary orders, or for a Guardian ad Litem (GAL),⁹ while your modification/adjustment case is pending

- ◆ **Note for Survivors of Domestic Violence or Unlawful Harassment:** If another party has a history of physically harming you or the children, or has threatened to do so, and if you've had a dating, roommate, marital, or family relationship with that party, or if you're a victim of unlawful civil harassment by the other party, then think about filing a petition for an Order for Protection if you need immediate protection. Orders for Protection offer strong safety restraints. Protection order forms are available from the court clerk, from your local domestic violence program, or call the 24-hour domestic violence hotline at 1-800-562-6025. For general information, see our publication [Domestic Violence: How the Legal System Can Help Protect You](#).
- ◆ **Orders for Protection can't permanently substitute for a modification/adjustment of the parenting plan/custody decree, however.** ¹⁰ **To change parenting provisions, you may be told to petition for modification/adjustment instead of a Protection Order, or given a Protection Order only for a short time.**
- ◆ Orders of Protection may also sometimes be combined with final court orders in modification cases. If you need to ask for a permanent Protection Order or a Protection Order covering the child/ren for longer than one year, see the instructions later in this packet for how to make this request in your Petition form.

⁹ Temporary Orders may cover, for example, temporary custody, visitation, and child support. Temporary and Emergency Orders may also include restraining orders to protect safety. A GAL reports to the court on permanent custody arrangements and/or advocates for the children. See our packets on emergency and temporary orders.

¹⁰ *Marriage of Barone* 100 Wn. App. 241 (2000). In addition, if you owe child support, a domestic violence protection order doesn't change that. Id.

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

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

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

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

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

Find out about at least the following:

- whether the county has its own packets or forms for your type of family law case. If so, use those instead of ours. If you use our packet, get any additional local forms that you'll need
- whether case schedules are used (and whether the court requires the person filing the case to serve the schedule on the other parties)
- whether parenting classes, mediation, or settlement conferences are required
- what the deadlines are for filing and serving motions and responses to motions
- whether there is a limit on the number or length of documents you file with motions or responses
- local court deadlines (sometimes put in an order called a Case Schedule) for modifications, and for filing and serving motions and responses to motions during the modification/adjustment case.
- if you need Emergency or Temporary Orders, how the local procedures for adequate cause hearings may affect the scheduling of hearings on emergency and temporary orders.¹¹
- how the final hearing date is scheduled¹² if the court finds “adequate cause.” (We explain the adequate cause process later in this packet.)

¹¹ We explain the adequate cause process later in this packet.

¹² In some counties, the court sets a trial date. In other counties, the parties may have to request a trial date. In some counties, the case might be finished immediately after the adequate cause hearing without trial, especially for minor modifications and non-residential adjustments.

- if a party wants a GAL to be appointed, whether there is any program allowing a GAL or evaluator to be appointed at no or reduced cost, and whether there are special local forms to have a GAL or evaluator appointed.
- procedures for the court to check the judicial information system and databases before entering a permanent or modified parenting plan to identify any information relevant to placing the child¹³ and
- in cases where a limiting factor such as domestic violence or child abuse is claimed, local court procedures for having both parties screened to determine whether a comprehensive assessment is appropriate to determine the effect of the limiting factor on the child and the parties.¹⁴

◆ If your dissolution case involves children, a 2007 law¹⁵ 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. Gather your existing parenting plan/custody decree and financial documents.** You need a copy of your parenting plan/custody decree. If you're filing in a new county, you need a **certified** copy of your parenting plan/custody decree (available from the clerk's office in the court that entered the order). If your Petition includes a request to change child support, or if you're asking for any type of financial relief (including attorney fees), or if you ask for the appointment of a GAL, you must give the court certain financial information.
- 3. Gather other packets and forms, if necessary.** Get a new parenting plan form. You may also need child support worksheets, or other forms. You'll need a different packet to finish your modification/adjustment case. You may need additional packets, depending upon the case.

¹³ [RCW 26.09.182](#)

¹⁴ [RCW 26.09.191\(4\)](#).

¹⁵ [Ch 496, Laws of 2007](#)

4. **Make Sure you know the Other Party’s Address.** You must have him/her notified of the modification/adjustment case. If there are other parties, you need their addresses too.
5. **Follow the General Instructions** to fill in the parts common to all of the forms.
6. **Complete the Forms You Plan to Use.**
7. **Make the Necessary Copies of the Completed Forms and Other Documents** that you’re filing with the court
8. **File Your Papers with the Court Clerk’s Office** in the Superior Courthouse of the county where you’re filing this modification/adjustment case. Pay the filing fee, or follow the local procedure to ask for a waiver of the fee (IFP).
9. **If you’re applying for an emergency order,** consider requesting it at the same time you file your Petition. See our packet [*Filing a Motion for Emergency Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases*](#) for information and forms on emergency orders.
10. **Arrange to have the other party served or ask him/her to accept service and, once that has been done, have the proof of service completed and file it with the court.**
11. **Review the other party’s Response** when you receive it. The other party has 20 to 90 days to Respond, depending upon how they were served.

Once you’ve filed and served the Summons and Petition and accompanying papers, you must wait until the Response deadline has passed before you may complete your modification/adjustment. (Exception: if the other party agrees with the modification/adjustment, you may be able to finish earlier.) During the Response waiting time, you can prepare for the Adequate Cause and/or Temporary Orders hearings. If there is an emergency, you can request emergency orders. In some counties, or in an emergency, you may be able to have the Adequate Cause hearing and ask for Temporary Orders before the Response deadline.

B. Complete your adequate cause hearing and, where appropriate, request temporary orders and/or a custody evaluation

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

1. **Schedule and Go to Your “Adequate Cause” Hearing. If you’re applying for Temporary Orders and/or a GAL, try to complete steps 1 through 3 together.**

2. **File a Motion for Temporary Orders, if you need one.** If you want the court to enter an order changing your parenting plan/custody decree while your modification/adjustment case is being decided, you must file a motion for emergency or temporary orders.
3. **Request a GAL (to do a custody recommendation) and/or custody evaluator/investigator, if needed in your case or required in your county.** For more information about GALs and evaluators, see our publications, [How to Request a GAL for Dissolution Cases](#), and [Working with GALs and Parenting Evaluators](#). Check with the court clerk or family law facilitator in your county to learn what programs are available in your county, what costs are involved, and what special forms (if any) you need.¹⁶

C. Go to your parenting seminar or mediation (if required in your county), and ask for discovery if you need it

1. **Complete Discovery, if you want it.** Discovery is the formal process for asking the other party for information you need for this case. Example: if child support is being changed, the court rules require each party to give the other certain financial information. If the other party doesn't give you that information, or you need more information about finances or about parenting issues, see your family law facilitator, or talk with an attorney about asking for discovery.
2. **Participate in locally required status conferences, mediation, parenting seminars, and/or settlement conferences.** Some counties require these steps in modification/adjustment cases. Check with your family law facilitator or county clerk, or read the local court rules.
3. **Participate in any custody evaluations or GAL investigations, if they've been ordered.**

D. Finish your modification

1. There are four ways a modification/adjustment case can end:
 - If all the parties can agree about the final papers and sign them, you may ask the court to approve your agreed papers.
 - If the nonrequesting party (sometimes also called the nonmoving party) doesn't participate in the case, you may ask the court to finish the modification/adjustment case by default, after his/her deadline to file a Response has passed.¹⁷
 - If the parties don't agree or default, then a trial may be necessary.

¹⁶ Our packets [Filing a Motion for Emergency Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases](#) and [Filing a Motion for Temporary Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases](#) contain more information about GALs.

¹⁷ See the packet [Finishing Your Modification/Adjustment of a Parenting Plan/Custody Decree in Dissolution Cases](#) for more information about finishing by default.

- If the court denies the Petition at an adequate cause hearing or at another time during the case, or you're allowed to voluntarily dismiss the petition, the case will end without the modification/adjustment you've requested.

The forms and instructions for getting final orders signed, and information about steps to take after you complete your case are in our packet called [*Finishing a Modification/Adjustment of a Parenting Plan/Custody Decree in Dissolution Cases*](#). You'll also need our packet [*Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications*](#).

Section 4: What Forms Are In This Packet?

This packet includes the following blank forms. You may not need every one of them. You'll also need forms found in other packets. You'll want or may need other packets and forms. Use the checklists near the end of this packet to identify the forms you need.

The following blank forms are in this packet.

Form Title	Form Number
Confidential Information Form and addendum	WPF DRPSCU 09.0200 WPF DRPSCU 09.0210
Petition for Modification/Adjustment of Custody Decree/Parenting Plan	WPF DRPSCU 07.0100
Summons	WPF DRPSCU 07.0120
Civil Case Cover Sheet	(no form number)
Declaration of Witness	WPF DRPSCU 01.0100
Notice re: Dependent of a Person in Military Service	WPF DRPSCU 01.0185
Sealed Personal Health Care Records (Cover Sheet)	WPF DRPSCU 09.0260
Sealed Confidential Reports (Cover Sheet)	WPF DRPSCU 09.0270
Return of Service	WPF DRPSCU 01.0250
Acceptance of Service	WPF DRPSCU 01.0310
Declaration Regarding Personal Service Outside the State of Washington	WPF DRPSCU 01.0180
Waiver of Rights Under the Service Members Civil Relief Act	No Mandatory Form
Petitioner's Notice of Hearing for Adequate Cause Determination	WPF DRPSCU 07.0250
Motion for Order re:	WPF DRPSCU 01.0050
Order re Adequate Cause	WPF DRPSCU 07.0300
Joinder	WPF DRPSCU 01.0330
Certificate of Mailing or Personal Delivery	No Mandatory Form

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

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

- Your current parenting plan/custody decree** –If you don't have a copy, get one at the Superior Court Clerk's office in the county where it was entered. If you're filing for modification/adjustment in a new county, you'll need a certified copy.
- Financial information** - In general, if child support will be decided as part of the case, or if you're requesting any financial relief (such as attorneys' fees or payment for a GAL), you must supply certain financial information listed in the packet [*Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications*](#).
- [**Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications**](#) –To tell the court how you want the parenting plan changed. Attach private financial information to the Sealed Financial Source Documents Cover Sheet located in this packet.
- Petition for Order for Protection (Domestic violence):** WPF DV 1.015– Complete this form, and perhaps related forms, to ask for an Order for Protection as part of your modification, or if you're asking the court to change your Order for Protection as part of the modification. Get the forms from your county clerk's office, domestic violence advocacy program, or online at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16>. **Important: attaching a Petition for an Order of Protection to your modification petition doesn't give you any immediate protection order. It only asks the court to enter a protection order at the end of your case.** (Note: the "Petitioner" on the Protection Order form is always the protected person, even if s/he is the respondent in the family law case.)
- [**Filing a Motion for Temporary Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases**](#). If you ask the court to enter an order before the date your modification/adjustment action is finally decided, but it's not an emergency, get this packet. If you'll be asking for a GAL, get this packet.
- [**Filing a Motion for Emergency Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases**](#) - If you have an emergency and want to request an immediate restraining order.
- [**Responding to a Motion for Temporary or Emergency Orders**](#) - If the other party files a motion for temporary orders and/or an ex parte restraining order/order to show cause.
- Declaration Regarding Public Assistance:** WPF SRPSCU 01.0600: We don't include this form in our packets. It's optional. Our instructions tell you to serve the State in any case where TANF, Medicaid, or foster care are involved, and we instruct you to get the state's signature on all default and agreed orders where the state might have an interest in

the child support obligation in your case. However, some people may need the form if required in your county, or if you need to verify that no public assistance has been paid or that the children aren't in foster care or out of home placement. If you need it, get it at the Administrator of the Courts website

<http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>.

- [Serving Papers on the State](#)** - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical coupons/Medicaid or is in foster care or out of home placement, get this packet. You must include the state as a party and serve them with papers you file.
- [Finishing a Modification/Adjustment of a Parenting Plan/Custody Decree in Dissolution Case](#)** –To complete your case.
- [Filing In Forma Pauperis](#)** - If you can't afford to pay the filing fee, you may be able to ask the court to waive (forgive) the fee. This packet advises how to file the motion you need.
- [Service by Certified Mail or Publication](#)** - If you've tried but failed to have the other party served personally, ask the court for permission to serve by certified mail or publication.
- County Local Court Forms and Rules** - See the list earlier in this packet of some local practice items you need to learn about. Your county also may require additional forms, not in our packets.
- [How to Subpoena Witnesses and Documents](#)** - To make sure important witnesses or documents are at trial.

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

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

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

Name of the court: Write in the name of the county where you're filing your case in the blank space where the form reads "Superior Court of Washington County of _____."

Case name.

- If you're filing the Petition in the same court that entered the parenting plan/custody decree you're now asking to modify, copy a caption from your parenting plan/custody decree.
- If you're filing the Petition in a new county, and you were the Respondent in the original county, ask the court clerk whether to name yourself as the Petitioner or the Respondent in the new county. If you were the Petitioner in the original case, name yourself as the Petitioner again.

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

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

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

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

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

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

Signatures.

- **Your signature**

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

- Some forms have one signature line for “petitioner” or “respondent.” After you fill out a form such as the petition, sign at the place that applies to you. Some forms require you to sign in more than one place, so look carefully. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
 - When you prepare and file motions, you are the moving party. After you prepare a motion look for each place marked “signature of moving party or lawyer.” Some forms require you to sign in more than one place, so look carefully. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
 - When you prepare an order and plan to present it for the judge to sign, look for each place marked “presented by,” and sign in the space underneath.
- **Judge’s Signature:** Leave the judge’s signature line and the date blank.
 - **Other party’s signature:** Certain forms you prepare have a place for other parties to sign. You cannot force another party to sign a court paper – he/she can choose to sign, or not. However, if you have prepared an order after a hearing, the other party may be willing to sign the form you have prepared if s/he agrees it accurately states the judge’s decisions, (or the judge may require the other party to sign), even if the party is not happy with the decision itself.
 - Agreed orders. If the other party agrees with the orders you have written, that party should sign in the appropriate place (petitioner/respondent/moving or nonmoving

party) on each court order that is agreed.

- Approved for entry/Notice of Presentation Waived. If you are the respondent or nonmoving party, or if you did not prepare the order, you may be asked to sign in a blank under these words. If you check “Approved for entry,” this means that you are agreeing that the judge should sign the order as it is written. If “Notice of Presentation Waived” is checked, that means that you are agreeing that the other party can give the order to the judge for him/her to sign without letting you know when the other party is going to take that order to the judge.
- **Other signatures/Declarant’s Signature:** If someone else must sign a form (such as a witness or the person serving papers), be sure they fill out all information correctly and sign in the proper space provided. In a declaration form, the “declarant” is the person who is writing the declaration.

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

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

Box #1

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

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

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

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

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

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

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

Box #2:**Private Information That Should Be Filed With Sealed Cover Sheets:**

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

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

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

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

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

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

Box #3**When You Should Write Private Information In Court Forms:**

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

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

SAMPLE FORM

Fill in the name of the Petitioner here.

or Court of Washington
County Of Evergreen

In re the Marriage of:

JANE DOE,

and

JOE DOE,

Petitioner,

Opposing party.

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

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

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

Form title.

NO. 08-3-99999-9

Note for Motion Docket

(No Mandatory Form Developed)

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

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

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

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

LOCATION: **Treelane Superior Courthouse**

COURTHOUSE ROOM: **2**

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

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

Jane Doe, Petitioner

Section 7: Instructions for Filling Out Individual Forms

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

In family law cases, you must give the court information about your address and telephone number, your social security number, date of birth, driver’s license, and the name and address of your employer, as well as certain information about the other people involved in the case.¹⁸

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

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

◆ Update the court by filing a new Confidential Information Form when your address changes, even after your case is finished. If you don’t, legal papers may be sent to you at your old address and orders may be entered against you without actual notice to you.¹⁹

1. Write in the county where the case is filed and the case number. If you have no case number yet, write in the case number when the clerk gives it to you.
2. Check the first box (*divorce/separation...nonparental custody/paternity/modification...*). If you’re updating a form you filed earlier in the same case number, check the box “Information Change.”
3. If restraining orders or protection orders are in place, check the related boxes on the form. Show who is protected. If they go into effect later, file a revised and updated form.
4. If you believe the safety of an adult or child would be in danger by giving out address information, even if you don’t have a restraining order or a protection order, check the box “[t]he health, safety, or liberty...” Explain the risk of harm.
5. The law requires a residential address on page 2 of the Confidential Information Form. If you’re afraid to give your residential address, try to give an alternate address and see if the court clerk will accept it. If the court clerk won’t accept your Confidential Information Form, talk with an attorney, your local domestic violence program, or call CLEAR at 1-888-201-1014.

¹⁸ [RCW 26.23.050\(5\)\(l\) & \(7\); GR 22\(g\) & \(h\).](#)

¹⁹ [RCW 26.23.055\(2\) & \(3\).](#)

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

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

**B. Petition for Modification/Adjustment of Custody
Decree/Parenting Plan/Residential Schedule – WPF DRPSCU
07.0100**

This form tells the court and the nonrequesting party about your requests and the legal basis for them. Fill this form out completely. If the nonrequesting party doesn't file a Response after being served, you may be able to complete your modification/adjustment case by default (meaning, the court might approve your requests without a trial or agreement with the other party).²⁰ However, you can't get any relief in a default order unless you asked for it in your petition.

Caption. Fill in the caption. If you're attaching an order of protection (see Paragraph 2.14), mark the appropriate box on the right side of the caption, under the title.

Paragraph 1.1 Identification of Requesting Party.

You, the person filing the petition to modify/adjust, are the requesting party. Fill in your name and birth date, and the county and state of your residence. If there is more than one requesting party, use the second paragraph in 1.1 for the other requesting party.

²⁰ See the packet [Finishing Your Modification/Adjustment of a Parenting Plan/Custody Decree in Dissolution Cases](#) for an explanation of when and how you can ask for an Order of Default.

◆ The Petition requires you to identify the county and state where you and the children live. If you fear for your own or the children’s safety if this information is revealed, talk with CLEAR or a family law attorney about trying to request a court order to withhold this information. If you obtained an order as part of the Relocation process authorizing you to withhold location information, have an attorney review that order to see if it allows you to still withhold the location information.

Paragraph 1.2 Identification of Other Party/Parties.

The other party in the order you’re asking to modify/adjust is the nonrequesting party, whether or not s/he was the petitioner or respondent in the original case. Fill in his/her name, date of birth, and the county and state of his/her last known residence. If there are more parties, add information about each. Your case might’ve involved other parties, such as a non-parent with court ordered visitation rights, . If you’re unsure, talk with an attorney.

Paragraph 1.3. Dependent children.

Name the children covered by the parenting plan/decreed you’re modifying. Write their ages.

II Basis.

Paragraph 2.1 and 2.2

Read these paragraphs.

Paragraph 2.3. Child Support.

If you’re not asking to establish or change child support, check the first box.

If you’re asking to establish or change child support if your petition to modify the parenting plan is granted, check the second box. If you do so, you must also file child support worksheets and a financial declaration (but not a petition to modify/adjust child support). These forms are in the packet [*Parenting Plans and Child Support for Dissolution Cases and Modifications of Dissolution Cases.*](#)

Paragraph 2.4 Jurisdiction and Venue.

Fill in the county and state where the requesting party, the children, and the nonrequesting party live.

Paragraph 2.5 Jurisdiction over proceeding.

This paragraph shows why a Washington state court has the authority to decide custody/parenting modification/adjustment, rather than the court of a different state or a tribal court. Read each item in Paragraph 2.5 carefully. Check the box(es) that apply. If you check a box farthest to the left, check at least one of the boxes indented under that box. Complete any blanks in that item. (Example: if you check the box that says “This state is the home state of the children because,” then check one or more of the four boxes indented under that box.)

If the parenting plan/custody decree now in effect was issued by a Washington State court, and if any party or the child still lives in Washington State, then check the first box, “exclusive continuing jurisdiction.”

◆ If your parenting plan or custody order was not entered in Washington, talk with an attorney before filing your case. Washington may not have authority to modify your order, except perhaps to grant you short-term emergency protections.

For more information on deciding whether Washington has jurisdiction over the children, talk with an attorney, or, for general information, read the publications [Ending Your Marriage in Washington with Children – The Basics](#). (The publication’s focus is divorce. But it has a good discussion of jurisdiction.) Also see our publication [Which Court Has the Right to Enter A Custody Order: Frequently Asked Questions and Answers About Whether A Washington Court Has Jurisdiction](#).

Paragraph 2.6. Uniform Child Custody Jurisdiction and Enforcement Act Information.

Name each of the children. State each parent’s name.

“During the past five years . . .” In this section, if the child/ren have lived **only** in Washington and only with you or another named party (a person listed as a petitioner or respondent) in this case for the past five years, check the first box. Skip to “Claims to Custody...”

If the child/ren have lived outside of Washington sometime in the last five years, or if the child/ren have lived with someone other than a named party (a petitioner or respondent) in the last five years, check the second box. Then list by date, starting with the most recent place the child/ren lived, each city and state where the child/ren have lived, who else lived there, and for how long. Include as much information as you can. Example:

Date(s) lived there	Place the children lived between those dates	Person(s) the children lived with between those dates
6/07– present	Treelane, Washington	Mother
2/07 – 6/07	Portland, Oregon	Mother and Father
2-06 – 2-07	Longview, Washington	Jim and Gloria Johnson (mother’s parents)
9-03 – 2-06	Seattle, Washington	Mother and father

If the children lived in the custody of anyone other than a named party in that last five years, include the name and current address of that person on the Confidential Information Form.

“Claims to custody and visitation:” If anyone **besides** the petitioner or respondent in this case has physical or legal custody of the child/ren, or court-ordered visitation, or claims to have custody or visitation rights with the child/ren, check the second box. List their name(s) and the name of the child/ren concerned. If there is no other person who has or claims custody or visitation rights, check the first box.

“Involvement in any other proceedings concerning the children.” If you’ve never been involved in any other court cases about the child/ren, check the first box. If you’ve been involved in ANY legal proceeding about the child/ren, check the second box. Examples: protection orders, juvenile court cases, dependency cases (CPS), parentage cases, Division of Child Support cases. Include cases in other states. List the date of the order in each case, the child/ren concerned, the court’s name, case

number, and the type of case. Example:

5/07	Grant Co. Superior Court, Oregon	Case No. 1234567	Child support
6/06	WA Div. of Child Support	IVD#123456	Child Support
4/04	Pierce Co. Superior Court, WA	Case No. 99-7-01112-8	Dependency

Paragraph 2.7. Custody Decree and Parenting Plan/Residential Schedule. Fill in the date of the existing parenting plan/custody decree and the name of the county and state in which it was entered.

Paragraph 2.8. Modification Under RCW 26.09.260(1),(2) changing who the child lives with most of the time.

◆ If you're unsure whether to ask for a major or minor modification or an adjustment, talk with an attorney or, for basic information, see our publications [Child Custody Modification](#) and [Parenting Plans](#), available at www.washingtonlawhelp.org. Have an attorney review this form after you've finished it, to make sure you filled it out correctly.

If you're applying for a modification that would change who has custody, check the second box. Check the indented paragraphs that apply. Mark every one that applies. If you're not asking to change custody, check the first box.

Paragraph 2.9. Modification or Adjustment Under [RCW 26.09.260\(4\) or \(8\)](#), asking the Court to Reduce Visitation.

- If you want to reduce or restrict the residential time of the noncustodial parent to protect the child from that parent, check the second box. In the space after the text, explain the problem condition or conduct, and why your requested change is in the child's best interests. See the footnote below and [RCW 26.09.191\(2\)](#) and (3) for the kinds of conditions or conduct that allow or require restrictions on custody/visitation.²¹

²¹ In most cases, the court must limit a parent's time with a child if that parent, or a person who lives with that parent, has engaged in any of the following conduct: willful abandonment of the children that continues for a long time, or the parent substantially refuses to perform parenting functions (care for the children); OR physical, sexual or a pattern of emotional abuse of any child (your children OR someone else's); OR a history of acts of domestic violence; OR conviction as an adult of one of a number of sex crimes, including rape of a child, child molestation, sexual misconduct with a minor, incest, or sexual exploitation of children, or has been found to be a sexual predator. The court may choose to limit a parent's time if the court finds any of the following: The parent neglected or substantially failed to provide care for the children; OR The parent has a long-term emotional or physical problem that interferes with his/her ability to parent the children; OR The parent has a long-term drug, alcohol or other substance abuse problem that interferes with the parent's ability to parent the children; OR There's no emotional bond between the parent and the child or that bond's seriously damaged; OR That parent's engaged in the abusive use of conflict which has created a danger of serious damage to the child's psychological development; OR The parent's denied the other parent contact with the child for a long time without a good reason; OR The court finds another reason that unrestricted contact with the parent would be bad for the child.

- If you're filing for adjustment because the nonmoving party hasn't used his/her residential time for one year or more, check the third box.
- If you're not asking for these kinds of changes, check the first box.

Paragraph 2.10. Adjustments to Residential Provisions Pursuant to [RCW 26.09.260 \(5\)\(a\) and \(b\)](#), asking for a change of residential time less than 24 days a year or because the noncustodial parent has moved or either parent has a changed work schedule beyond his/her control.

- If you're filing for a minor modification/adjustment in time for one of the listed reasons, and the modification is in the child's best interests and won't change who the child lives with most of the time, check the second box and the indented reason within it that applies.
- If you're not asking for this type of change, check the first box.

Paragraph 2.11. Adjustments to Residential Provisions Under [RCW 26.09.260\(5\)\(c\), \(7\), \(9\)](#), asking the court to increase visitation if you're the noncustodial parent This paragraph only covers certain requests made by the noncustodial parent to increase time.

- If you're not asking for these kinds of changes, check the first box ("does not apply"). If you're asking for these kinds of changes, follow the instructions below.
- Paragraph 2.11.1: Check the box that applies. The noncustodial parent may have had limits on residential time because of a problem such as domestic violence or drug abuse. (Look back at paragraphs 2.1 and 2.2 of your current parenting plan for limitation and, for example, at Paragraphs 3.10, 3.12, or 3.16 of the parenting plan for restrictions.)
 - If there have been limits, and now the circumstances for those limits have significantly changed, check the second box. Fill in the parent's name.
 - If your current parenting plan shows no limitations on this parent, check the first box. Fill in the parent's name.
- Paragraph 2.11.2: Check the box that applies. Look back at your current parenting plan to see if it requires the noncustodial parent to complete evaluations, treatment, parenting or other classes.
 - If your current parenting plan doesn't require treatment, classes, or evaluations, check the first box. Fill in the parent's name.
 - If your current parenting plan does require the parent to complete treatment, classes, or evaluations, check the second box. Fill in the parent's name. Describe completely how those requirements have been met.
 - If the parenting plan requires you to complete treatment, classes, or evaluations, and you haven't done this, talk with an attorney.
- Paragraph 2.11.3, if you're asking for increased residential time that is more than 24 full days in a year but less than 90 overnights per year total, check the box at the start of this paragraph. As appropriate (you may also have checked boxes in 2.11.2):

- fill in your name in the first blank or
- fill in the children’s name(s) in the second blank.

Paragraph 2.12. Adjustments to Non-residential Provisions Pursuant to [RCW 26.09.260 \(10\)](#). If you’re asking for changes to the parenting plan/custody decree that don’t involve residential time, check the second box and the indented paragraph(s) that applies. If you check “other,” fill in the change you’re asking for. If all the changes you request are to the residential schedule, check the box “doesn’t apply.”

Paragraph 2.13. Substantial Change in Circumstance.

Explain the reasons the court should grant your requests. The court may carefully read this section to decide if you have “adequate cause” for the Petition. Include each important factor that you think means the court should change the parenting plan/custody decree. Be specific. Get declarations of witnesses to support your own statements. Re-read our publications [Child Custody Modification](#) and [Parenting Plans](#), available at www.washingtonlawhelp.org, to make sure you can meet the legal standard that applies to the kind of modification/adjustment you’re asking for. If you don’t meet this legal standard, the court may deny your requests at the adequate cause hearing and end your case.

Paragraph 2.14. Protection Order.

- ◆ The law allows domestic violence survivors and victims of unlawful civil harassment to request a long-term Order for Protection as part of their modification case. Protection orders can cover yourself and your children. However, the procedures for combining protection orders with family law cases can be confusing.
- ◆ Requesting a protection order in your modification petition doesn’t give you any protection before your case is final. If you need an immediate protection order, you must complete the appropriate protection order forms and start a separate protection order case and go to the hearings associated with that case. For information on requesting an immediate Order for Protection, call the WA State Domestic Violence Hotline at 1-800-562-6025.
- ◆ The main benefit of combining protection orders with family law cases is that a judge in a family law case can enter an Order for Protection that restrains a person from contact with his/her minor children for more than one year.²² Orders for Protection issued outside a family law case can only restrain contact between a parent and his/her minor child for one year at a time, although those orders can be renewed.

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

²² [RCW 26.50.060\(2\)](#).

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

If you want the judge in the modification case to issue a new protection order or to extend or make changes to an existing protection order at the end of the modification case, check the third box, “the court should grant.” Do this if you need a protection order that restrains a parent’s contact with his/her children for longer than one year. Or do this if the other parent will be in prison until the case is finalized. If you check this box, check the text box showing what kind of protection order you’re asking for. Then check one of the indented boxes.

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

◆ Requesting a protection order in your modification petition doesn’t give you any immediate order. If you want to request an immediate Order of Protection or an Order to be in effect during your modification case, you must file a separate protection order case and follow the hearing procedures under [RCW 26.50](#) (domestic violence) or [RCW 10.14](#) (unlawful harassment).

Our packets don’t give any instructions on combining a protection order you obtain after the modification case is filed into your modification case. Adding a protection order request to your modification case after the modification case has been filed may require amending the modification petition and re-serving the other party.

Paragraph 2.15. Service Members Civil Relief Act Statement.

This paragraph states whether or not you believe a party is a member on active duty in the military²³ or the dependent of a service member who’s a resident of Washington on active duty

²³ Service members who are protected by the Service Members Civil Relief Act of March 4, 1918, as amended, [50 U.S.C. App., 501](#) et.seq include: all members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and

and a National Guard member or a Reservist. Dependents are usually spouses or minor children, although they may also be people for whom the service member provided most of the support for the last six months.²⁴

It's your job to try to find out whether or not the other party is on active duty in the military, or is a protected dependent.²⁵

Ways to try to find out if another party is on active duty include

- checking the following website: <https://www.dmdc.osd.mil/scra/owa/home>

or

- contacting the Defense Manpower Data Center, 1600 Wilson Blvd., Suite 400, Attn: Military Verification, Arlington, VA 22209-2593; Telephone (703) 696-6762 or 5790, fax (703) 696-4156. (If you mail a request for information, include a stamped, self-addressed return envelope.)

To try to make sure the other party isn't a dependent of a service member, have the Notice re: Dependent of a Person in Military Service form served with the other papers that begin your case. (That form is in this packet)

Paragraph 2.15.1. Service Member Status.

Paragraph 2.15.1 A.

Fill in the other party's name in the blank. If there is more than one nonrequesting party, provide this information for each party.

Check the box(es) next to the item(s) that shows his/her service member status.

Paragraph 2.15.1 B Factual Basis

If you checked the website <https://www.dmdc.osd.mil/scra/owa/home>, and the site reported the other party's military status, check the first box and staple the report you received to this form.

If you have another factual basis for your answer in Paragraph 2.15.1 A, check the second box and write in what you know about whether the other party is in the military and whether they're on active duty. Describe all the efforts you made to find out about the other party's military status and the results of each effort. Example: describe contacts with the other party's friends, family, and employers. If you contacted the Defense Manpower Data Center by fax or mail, explain that contact and attach any certificate about military service you received in reply.

Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. For Washington State's Service Members Civil Relief Act, see RCW 38.42.010 et seq.

²⁴[RCW 38.42.010](#).

²⁵ The Service Members Civil Relief Act, [RCW Ch. 38.42](#) (state law), and the Service Members Civil Relief Act of March 4, 1918, as amended, [50 U.S.C. App., 501 et seq.](#) (federal law) provide special protection for members of the military, including National Guard and Reservists, who are on active duty, and their dependents. If the other party is on active duty or is the dependent of someone on active duty, you should consult an attorney for more information about these special rights. The court is likely to appoint an attorney to represent the other party and may stay (delay or stop) your case until the other party comes back from active duty.

Paragraph 2.15.1 C.

If the other party is on active duty, check the box at the beginning of 2.15.1 C and the box(es) under it that apply. If you check the last item, check also the appropriate box in the text of that item.

Paragraph 2.15.2 Dependent of a service member status:

Paragraph 2.15.2A

Write the other party’s name in the first line and then check the box below that applies. If there is more than one nonrequesting party, provide this information for each party.

Paragraph 2.15.2 B factual basis:

If you had a Notice re: Dependent of a Person in Military Service mailed to the other party at least 23 days ago, (or served more than 20 days ago), and s/he didn’t respond to it, check the box next to “the other party failed to respond to a notice,” check the box that applies and fill in the date requested. Otherwise, skip that box.²⁶

If you have another factual basis for your answer in Paragraph 2.15.2 A, check the second box and explain.

Paragraph 2.15.2 C.

If the other party is a dependent of a resident of Washington who’s on active duty and is a national guard member or a Reservist, check the box at the beginning of 2 C and the box(es) under it that apply. If you check the last item, check also the appropriate box in the text of that item. Otherwise, skip this item.

◆ If another party is covered by the service members civil relief acts and willing to give up his/her rights under those acts, s/he may be willing to sign the waiver form in the section on the military later in this packet.

Paragraph 2.16. Other. Write in other requests you’re making that aren’t covered by the previous paragraphs. If you’ve tried to use your parenting plan’s dispute resolution procedure to settle this issue before filing the Petition, write what you’ve done and why it didn’t succeed.

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

²⁶ Since you’re filling out this form at the beginning of your case, rather than later on, it’s unlikely that you would’ve already served the Notice re Dependent form, so you won’t usually check this item in the petition. If you serve the form at the start of your case, however, and the other party doesn’t respond to it, check this box in the Motion form if you later move for default.

III. Relief Requested

If you've asked for any relief besides a change in the parenting plan/custody decree, check the box in this paragraph and the indented boxes before the types of relief you want the court to order. The boxes you check should match with what you asked for in the earlier paragraphs. If you want the court to order something that isn't listed on the form under *Relief Requested*, check the box next to "Other." Write your request in the blank.

Example: if you're asking for a protection order you have in another case to be consolidated with your modification case, check the "other" box. Add "consolidate the RCW 26.50 protection order proceeding with this case and enter a permanent order of protection changing the existing order of protection only as follows: 1) The no contact and custody provisions should be changed to follow the Final Parenting Plan, and 2) the expiration date should be changed so that the protection order's permanent, as authorized under RCW 26.09.050(1) and RCW 26.50.060(2)."

Signature. Date, sign, and print your name on the form in the two places required. Fill in the city and state of signature where requested.

C. Summons – WPF DRPSCU 07.0120

This form tells the court and the other party that you've started a modification/adjustment case.

◆ Use this Summons only if you're serving the other party by personal service (in state or out of state), or the other party's signing an Acceptance of Service. If you're serving your Petition by mail or publication, use a different Summons form. See our packet [*Service by Certified Mail or Publication*](#).

Caption. Fill in the caption. After *To:* print the name of the nonrequesting party. (Remember: sometimes there's more than one. If so, write in each name.)

Paragraph 3. If you're **not** asking the court to change custody or visitation before your case is finished, check the first box. If you're asking the court to change custody or visitation while your modification case goes on, check the second box.

Signature. Sign and date the form.

In the left-hand column below the signature, write in the name and address of the courthouse where you're filing the modification. Note: King County has two different superior courts. Fill in the Seattle courthouse if your case number has an SEA. Fill in Kent if your case has KNT. If you're not sure in which courthouse to file your case, call the court clerk's office.

In the right-hand column, check the box "moving party." Neatly write or type your name and address.

◆ If you write your home address on this form, it'll 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, use a P.O. Box or an address of a friend or relative who's stable in his or her residence and will get mail to you quickly.

Or try to get a safe address from your local domestic violence program or shelter.

◆ **If the mailing address you use in the summons later changes, prepare a notice called “change of mailing address.”** Write your case caption and case number on the top of the page as with other papers you’ve prepared. Under the case number, write “Clerk’s Action Requested.” In the body of the page, explain that your address for service of papers and notices in this case is changing. State the new address the court and other parties should use. File this notice with the court. Provide a copy to the other parties.

D. Civil Case Cover Sheet

Some local courts have their own forms. Check with the clerk.

Skip Case Type 2. Under the words “Case Types 3-6,” write the county where you’re filing. If you’re filing under your existing case number, write in that case number. Otherwise, leave it blank. The clerk will fill it in when you file. Write in the Title of the case from your Petition. Then in the first column, under “Domestic Relations,” check “Modification (MOD 3).”

E. Declaration form – WPF DRPSCU 01.0100

Use this form for your own detailed statement to prove why you have adequate cause for the petition and why your parenting plan/custody decree should be changed. You probably also should get declarations from witnesses, especially if you believe the nonrequesting party will oppose the modification/adjustment.

A Declaration’s a statement, sworn to be true, by a person who has direct knowledge about the issues in your case. **Declarations are important in Family Law Cases. They give the court detailed information about what’s happened, what you’ve done, and what’s been observed that relates to the case. You can attach documents, such as police reports, to declarations to prove your case.**

Declarations are used at the Adequate Cause Hearing. Most courts also base decisions about Temporary Orders or Emergency Orders on declarations. (However, if your case goes to a full trial, the judge won’t rely on declarations. At trial, you must have witnesses in person. A few counties may allow or require live testimony at hearings before trial.)

Generally, you don’t need more than one witness to give the same information, especially if the information’s not disputed. If several witnesses would say the same things, choose only one or two to write a declaration.

Generally, the court gives more weight to a neutral person or a professional than to someone obviously supporting only one side, like a relative.

Some people such as school teachers or counselors may need a signed release of information form before writing a declaration.

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

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

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

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

a) Some brief rules about witness Declarations

Put the most important points at the beginning. Less important points should come later.

Base the statement on the writer's own personal knowledge (what s/he saw or experienced firsthand), not what someone else told the writer. Exception: the writer may talk about what one of the other parties has said.

The writer should explain how well s/he knows you or the people s/he is writing about, how often s/he sees the people, and in what situations. Example: "Mr. Jones has worked for me at Acme Plumbing for 15 years. I see him almost every day at the office. In addition, because our sons are on competing soccer teams, I have seen him coaching his son's games three or four times this season. I've been invited into his home a two or three times for dinner with his family over the years I've known him."

The writer must type the declaration or print it neatly in **black or dark blue ink**. (A few courts require that all declarations be typed.) If the declaration is difficult to read, the judge may not try.

Don't make the declarations too long.

Stick to the issues the judge will be deciding. Be specific on those issues.

- Example: in a parenting dispute, general statements, such as "she is a bad mother," or "the children are much happier now living with Mary," aren't helpful. Instead, the declaration should describe specific things, and state when and where incidents occurred, such as, "I live on the same street as Joe. About a year ago, Joe knocked

over our mailbox while driving. I ran out to the street to see what had happened. Joe was standing next to his car. I smelled liquor on his breath. I've seen him weaving down the road in his car three other times this year.”

- In a child support dispute without parenting issues, the statement above may not be relevant to the issues before the court. If it's not relevant, don't include it.

Attach extra pages to the declaration if you need more space. However, make sure that the writer of the declaration signs and dates the declaration in the space that says “I declare under penalty of perjury...” Your extra pages should also have margins of at least one inch, and you should number all the pages at the bottom.

Some courts (such as King Co.) limit the number of pages that you can file with a motion or response. Check your local rules, or ask the court clerk's office or the facilitator.

If you attach documents to declarations, such as printouts of bills, school records, medical or treatment records, police records, etc., refer to them in the declaration and call the attached documents exhibits and number them Exhibit Number 1, Exhibit Number 2, etc.

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

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

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

b) Filling out the Declaration form

Caption.

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

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

This declaration is made by.

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

Blank Lines

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

Signature Line

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

F. Proposed Parenting Plan – WPF DR 01.0400

Complete this form when beginning your case to show how you want the parenting plan/custody decree to be changed. The form and instructions for it are in our packet [*Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications.*](#)

G. Child Support Worksheets

Use these worksheets and related financial forms if your request includes changes in child support. The forms and instructions are at [*Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications.*](#)

H. Notice re: Dependent of a Person in Military Service - WPF DRPSCU 01.0185

Certain members of the military²⁷ and certain service member dependents (usually spouses or minor children or people who have received most of their recent support from the service member) can receive special protections under the law. This form tells military dependents that if they don’t report their dependent status to you within 20 days, they risk having you and the court presume they’re not a military dependent if you apply for an order of default. This form is “optional,” but we recommend that you have this notice served on each respondent/nonmoving party with the Summons and Petition, even if you believe the respondent/nonmoving party has no connection all to the military.²⁸

Fill in the caption.

Sign and date the form at the bottom of the page. Print or type your name in the space indicated.

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

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

²⁷ See footnote elsewhere in this packet for members of the military who are protected.

²⁸ In some circumstances, the law allows for mailing of this notice separately, but this packet doesn’t explain how to do that.

Use this cover sheet on any records or correspondence containing information that relates to the past, present, or future physical or mental health condition of an individual, including past, present or future payments for health care.

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

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

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

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

Attach the confidential personal health care records to this form.

Fill out the caption.

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

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

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

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

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

Instructions for the Sealed Reports form:

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

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

K. Return of Service/Acceptance of Service – WPF DRPSCU 01.0250 / WPF DRPSCU 01.0310

Depending upon the case, one of these forms will be completed after the nonrequesting party has been served with the modification papers or has accepted service of the papers. Instructions for these forms are in the Filing and Service section of this packet.

L. Waiver of Rights Under Service Members’ Civil Relief Act

Use this form only if a nonrequesting party’s on active duty in the military or is the protected dependent of a service member. Instructions are in the section, “If the Nonrequesting Party’s in the Military.”

M. Petitioner’s Notice of Hearing for Adequate Cause Determination – WPF DRPSCU 07.0250

Use this form to schedule your hearing on adequate cause. **Use this form even if you’re not the petitioner in the caption.** You may also need a local form scheduling a hearing, and in some counties, you may need a motion for adequate cause determination. In every county, you’ll also need declarations (using the Declaration of Witness form in this packet).

This form tells the other party and the court clerk when the Adequate Cause hearing will be. The completed form, together with supporting declarations, and in some counties, a motion for adequate cause termination, must be filed with the court and served on the other party. See the “Adequate Cause” section of this packet. **You should serve your Notice of Hearing for Adequate Cause, as well as any Motion for Temporary or Emergency Orders that you want to file, with the Petition.** You may choose to schedule your Adequate Cause or any motions hearings later. Just make sure you do it by deadline for having an Adequate Cause hearing, if your county has one.

◆ How Do I Know When to Schedule My Adequate Cause Hearing?

Choose a date and time for your hearing as follows:

1. The date should be after the Response deadline. Most counties require that the Adequate Cause hearing date be after the deadline for the other party’s Response has passed (at least 20 days after the nonrequesting party was served

in this state, 60 days after out of state service or service by publication, or 90 days after service by mail). A few counties might allow it to take place earlier.²⁹ A few counties might require it to take place within a certain deadline after the Petition's filed. Try to schedule your hearing to take place after the Response deadline, so that if the other party doesn't respond, you can ask for an Order re Adequate Cause and an Order of Default on the same day.

2. The day of the week and time of day must be when motions for adequate cause in parenting plan modifications are heard by your county court. Ask the court clerk or facilitator for days and times the court schedules adequate cause modification/adjustment hearings, and which courtroom handles these hearings.

3. The date must give the other party, and the court, enough notice of your motion. Ask the clerk or facilitator how many days before the adequate cause hearing you're required to serve the notice on the other party and file with the court. Choose a hearing date that gives you enough time to do these things before that deadline.³⁰ If you'll have the other party notified by mail³¹, add at least³² three mailing days to your deadline. When counting, Day 1's the day after the papers are served or mailed. Don't count weekends or holidays.

Caption. Fill in the caption. Check the box next to "Clerk's Action Required."

To the Clerk of Court and to fill in the name(s) of the other party (parties).

Paragraph 2. Select a date for your hearing.

Write in the date, time, place, and courtroom where your hearing will be scheduled. If you're asking for temporary orders, and/or appointment of a GAL³³, try to schedule these hearings on the same day, so that the issues can be taken care of together.

Paragraph 3. If you have declarations from yourself or other witnesses, check the box in this paragraph.

Paragraphs 4 and 5. These paragraphs tell the other party when to respond.

Date the notice on the day you sign it. Sign and print your name and the address you're using for this court case. (Remember: you can put an address other than your own, so long as you **quickly learn** of any papers the other parties or the court sends you there.)

How to notify the other parties of the hearing.

²⁹ Or, in an emergency, you might be able to get an Order Shortening Time for this hearing (not covered in our packets).

³⁰ Under the state civil rules, filing and service must be completed five or more court (business) days before the hearing day (not counting the day of the hearing, weekends, or holidays). However, some courts require much longer notice (14 days or more).

³¹ Service by mail is usually not available unless you've already served that party with the Summons and Petition.

³² 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.

³³ Described in our packets on temporary and emergency orders. See Section 3 above.

- If you're giving notice of the adequate cause hearing when you serve the summons and petition, add the adequate cause papers to the packet of forms containing the Summons and Petition. Follow the instructions in the Filing and Service section of this packet for personal service.
- If the summons and petition have already been served on the other party, use the certificate of mailing or personal delivery instructions (read below) to notify him/her of the adequate cause hearing.
- Remember: if the state of Washington and the GAL are involved in the case, serve them. See the packet [Serving Papers on the State](#) for instructions.

N. Motion for re: Adequate Cause Determination – WPF DRPSCU 01.0050

Fill out this form if your county requires a motion for an adequate cause hearing. Check with your family law facilitator or court clerk. If you're not sure, complete, file and serve this form.

Caption. Fill in the caption. Next to the words "Motion for Order re" fill in "Adequate Cause Determination."

I. Relief Requested. Write your name in the first blank. In the second blank, write, "Adequate Cause." In the third blank, write, "determining that adequate cause for the petition has been established. Add "and setting a trial date" if you want to set a trial date and your local procedure allows you to make this request as part of your motion. (In some counties, a case schedule sets the trial date. In other counties, a special request for trial setting may be needed.)

II. Statement of Facts. Write a brief explanation of your facts showing that you have adequate cause for the modification/adjustment you've asked for. If your modification/adjustment request requires that you show a substantial change in circumstances, explain the changes in circumstances here. Refer the court here to any declarations filed with the adequate cause papers.

III. Statement of Issues/Argument. Write in the blank, "The court should find that adequate cause to modify/adjust the parenting plan has been established."

IV. Evidence Relied Upon. After the words "Declaration of," fill in your own name. Make sure you complete your declaration. For each additional declaration you file and serve, write "Declaration of _____ (name)," and fill in the name of the person writing the declaration. Add, "See also the Petition for Modification/Adjustment."

V. Legal Authority. In the blank, write "[RCW 26.09.260](#)." Look at your Petition, Paragraphs 2.8 - Paragraph 2.14. For any paragraph in the petition where you've asked for a modification/adjustment, copy the RCW reference in that paragraph here. Example: if you asked for a modification in 2.12, in the motion, you would write "[RCW 26.09.260\(10\)](#)."

VI. Proposed Order. Check the box in this paragraph if you're filing and serving a proposed Order Re: Adequate Cause. Some counties require a proposed order. You should file and serve one even where not required.

Signature. You must sign on page 1 and on page 2. On page 1, sign where indicated. Fill in the date and place (city and state) of your signature. On page 2, date the form, sign it, and print your

name and address on the lines indicated. (Use the address at which you're agreeing to accept legal papers in this case. If it's not your actual residence address, make sure it's a reliable one.)

O. Order re Adequate Cause – WPF DRPCU 07.0300

This form will show the judge's decision on adequate cause. If you have an adequate cause hearing, the judge may sign this form after the hearing. In agreed cases, where you won't have an Adequate Cause hearing, the other parties must sign the form before you take it to the judge. If you have an Order of Default and never had an earlier adequate cause hearing, the judge will usually sign this paper together with your final orders.

We recommend (and some courts require) that you prepare and serve upon the other parties a proposed Order re Adequate Cause with your Notice of Hearing for Adequate Cause.

Take a blank form with you to the hearing, in case the judge makes a decision different from your proposal. The party who succeeds at the Adequate Cause hearing is usually responsible for asking the judge to sign this order.

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

See the "Adequate Cause" section for a description of the adequate cause procedure and hearing.

Fill out the caption. Above the words "clerk's action required," check the first box if adequate cause is denied. Check the second box if adequate cause is granted or agreed. Also check the third box if adequate cause is granted or agreed **and** you have a trial date. As the requesting party, you're asking the judge to check the second box (and the third box, if the court sets a trial date).

I. Basis:

1.1

Read this paragraph.

1.2 Write in the date of the Adequate Cause hearing.

II. Findings:

2.1 Read this paragraph.

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

2.3 Read this paragraph. Check the box showing how long ago the nonmoving party was served with the Petition and other documents, based upon the type of service: box 1 for personal service inside the state, box 2 for personal service outside the state, or box 3 for service by mail. If the other party was served by publication, write in "Other: The nonmoving party was served by publication and more than 60 days have elapsed since the first date of publication."

2.4 If you finish your case by an Order of Default³⁴, check the second box. Otherwise, check the first box.

³⁴ See the packet [Finishing a Modification/Adjustment of a Parenting Plan/Custody Decree in Dissolution Cases](#).

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

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

2.6 This paragraph’s similar to the service members paragraph of the petition.

- **2.6.1** Check the box(es) showing the non-moving party’s service member status.
- **2.6.2** Check the box(es) showing whether the non-moving party’s the dependent³⁵ of a service member.

If you sent or served the Notice re: Dependent of Military Service Member more than 20 days before completing this form, and the other party hasn’t responded or claimed to be a military dependent, check the last box under 2.6.2. (If this is a proposed order, and the adequate cause hearing will be more than 20 days after service – or 23 after mailing – of the Notice, check this box.)

III. Order:

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

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

If the parties don’t agree and the case goes to an adequate cause hearing, then check the box that shows the judge’s decision, either ending the case (the first box) or moving it forward to the next step (the second box and perhaps the third boxes). **Note: in some counties, the judge may make a final decision about minor modifications/adjustments at the adequate cause hearing.** If the court checks the second box and doesn’t set a hearing date, ask the court clerk or administrator about how to set a final hearing in your case. In some counties, the trial date’s assigned and stated in the case schedule you received when the case was filed.

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

³⁵ See the Notice re Dependent of a Military Service Member for the list of protected dependents.

Section 8: Instructions for Filing and Serving Papers

After you've filled out the forms, you must file them with the court and have them served on every other party. This section tells how to do that. **Before filing and serving your papers, make sure you've completed all the forms you need, including forms from any other packets.** Use the checklists in this packet to be sure you've included what you need. If you're filing in a new county, get a certified copy of your existing parenting plan/custody decree.

Before you file and serve your papers, decide if you'll give notice of the adequate cause hearing when you file and serve your Petition, or if you'll give notice of the adequate cause hearing later. If you give notice of the adequate cause hearing at the same time as the Summons and Petition are served, add the adequate cause papers to your papers to file and serve together.³⁶

A. Filing your Petition with the Court

You'll file the originals of all your forms (and the certified copy of your existing parenting plan if you're filing in a new county) with the superior court clerk. **If you're applying for an emergency order**, try to request it at the same time you file your Petition. See our packet [Filing a Motion for Emergency Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases](#) for information and forms on emergency orders. If you're giving notice of the Adequate Cause hearing now, include the adequate cause papers with the other forms you file and serve.

- Make one copy of every form you filled out.** (You'll need more copies of most forms later. Just make one copy now, and the other copies later, after you have the case number and date filed stamps from the court clerk.)
- Organize your forms into sets** by putting all the originals in one set and the copies in the other set. Each set should have each form you've filled out. Compare each set with the checklists in this packet to be sure you have the forms you need.
- Take the originals and the copies to the county court clerk's office** in the superior courthouse where you're filing your case. Tell the clerk you want to file a petition. Give the clerk the originals of your forms and the necessary filing fee. If you can't afford the filing fee, ask the court to waive it (allow you not to pay it). Use our packet called [Filing in Forma Pauperis](#), or contact the Court Clerk or the Family Law Facilitator (if there is one) for forms used in your county.
- If you're asking for a waiver of the filing fee**, an Ex Parte Restraining Order, or other orders at the start of your case, ask the clerk or family law facilitator how to present your requests to a judge. Follow those instructions. (Our packets on these subjects contain more information.)

³⁶ If you decide to serve the Notice of Hearing later, follow the instructions in this section to serve the Summons and Petition. When you're ready to schedule the adequate cause hearing, follow the steps in the Section titled Adequate Cause for serving the adequate cause papers.

- ❑ **Pay the filing fee, or give the clerk your In Forma Pauperis (IFP) order signed by the judge.**
- ❑ **The clerk may give you some forms.**
 - Depending on the case, the clerk may give you a Vital Statistics form to fill out and return.
 - In some counties, the clerk will give you a case schedule, a parenting seminar form, and/or other local forms. Case schedules tell about some important dates in the case. Parenting seminar forms tell you how to sign up for a class about the effect of conflict on children. (Many courts require parents to complete the parenting seminar for cases involving children before the court will sign a final parenting plan/residential schedule.) If you get a case schedule and a parenting seminar form, **you must serve copies of them on the other parties.**
- ❑ **The clerk will take your originals for filing and assign a case number** (except for modification cases filed in the same county as the original case, where you already have a case number). Write or stamp the case number on the front page of the copy of every form.
- ❑ **Stamp** the top of the front page of the copy of every form with the clerk’s file- date stamp. This way you and the other parties will have a record of the filing date.
- ❑ **If the judge has signed any orders,**
 - file the original order as signed by the judge, and
 - ask the clerk to stamp the judge’s signature on your copy of the order.
 - also, if the judge has signed an Ex Parte Restraining Order,
 - ask the clerk to make two certified copies of it: one for you to keep with you at all times, one to be served on the restrained person. There is an extra fee for certified copies.
 - Fill out the Law Enforcement Information Sheet (LEIS), available at the clerk’s office. Don’t serve the LEIS on the other parties.
 - never leave the courthouse with the original of an order that has been signed by the judge. Never change an order after it has been signed by the judge.
- ❑ **Take the stamped copies back from the clerk.** The clerk keeps the originals.
- ❑ If you have upcoming hearings and need to **deliver working papers to the judge**, do that before leaving the courthouse.³⁷

B. Preparing to Serve Your Petition

³⁷ If you have hearings already scheduled in your case, local rules may require you to deliver “working papers” (additional copies of the papers you filed for the judge to read) several days before the hearing.

In addition to filing your papers, **you** must have them properly served on (delivered to) the other parties. **The court doesn't serve the other parties.** You must arrange for service and make sure your server delivers the papers properly. **You can't serve the papers on another party yourself.** The following paragraphs explain the rules for service. **Carefully follow the rules. If you don't do service properly, your court orders could be set aside, even years later.**

1. Who to serve.

Every party to the case. Usually, the other parent is the only other party. However, if there were other parties to the order you're asking to modify, they too must be served. Also, if any child in the petition has ever received public assistance (welfare or Medicaid), or is in foster care or out of home placement, you must serve copies on the State of Washington. (For more information, see our packet [Serving Papers on the State](#).) If someone besides you or the other parent has legal or physical custody or guardianship of any child in your parenting plan, or claims a right to custody or visitation, talk to an attorney for advice. If you're filing for modification very soon after your parenting plan was entered, you may need to serve the nonmoving party's attorney. (See [CR 5\(b\)](#).)

What to serve. All the papers you filed with the court need to be served, **except don't serve** the Confidential Information form and addendum and any Law Enforcement Information Sheet (LEIS)³⁸. The papers to be served include at least the following: Summons, Petition, a copy of the order you're asking to modify, Declaration re Service Members' Civil Relief Act, Notice re: Dependent of a Person in Military Service, Parenting Plan, and, in many cases, financial declaration, sealed financial documents, and child support worksheets. You may have a case schedule and additional forms. If you're giving notice of the adequate cause hearing now, add the Notice of Hearing for Adequate Cause (and any local form), any Motion for Adequate Cause, supporting declarations, and any proposed Order re Adequate Cause to the papers to be served now. Use the checklists in this packet to be sure you have everything you need.

2. How to serve.

◆ You can't serve the other parties yourself.

For each party you need to serve:

- You may ask another party to agree to accept service of the Petition. If you ask them to accept service, and they agree, they must receive copies of the papers you filed³⁹ and sign an Acceptance of Service form admitting they've received your papers. "Accepting service" is explained below.
- If you decide not to ask a party to accept service, or if they refuse, or if they agree but then don't sign the Acceptance of Service form, you must arrange to have them personally served. "Personal service" is explained below.

³⁸ The LEIS is in the Emergency orders packets, not this packet. It's only needed when restraining orders are entered.

³⁹ Except for the Confidential Information Sheet and Added um and any LEIS.

If you don't know the other party's address, you can try looking at the court file from your dissolution to see if it's in the public record there. If you don't know where the party lives, look at ideas for getting the other party's address in our publication [Service by Certified Mail or Publication](#). (However, if you find the address, first **you must still attempt personal service.**)

If you try and fail to personally serve a party, and you need to ask permission for service by another method, see our packet called [Service by Certified Mail or Publication](#) for the forms and instructions.

◆ If you need to serve the State of Washington, see our packet [Serving Papers on the State](#)

3. How to copy and organize your papers for service (personal service or acceptance of service).

- Figure out how many copies you'll need. Then make the copies. Exception: you won't serve the Confidential Information Form and addendum or LEIS (if you have a restraining order) on any other parties. Make just one copy of those forms, for you to keep.
- You'll need:
 - _____ one set of every paper for you
 - _____ one for each nonrequesting party (1 x _____ number of nonrequesting parties = _____)
 - _____ one for the judge if you have upcoming hearings ("working papers")⁴⁰
 - _____ one for the State (if you're serving the State)
 - _____ Total = _____ This is how many copies you need of each document (except the confidential information form and addendum and any LEIS).

You'll also need an extra copy of the Summons to attach to the Returns of Service.

- Organize the forms into sets. Each set should have a copy of each form you've filled out, except for the Confidential Information form and addendum and any LEIS. The Confidential Information form and addendum and LEIS are just for you to keep.
- Compare each set with the checklists in this packet to be sure you have the forms you need.
- Make sure you keep a full set of copies for yourself. Put the Confidential Information form, addendum, and any LEIS into the set you're keeping.

⁴⁰ We recommend you always make a copy for the judge. Even if the local court doesn't require you to give the judge a copy (sometimes called "working papers"), take the papers with you to your hearings anyway. Sometimes the judge doesn't have the case file in the courtroom, or papers you've filed in the clerk's office haven't yet been placed in the court file.

- Put each of the other parties' sets of papers in an envelope, addressed to that party, with your return address. You'll use these sets for service.

4. How to show that service has been completed

After service is complete, you'll need a signed Acceptance of Service or Return of Service for each party. You'll file these with the court clerk.

After you've prepared the papers for service, follow the appropriate steps below to complete service and file proof of service with the court.

C. Acceptance of Service

The other party might agree to receive the papers informally (called to "accept service"), even if s/he doesn't agree with the requests you've made in your petition. If s/he "accepts service," that doesn't mean that s/he is agreeing to the things you asked for in your petition. S/he is only agreeing to say that s/he received the court papers you filed. If s/he won't accept service of the papers, or if s/he agrees but then doesn't sign the Acceptance of Service form, or if you don't want to ask him/her to accept service, skip to the instructions for Personal Service.

1. Instructions for the Acceptance of Service Form - WPF DRPSCU 01.0310

Complete this form only if the other party agrees to sign a paper saying that s/he has received the court papers you've filed.⁴¹ If the other party completes and files this form (or gives it to you to file), don't file a Return of Service for that party. Give the other party copies of all the documents you filed with the court (except the Confidential Information form and addendum and any LEIS), before s/he signs the Acceptance of Service.

Caption. Fill in the caption.

Paragraph 1. Acceptance of Service. Write the name of the party accepting service in the blank. Read the list of forms. Make sure to check the box to the left of every form that you give him/her. If a form is not listed, check the "Other" box. Write the title of the form (examples: if you're giving the other party the Notice Re: Dependent of a Person in Military Service form at the beginning of the case, check the "other" box and write in this title. Or, if you gave him/her a Declaration, check the "other" box, and write in "Declaration of ____ (name of the person who signed the declaration). You must list every form that you're giving the other party. If you don't list a form on this Acceptance of Service, you'll have no proof that the other party received it.

Paragraph 2. Consent to Personal Jurisdiction. If the other party agrees that Washington has personal jurisdiction over him/her, check the second box. Write in the other party's name. If the other party won't agree that Washington has jurisdiction over him/her, then check the first box,

⁴¹ If one party accepts service, but there are additional parties in the case, you must still serve other parties or have signed Acceptance of Service forms from each of them.

or the third (and write in the blank that s/he objects to personal jurisdiction). For more information about personal jurisdiction issues, see our publications for your type of case, or talk with an attorney.

Signature. The other party should date the form, sign where it says “Signature of Party or Lawyer,” and then print or type his/her name and address in the blank.

◆ If you obtain a signed Acceptance of Service form from all the parties you need to serve, skip to the section on Filing Proof of Service. If any party hasn’t signed an Acceptance of Service form, you must arrange to have them personally served, as described below.

D. Instructions for Personal Service and the Return of Service

If the other parties don’t each sign an acceptance of service, then try to have them personally served. If you’ve diligently tried to have them personally served but fail, and you need to have the other parties served by a method other than personal service, under some circumstances you can serve by mail or publication. Get our packet called [Service by Certified Mail or Publication](#) for forms and instructions.

1. Instructions for personal service in Washington

- **You must properly follow the rules when you’re having the other parties personally served. Don’t serve the documents on the other parties yourself.** Find a person who is over age 18 to serve the papers for you.
- **Consider hiring a professional process server.** If you can afford it, think about hiring a professional process server or the sheriff to serve the papers for you. It usually costs \$30-\$80. Using a professional process server may be best because the sheriff may not be willing to try more than once to serve the other party who may not be at home when the sheriff tries to serve him/her. Process servers are listed in the yellow pages of the telephone book.
- **Ask an adult friend to be your process server.** If you can’t afford a process server or the sheriff, any adult over age 18, who is not a party in the case and who has no mental disability making that person incompetent, may serve the papers for you. That person must understand how important it is to serve the papers and fill out the return of service form correctly. If you don’t serve the other parties properly, then your court orders could be set aside, even years later.

Give your server (the sheriff, a process server, or the adult friend who has agreed to serve the papers for you) the envelope of papers you prepared for service on the other party, together with the other party’s home and work address, a physical description of the other party, and any other information that will help the server locate the other party for service.

Give your server a Return of Service form to fill out and return to you once service is complete. (Some process servers have their own Return of Service form that they'll fill out and give to you instead.)

2. Instructions for Return of Service - WPF DRPSCU 01.0250

Your server must complete a separate Return of Service for each party s/he serves. After your server has completed service and signed the Return of Service form(s), follow the instructions in this packet for filing it with the court.

Caption.

Fill out the caption.

Paragraph 2.

Write the name of the party being served in the blank. Read the list of forms. Check the box to the left of each form served on that party. Sometimes you must fill in a blank to better describe a form. (Example: if you check the box after "declaration," write in the name of the person who wrote the declaration). If you had the other party served with any forms not listed, check the box marked "other." Write in the names of those additional forms. You **MUST** list all the forms that were served on the other party. If you leave a form off your list, you'll have no proof that the other party received it.

Paragraph 3.

The server should fill in the date, time (show a.m. or p.m.) and address where the papers were served.

Paragraph 4.

If the server gave the papers directly to the other party, check the first box. If the server did abode service⁴², check the second box. Fill in the name of the person to whom the papers were given.

Paragraph 5.

If your server included the Notice re: Dependent of a Member of a Person in Military Service form in the packet of papers served (and we recommend that it be served whenever the forms to be served include a summons), check the first box in this paragraph and the first box in the middle of the sentence. Fill in the date at the end of the paragraph.⁴³ If this form wasn't served, skip this paragraph.

Paragraph 6.

In the "Other" section, your server may write additional information. Example: if your server tries several times to serve the other party but s/he is never home or can't be found, the server should write the dates and times and descriptions of each time the server tried to serve the other

⁴² If you don't know what "abode service" means, look back at the explanation for abode service in the instructions for personal service section

⁴³ The law allows for service of this notice later by mail, but we don't include instructions for later service or for proving that the notice was mailed.

party. Or, if the server gave the papers to an adult living with the other party who wouldn't give his/her name, the server should write what the person who received the papers looks like.

Signature.

The server should write the city and state where s/he signed the form, write in the date, and sign where it says "Signature" and then print or type his/her name where it says "Print or Type Name."

Usually, only professional servers will use the box for fees and mileage.

Staple a copy of the summons to the Return of Service.

After your server completes this form, s/he should give it to you for filing with the court.

E. Personal service in another state

If necessary, you may have the other party personally served in another state using the same general directions as for personal service in Washington. However, in addition to the Return of Service, you must fill out a *Declaration Regarding Personal Service Outside of the State of Washington*.

A person served outside the state has a longer deadline for responding to the petition.

1. Instructions for Declaration Regarding Personal Service Outside the State of Washington - WPF DRPSCU 01.0180

Use this form if any party is served outside the State of Washington.⁴⁴

This declaration is in addition to the return of service form.

1. **Caption.** Fill in the Caption.
2. **Paragraph 2.** In the blank on the first line, fill in the name of the person who can't be served inside the State of Washington. In the blank space at the end of the paragraph, write the reason that the papers can't be served on the other party in the State of Washington. (Example: if the other party lives and works out of state, write that "_____ (fill in name of the person served outside the state) lives and works in _____ State and _____ (add other details showing that the person cannot be served within Washington)."
3. **Signature.** The person who signs this form prints the date and place (city and state) of signature, sign the form, and prints his/her name.

If you use this form, file it with the court clerk. Keep a conformed copy for your records.

⁴⁴ If you're serving any other party out of state, you must complete and file this form before the judge will sign the final order. The party personally served out of state has **60 days** to Respond if the papers are personally handed to him/her.

F. Filing your proof of service

Gather your original signed proof(s) of service (*Acceptance of Service* or *Return of Service*). You'll need proof of service for each party. If any party is served in another state, you'll also need the *Declaration Regarding Personal Service Outside the State of Washington* for that party. Make one copy of each original. Take the originals and the copies to the court clerk's office. Give the originals to the clerk. Ask the clerk to stamp the date of filing on your copies.

If the papers served included a protection order or restraining order (example: an Ex Parte Order, or a Temporary Order with restraining order paragraphs), you must also deliver a copy of the Return of Service to the law enforcement agency covering the place where you (the protected person) live. This agency is named in the order.

Keep the copies in a safe place. Take them with you to hearing(s). You may need them to prove to the judge that service was done correctly.

If any other party is in the military, or is a protected military dependent, follow the instructions in the section "Instructions if the Nonrequesting party's in the Military." Otherwise, you're finished filing your petition.

Once you've filed and served the Summons and Petition and accompanying papers, wait until the Response deadline has passed before completing your modification/adjustment. (Exception: if the other party agrees with the modification/adjustment, you may be able to finish earlier.) During the Response waiting time, you can prepare for the Adequate Cause and/or Temporary Orders hearings and, if there's an emergency, you can request emergency orders. In some counties, or in an emergency, you may be able to have the Adequate Cause hearing and ask for Temporary Orders before the Response deadline.

Look back to the **Steps to Take** section of this packet for next steps, and for information on packets available at www.washingtonlawhelp.org to finish your case.

G. Serving Additional Papers as the Case Goes On

Follow the procedures explained above to have every party served with the Summons, Petition, and other documents you used to begin the case.

Even after a party's been served with the Summons and Petition and other beginning documents, you must still give him/her copies of most documents you file with the court as the case goes on. See [CR 5\(a\)](#). (Exception: don't keep giving papers to a party against whom you have an Order of Default.) Often, ongoing service can be done by mail or personal delivery, and proof can be made with a Certificate of Mailing or Personal Delivery. Instructions and forms for this type of service are in the section of this packet titled "Adequate Cause."

◆ Important: you can't use the Certificate of Mailing procedure to serve the Summons and Petition or other documents you serve to start your case.

Section 9: Instructions If the Nonrequesting Party is in the Military or is the Dependent of a Service Member

If the other party is, or may soon be, on active duty in the military⁴⁵, or is the protected dependent⁴⁶ of a service member, when you serve him/her with your court papers, include a copy of the *Waiver of Rights Under Service Members Civil Relief Act and Admission of Service* form. If the other party is willing to give up protections under these laws, s/he must sign the form and either return it to you or file it with the court. **If s/he won't agree to do this, see a lawyer.** There are special rules for members of the military or their dependents. Those rules limit the court's ability to make orders adversely affecting the rights of the service member or his/her protected dependent.

Ways to try to find out if another party is on active duty include

1. checking the following website: <https://www.dmdc.osd.mil/scra/owa/home>

or

2. contacting:

Defense Manpower Data Center
1600 Wilson Blvd., Suite 400
Attn: Military Verification
Arlington, VA 22209-2593
Telephone (703) 696-6762 or 5790
Fax (703) 696-4156

(If you mail a request for information, include a stamped, self-addressed return envelope.)

⁴⁵ The Service Members Civil Relief Act of March 4, 1918, as amended, 50 U.S.C. App., 501 et seq. protects service members including:

All members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Servicemembers Civil Relief Act Guide* at http://www.uscg.mil/legal/la/topics/sscra/sscra_guide.htm#coverage. For Washington State's Service Members Civil Relief Act, see [RCW 38.42.010](#) et seq.

⁴⁶ Dependents are usually the spouse or minor child or a person who received more than half his/her support in the last six months from a resident of Washington who is on active duty and is a national guard member or a reservist. [RCW 38.42.010](#).

A. Instructions for the Waiver of Rights Under Service Members Civil Relief Act form

Caption. Fill in the Caption.

In the first blank, write the other party's full name.

Talk with the other party or write a letter about the form. Include the form with the court papers when you serve the other party. Call or write the other party to ask him/her to fill out the rest of the form with the date that s/he was served with the summons and petition, the service member's name, rank, serial number and unit. If s/he is willing to sign this form, the other party should do so in front of a notary public. S/he can either return the form to you for you to file, or file the form with the clerk's office. The clerk can give you a copy.

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

B. File the Waiver form

If and when you receive the form back from the other party, file it with the clerk's office as soon as possible. Keep a copy for yourself. Ask the clerk to stamp your copy to show the date that the form was filed.

Section 10: Agreed Cases

The process for obtaining a modification/adjustment is usually simpler if the nonrequesting party agrees with your petition and parenting plan, or if you later negotiate an agreement, and if you're both prepared to sign the necessary forms showing your agreement. The judge will probably approve an Agreed Order re Adequate Cause without requiring detailed declarations from you or your witnesses. And the case can usually be resolved with a brief hearing, rather than a trial. **Exception: If the judge finds that the proposed modification/adjustment isn't in the best interests of the children, s/he may deny it, even if the parties have agreed.**

If the parties have agreed to changes, see the checklist of forms for agreed cases. If you're changing the parenting plan, all parties should sign the new Parenting Plan, the Order re Adequate Cause, and the Order re Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule (in our packet [Finishing Your Modification/Adjustment of a Parenting Plan/Custody Decree in a Dissolution Case](#)). If you're also changing child support, then all parties should sign the Order of Child Support order and the Child Support Worksheets. The nonrequesting party may sign the Joinder form if your agreement's **exactly** the same as your Petition, proposed Parenting Plan, and any child support worksheets.

After all the forms have been signed, they must be presented to the judge for approval and signature. Find out the local procedure for doing this from your County Clerk or Family Court Facilitator. Also check to see if you both must go to a special parenting class. Many counties require this.

If possible, both you and the nonmoving party should go to court the day the papers are presented to the judge. After the judge signs the papers, they must be filed with the clerk. Our packet [Finishing Your Modification/Adjustment of a Parenting Plan/Custody Decree in a Dissolution Case](#) contains more information.

A. Instructions for Filling out a Joinder Form if the Other Party Agrees with You

If the nonrequesting party agrees with **all** the requests in the Petition and related forms referred to in the petition, ask if s/he'll agree to sign a form called a *Joinder*. You can't force him/her to sign this form.

1. **Caption.** Fill in the caption.
2. **Paragraph 2.** The other party should check the box he or she prefers, and, if s/he requests notice, write his/her address on the blank lines.
3. **Signature.** If s/he agrees, the other party should sign and date the form.
4. **File the Joinder Form, if the nonrequesting party's signed it.** Follow the directions for filing original court papers with the clerk of court and making conformed copies. Keep a conformed copy for yourself and give one to the other party.

Section 11: Adequate Cause

A. Introduction

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

Usually, any party can schedule the adequate cause hearing. Note: in a few counties, your case schedule may set the date. The requesting party can serve notice of the adequate cause hearing with the Summons and Petition, or later. In most counties, the adequate cause hearing must take place after the deadline for responding to the petition’s passed.⁴⁷ And, in many counties the court won’t make a temporary custody decision before the adequate cause hearing.⁴⁸

Washington law discourages parenting plan modifications. It’s harder to show adequate cause for a major modification than for a minor modification or adjustment.⁴⁹ In making the adequate cause decision, the judge looks at whether or not evidence given to the court for the adequate cause hearing meets the legal requirements for a modification or adjustment. In most cases, the parties usually don’t get to testify at the hearing. Instead, the judge will review the materials that have been filed with the court, and will listen to the arguments of the parties.

This is an important time in the case. You must present information proving your point of view. You must provide detailed facts, not just conclusions.⁵⁰ Make your declarations very thorough. If the judge finds there’s adequate cause, your case can go forward to a final hearing. If the judge finds there’s NO adequate cause, your Petition for Modification/Adjustment will be denied, without any further hearings. The judge’s decision will be shown on the Order re Adequate Cause form.

There are three main ways to get an adequate cause order:⁵¹

1. After a judge signs an Order of default, or
2. By an agreed Order re Adequate Cause approved by the judge, or
3. By an Order re Adequate Cause entered after a contested hearing.

You must learn and understand the adequate cause procedures in your county. The following description may not exactly apply in all counties:

1. **After an Order of Default:** If the other party doesn’t file a Response by his/her deadline, you may be able to ask the court to enter an Order of Default and present

⁴⁷ The deadline to respond is 20 days after personal service inside the state, 60 days after personal service outside the state or service by publication, or 90 days after service by mail.

⁴⁸ However, the courts may enter emergency orders before that or shorten the time for the Adequate Cause hearing, if an emergency is proven.

⁴⁹ Read our publication [Child Custody Modification](#) and [Parenting Plans](#) for information about the legal standards for modification/adjustment.

⁵⁰ *In re Parentage of Jannot*, 110 Wn. App. 16, 25 (2002), aff’d 149 Wn. 2d 123 (2003).

⁵¹ If the nonrequesting party files and serves a Motion to Dismiss for lack of Adequate Cause, and the court grants the motion, it also makes an adequate cause decision -- to deny adequate cause. We have no forms or instructions for a motion to dismiss for lack of adequate cause.

your Order re Adequate Cause and your final court orders all at the same time.⁵² Our packet [Finishing Your Modification/Adjustment of a Parenting Plan/Custody Decree in a Dissolution Case](#) tells how to finish your case by default.

2. **By an agreed Order re Adequate Cause:** If all parties have signed an agreed Order re Adequate Cause, ask the court clerk or family law facilitator how to present the agreed order to the judge for decision.
3. **By an Order re Adequate Cause entered after a contested hearing:** An adequate cause hearing will be necessary in all other cases (where you don't have an agreement or an order of default). The rest of this section describes the steps needed to finish the Adequate Cause process in contested cases.

B. Complete the forms you'll need

Follow the instructions for each form. We'll call them the "Adequate Cause papers." You'll need:

- Petitioner's Notice for Hearing on Adequate Cause Determination. You use this form even if you're the Respondent in the caption.
- Any locally required form to schedule a hearing (such as a Note for Motion Docket).
- Declarations (your own and any witnesses), and any attached exhibits. You must show how you meet the legal standard for the kind of modification/adjustment you're requesting.
- Proposed Order re Adequate Cause (local rules require you to serve one, and we recommend it even where not required).
- Motion (some counties may require a Motion for Adequate Cause Determination)

◆ If you're applying for temporary orders, try to schedule the Motion for Temporary Orders for the same day as your adequate cause hearing.

C. Copy and file your papers

1. **Check Your Deadlines.** Make sure to file and serve your Adequate Cause **far enough before your hearing date**. Example: if your local rules say that you must serve motions fourteen days before the hearing, then your Adequate Cause papers must be filed with the court, and working papers delivered to the judge and all parties served by fourteen days before the hearing. Count Day 1 as the day **after** you delivered or mailed the papers. Add at least 3 days⁵³ for mailing).

⁵² Where the nonrequesting party has appeared (examples: by filing a Notice of Appearance, or attending a hearing.), but not yet filed a Response, you may move for default after his/her deadline to Respond has passed. However, until you've obtained an Order of Default, the nonrequesting party's still entitled to notice of all motions and hearings in the case.

⁵³ 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.

2. **Make copies of every paper** – one copy for each other party, one for the judge (if your county requires Working Papers), one for you.
3. **Make full sets of your papers (one set of originals and sets of copies).**
4. **Take the originals and the copies to the county court clerk’s office** in the superior courthouse where you’ve filed your modification/adjustment. (If you don’t live in that county, ask a friend in that county to file for you, or call the clerk’s office for information about filing by mail). Give the clerk the original of all of your Adequate Cause papers, **except** ask the **clerk how to handle** the proposed Order re Adequate Cause.
5. **Ask the clerk to stamp the copies** to show the date that you filed the originals. Take the stamped copies back from the clerk. The clerk keeps the originals.
6. **Deliver Working Papers for the judge if required.** Ask the clerk or facilitator where to deliver the Working Papers. (Working Papers are the copy the judge will read). **Write the date, time and room number of the hearing, “family law motion – requesting party’s papers,” in the upper right hand corner of the first paper, and deliver it to the correct place.**

D. Notify the other party(ies)

1. How to Notify the Other parties

You must serve all the other parties with every adequate cause paper you file (examples: the Notice of Hearing, the Declarations, any proposed Order you prepared, and any motion and/or local hearing notice). You must give them to the other party by the deadline required in your county.⁵⁴ Check the local rules again to make sure you give the other party enough notice before the Adequate Cause hearing.

If you’re scheduling a Motion for Temporary Orders for the same date as the Adequate Cause hearing, you may have the papers delivered at the same time. However, you must allow enough time to file and serve before the deadlines for both motions (deadlines may be different. Check your local rules).

If you’re Serving your Adequate Cause papers at the same time as the Summons and Petition, follow the Instructions for Personal Service earlier in this packet. You may have the Adequate Cause papers served with the Petition and Summons. Make sure the Return of Service also names each document in the adequate cause paperwork on the list of documents served.

If the other parties have already been served with the Summons and Petition, and you only need to serve the Adequate Cause paperwork, the adequate cause papers may either be hand delivered to the other parties, or they may be mailed to the other parties by first class (regular)

⁵⁴ Each county’s deadline may vary, depending upon local rules. The deadline is the number of days before the hearing that your court requires notice of this type of motion. If the notice will be mailed, add three business days to the deadline. See the instructions for the Notice of Adequate Cause Hearing form.

mail as described below. If the papers are mailed, we recommend that the papers be both by regular first class mail and by certified mail, return receipt requested.⁵⁵

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

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, a Notice of Appearance, an Amended Notice of Appearance, or any updated notice changing the address for service.) If the party has an attorney who's representing him/her in the modification 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, you must add at least three (3) days⁵⁶ to the number of days' notice required by your county's rules. Example: if you mail a document on a Monday, it will 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's not a legal holiday or weekend.⁵⁷ 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 must reschedule your hearing – even if the other party doesn't show up and object.

If a document's 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, for 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

⁵⁵ The post office's green "return receipt" card provides additional proof of mailing. If the party signs the return receipt, you'll have proof s/he actually received notice of the hearing date.

⁵⁶ 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.

⁵⁷ [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#).

- leaving it at his office with his/her clerk or other person in charge of the office⁵⁸; or,
- if there is no one in charge, leaving it in a place in the office where someone can easily find it (example: on top of the front desk); or,
- if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode (home) with some person of suitable age and discretion then residing there.⁵⁹

3. 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.

4. 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.

⁵⁸ 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.

⁵⁹ [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who's an adult (or at least an older teenager) without a mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

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.

E. Prepare for your hearing

1. Judge's Working Papers/Confirmation

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.

2. Reply to the Other Parties' Responses

The other party must respond in writing to your Adequate Cause papers by writing their own declarations. In most counties, the other parties must deliver their responses to you and the court no later than one court day before the hearing.⁶⁰ However, some counties require that the response be delivered to you earlier.

If the other party doesn't send any response, go to the hearing anyway. If the party doesn't show up, you may be able to get your Order re Adequate Cause signed. If the party comes to the hearing without giving you a written response in advance, tell the judge that the other party didn't send you a written response on time. The judge may decide not to consider the other party's papers, or may reschedule the hearing to a later date.

If the other party sends a response, read the other party's response carefully. If you don't get a chance to file a reply, then be prepared to tell the judge what you don't agree with in the other party's response.

Filing and Serving a Reply. In some counties, you may file a written reply to the other party's response. However, in most counties (which follow the general Civil Rules), you don't have a chance to file a reply.⁶¹

If your local court rules give you a chance to reply, you may use the Declaration form to write your reply. You may write *Declaration of (write in your name) In Reply* under the title of the

⁶⁰ [CR 6\(d\)](#).

⁶¹ [CR 6\(d\)](#).

declaration form. In the declaration, explain what you don't agree with in the response, and why. Don't bring up new issues in the reply. Only reply to things that the other party talks about. You may give the court additional papers or declarations from other witnesses.

When you've completed your declaration, make a copy of it (and every other paper that you need to reply) for the other party, yourself, and the judge (if you need working papers).

File the original papers with the court clerk. Have the clerk stamp the copies, so you can prove when you filed it.

Have a set of the papers delivered to the other party (and to the judge if you need working papers – see the instructions, above). **Make sure to file and serve the papers by the deadline for your reply.** Check with your Family Law Facilitator, court clerk, or local rules for the reply deadline. If you don't file and serve your reply by the deadline, the judge may decide not to read it. Prepare a certificate of mailing or personal delivery to show that the other parties have received your Reply.⁶²

F. Going to the hearing

At the Adequate Cause hearing, the judge decides whether or not there's enough evidence to continue the Petition to Modify/Adjust.

If another Party Gets an Attorney. If at any time before the hearing another party's attorney contacts you, or if an attorney shows up at a hearing, you may decide to get an attorney yourself. If so, tell the attorney and the court that you need to delay (continue) your hearing. Don't sign any documents you don't understand. In some counties, you may need written court approval for a delay.

Prepare for the Hearing. Try to go to court before the day of your hearing to watch how hearings are generally done. Make some notes about the main points to make when you have a chance to talk during the hearing.

Take your papers to the hearing. Your papers should include the Adequate Cause papers you've filed so far, the Certificates of Mailing or Personal Delivery (or Return of Service if notice of the adequate cause hearing was served with the Summons and Petition) showing the other parties were notified of the Adequate Cause hearing, any green "return receipt" card showing service by certified mail, your Proposed Order, responses you've received, and blank copies of the Order forms, in case you need to make major changes to your proposed orders.

Get to Your Hearing Early. Dress neatly. Bring a pad of paper and black pen to write notes with. Don't bring children if you can help it – the judge will usually not let them sit in the courtroom. If you're late, the hearing will be cancelled (or the other party may win).

When You Get to the Courtroom. Tell the person in charge in the courtroom (the clerk or the bailiff) your name and the name and number of your case. Take a seat. When the judge walks in the room, stand up. When your case name's called, tell the court that you're present. Remain in court until your case is called for hearing.

⁶² Follow the certificate of mailing or personal delivery procedure above.

Come forward when told to do so. Give the court the original of your Order re Adequate Cause. If you've scheduled other hearings in your case for the same time, give the judge all the proposed Orders you've prepared (example: Temporary Order).

Presenting Your Case. If the other party shows up at the hearing, you'll each have a chance to tell your side of the case. Stand while speaking. Tell the judge briefly what you want and why. (If you've filed more than one motion for the same day, tell the court.) Try to keep your argument short: only outline your main points. Some courts give you only 5 minutes to talk. In most cases, the judge will have read your papers before the hearing, so don't repeat everything in your papers. You usually won't be allowed to add new evidence. In a few counties, the court may expect the parties to testify about their requests. Talk to the judge, not the other party.

If the other party doesn't appear, show the judge your Certificates of Mailing or Personal Delivery form and any "return receipt" showing certified mail. Ask the judge to sign your Order re Adequate Cause (and your other Orders if you've scheduled other motions for the same time). Tell the clerk or bailiff you need a copy of the order.

DON'T INTERRUPT THE JUDGE.

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

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

◆ Try to have your court orders signed the day of your hearing. Some counties require they be signed before the parties leave the courthouse.

Getting Copies of the Orders and Filing Them. Make sure you get a copy of the orders as signed by the judge. Ask the clerk how to do this. The clerk may give you the originals and tell you to go make copies in the library or at the clerk's office. **DON'T LEAVE THE COURTHOUSE WITH (OR CHANGE OR DESTROY) COURT ORDERS THAT HAVE BEEN SIGNED BY THE JUDGE.** After you've made copies, take the originals to the court clerk's office. File them with the clerk.

If you don't know what to do with the originals, ask someone at the clerk's office to help you.

If You Disagree with the Court's Order:

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

- Motion for Reconsideration. If a court commissioner or judge decided the motion, and you believe that there's new evidence or another legal reason that could change the commissioner or judge's mind, you may file a Motion for Reconsideration. See [CR](#)

[59\(a\)](#). You have 10 days from the date the court signed the order to file a Motion for Reconsideration.⁶³ Local court rules may require you to also serve the other parties within the same deadline – if you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Reconsideration aren’t usually easy to win. Consult with an attorney, if possible, before filing one.

- **Motion for Revision.** If a court commissioner decided the motion, and you don’t want to try to give the commissioner more evidence, you may file a Motion for Revision. A motion for revision is heard by a judge, who can hold a “new hearing” on the evidence that the commissioner considered. You have 10 days from the date the court commissioner signed the order to file a Motion for Revision.⁶⁴ Local court rules may require you to also serve the other parties within the same deadline – if you plan to serve by mail, mail your motion at least 3 days earlier. Motions for Revision aren’t usually easy to win. Consult with an attorney, if possible, before filing one.
- If you choose not to file either of the above motions or if you lose these motions, then your only remedy is to file an appeal with the Court of Appeals (or, in some cases, a request for discretionary review) and properly notify the other parties. Generally, you have 30 days from the date the court signed the order to do this.⁶⁵ However, there are other requirements for filing in the Court of Appeals, not all decisions can be appealed, and few cases are successful. Definitely talk with an attorney before filing an appeal/request for discretionary review.

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

⁶³ [CR 59\(b\)](#).

⁶⁴ [RCW 2.24.050](#).

⁶⁵ [Rules of Appellate Procedure \(RAP\) 5.2\(a\)](#).

Section 12: Checklist of Forms and Documents

Use the following lists of documents as a checklist when you prepare your modification case. You'll need additional papers at the end of your case.

List A: You'll need these forms to start your modification/adjustment. (If you know before you file your case that the nonrequesting party will agree to the modification/adjustment, see the list for agreed cases):

- Civil Case Cover Sheet (In this packet, but check if your county has its own form)
- Summons (In this packet) WPF DRPSCU 07.0120
- Petition for Modification/Adjustment of Custody Decree/Parenting Plan (In this packet)WPF DRPSCU 07.0100
- Declaration of Witness (In this packet) WPF DRPSCU 01.0100
- One or more of the sealed cover sheets (separate list below) if you're filing certain private information with the court.
- Proposed Parenting Plan (In [Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications](#) packet) WPF DR 01.0400: Fill out this form to show the changed plan you would like if your Petition is approved.
- Confidential Information Form & Addendum (In this packet) WPF DR PSCU 09.0200 & WPF DR PSCU 09.0210 (Don't serve on the other party)
- A copy of your most recent Parenting Plan or Custody Decree (**the copy must be certified if your Petition is filed in a new county**). Not in this packet. Get a copy from the court that issued it.
- Notice re: Dependent of a Person in Military Service
- Locally required forms

List B: Also get these forms to start your modification/adjustment if you want to change your child support order. They are in the [Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications](#) packet.

- Completed Child Support Worksheets
- Completed Financial Declaration
- Sealed Financial Source Documents Coversheet with required proof of income attached (packet provides examples)

List C: Get these forms to request financial relief (examples: help with attorney fees, or payment of a GAL fee).

- Financial Declaration (found in the [*Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications*](#) packet).
- Sealed Financial Source Documents Coversheet with Required proof of income
- Proof of the expenses you claim (example: bills from your attorney)

List D: Use one or more of these forms when serving the other parties:

- Return of Service (In this packet) WPF DRPSCU 01.0250 - Use in all cases, unless the nonrequesting party's signed an Acceptance of Service.
- Declaration Regarding Personal Service Outside the State of Washington. (In this packet.) - Use this when the nonrequesting party is served outside the state.
- Waiver of Rights under the Service Members' Relief Act. (In this packet.) - Use this if a nonrequesting party is on active duty with the military.
- Acceptance of Service (In this packet) WPF DRPSCU 01.0310 - Use only if nonrequesting party agrees to sign for the papers.

List E: These forms are for the adequate cause hearing. File and serve them either with your Petition or shortly after.

- Petitioner's Notice of Hearing for Adequate Cause Determination. (In this packet.) - WPF DR 07.0250
- Order re Adequate Cause (proposed). - WPF DR 07.0300
- Any local form required to schedule an adequate cause hearing.
- Motion for Order Re: _____ - WPF DRPSCU 01.0050. (Required in some counties.)
- Declarations (your own and witnesses). - WPF DRPSCU 01.0100
- You need one or more of the sealed cover sheets in list K if filing certain private information with the court.
- Certificate of Mailing or Personal Delivery (if you notify the other party after s/he's been served with the Summons and Petition).

List F: If you and the other party agree about everything in the Petition, you need only the following forms:

- Certified copy of existing Parenting Plan/Custody Decree, if modification's filed in a new county. Obtain from the court in that county.
- Petition. (In this packet.) - WPF DRPSCU 07.0100
- Civil Case Cover Sheet (In this packet) (no form number)(or use your county's local form)
- Confidential Information Form and Addendum, if needed. Each party should file his/her own. (In this packet.)- WPF DRPSCU 09.0200 and WPF DRPSCU 09.0210. Don't serve this form on the other party.
- Locally required forms.
- Joinder (optional). (In this packet.) - WPF DRPSCU 01.0330
- Order re Adequate Cause - WPF DRPSCU 07.0300
- Order re: Modification/Adjustment of Custody Decree/Parenting Plan (Forms and instructions are in [Finishing Your Modification/Adjustment of a Parenting Plan/Custody Decree in a Dissolution Case](#) packet).
- Parenting Plan showing the change - **WPF DR 01.0400** (Form and instructions are in the Parenting Plans and Child Support for Dissolution Actions and for Custody/Parenting Plan Modifications packet).
- Residential Time Summary Report - **WPF DR 01.0410** (Form and instructions are in the Parenting Plans and Child Support for Dissolution Actions and for Custody/Parenting Plan Modifications packet).

AND, if child support's being changed, use the following forms found in the packet, [Parenting Plans and Child Support for Dissolution Cases and for Custody/Parenting Plan Modifications](#)

- Order of Child Support
- Child Support Worksheets (In some counties you may also need the Financial Declaration form)

AND, if your county's local rules require you to schedule a hearing to enter agreed final orders, use the county's local form to schedule that type of hearing. See your County Clerk or Family Law Facilitator.

List G: To ask for a GAL, use the [Filing a Motion for Temporary Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases](#)

List H: To ask for temporary or emergency orders, use the packets [Filing a Motion for Temporary Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases](#) OR [Filing a Motion for Emergency Orders for Dissolution Cases and for Custody/Parenting Plan Modifications of Dissolution Cases](#). If the other party requests these orders, use our packet [Responding to a Motion for Temporary or Emergency Orders in Dissolution Cases](#).

List I: To get a protection order (for protection from domestic violence) as part of this case, use the Petition for Order for Protection, and perhaps related protection order forms, available from the court clerk. Or go to a domestic violence advocacy program for help. Call 1-800-562-6025 for more information.

List J: When you're ready to finish the modification/adjustment, see the packet [*Finishing a Petition for Modification/Adjustment of a Parenting Plan/Custody Decree in a Dissolution Case*](#).

List K: If you file certain confidential information any time during the case, use the following forms to protect the private information from being included in the public court file.

- Sealed Personal Health Care Records Cover Sheet
- Sealed Confidential Reports Cover Sheet
- Sealed Financial Source Documents Cover Sheet

Section 13: 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.

Confidential Information Form (INFO)

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

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

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

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

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

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

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

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

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

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

Additional information: _____

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

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

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

 Petitioner/Respondent

Addendum to Confidential Information Form (AD)

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

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

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

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

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

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

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

**Superior Court of Washington
County of _____**

In re:

Petitioner,

and

Respondent.

No. _____

**Petition for Modification/
Adjustment of Custody Decree/
Parenting Plan/Residential
Schedule
(PTMD)**

**Para. 2.14: check box if petition is
attached for:**

Order for protection DV (PTORPRT)
 Order for protection UH (PTORAH)

1.1 Identification of Requesting Party/Parties

Name (first/last) _____ Birth date _____

Last known residence (county and state only) _____.

Name (first/last) _____ Birth date _____

Last known residence (county and state only) _____.

1.2 Identification of Other Party/Parties

Name (first/last) _____ Birth date _____

Last known residence (county and state only) _____.

Name (first/last) _____ Birth date _____

Last known residence (county and state only) _____.

Name (first/last) _____ Birth date _____

Last known residence (county and state only) _____.

1.3 Dependent Children

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

Name (first/last) _____ Age _____

II. Basis

2.1 Petition for an Order Modifying Custody Decree/Parenting Plan/Residential Schedule

This is a petition for an order modifying the prior custody decree/parenting plan/residential schedule in this matter and approving the proposed parenting plan/residential schedule, which is filed with this petition.

2.2 Adequate Cause

There is adequate cause for hearing the petition for modification.

2.3 Child Support

Does not apply.

Child support should be modified or established if the court grants the petition to modify the parenting plan or residential schedule. A child support worksheet and financial declaration must be filed with this action. RCW 26.09.170.

2.4 Jurisdiction and Venue

The court has proper jurisdiction and venue.

The requesting party/parties reside(s) in (county and state only) _____.

The children reside in (county and state only) _____.

The other party/parties reside(s) in (county and state only) _____.

_____.

2.5 Jurisdiction Over Proceeding

This court has jurisdiction over this proceeding for the reasons 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 continues to live in this state.
- The children and the parents or the children and at least one parent or a 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 26.27.261 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:

2.6 Uniform Child Custody Jurisdiction and Enforcement Act Information

Name of Child

Parent's Name

Parent's Name

During the last five years, the children have lived:

- in no place other than the state of Washington and with no person other than the requesting party or the other party.
- in the following places with the following persons (list each place the children lived, including the state of Washington, the dates the children lived there and the names of the persons with whom the children lived. The present addresses of those persons must be listed in the required Confidential Information Form.):

Claims to custody or visitation:

- The requesting party does not know of any person other than the other party who has physical custody of, or claims to have custody or visitation rights to, the children.
- The following persons have physical custody of, or claim to have custody or visitation rights to, the children (list their names and the children concerned below and list their present addresses in the Confidential Information Form. Do not list the other party.):

Involvement in any other proceeding concerning the children:

- The requesting party has not been involved in any other proceeding regarding the children.
- The requesting party has been involved in the following proceedings regarding the children (list the court, the case number, and the date of the judgment or order):

Other legal proceedings concerning the children:

- The requesting party does not know of, any other legal proceedings concerning the children.
- The requesting party knows of, the following legal proceedings that concern the children (list the children concerned, the court, the case number, and the kind of proceeding):

2.7 Custody Decree or Parenting Plan/Residential Schedule

The Custody Decree/Parenting Plan/Residential Schedule was entered on (date) _____ at (county and state) _____. A certified copy of the Custody Decree/Parenting Plan /Residential Schedule to be modified is filed with or attached to this petition, if the decree or plan to be modified was entered in another county or state.

2.8 Modification Under RCW 26.09.260(1), (2)

- Does not apply.
- The custody decree/parenting plan/residential schedule should be modified because a substantial change of circumstances has occurred in the circumstances of the children or the other party and the modification is in the best interests of the children and is necessary to serve the best interests of the children. This request is based on the factors below.
 - The parties agree to the modification.
 - The children have been integrated into my family with the consent of the other party in substantial deviation from the decree/parenting plan/residential schedule.
 - The children's environment under the custody decree/parenting plan/residential schedule is detrimental to the children's physical, mental or emotional health and the harm likely to be caused by a change in environment is outweighed by the advantage of a change to the children.
 - The other party has been found in contempt of court at least twice within three years because the party failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

2.9 Modification or Adjustment Under RCW 26.09.260(4) or (8)

- Does not apply.
- The custody decree/parenting plan/residential schedule should be **modified** because the reduction or restriction of the residential time for the person with whom the child does not reside a majority of the time would serve and protect the best interests of the child using the criteria in RCW 26.09.191, as described here:

- The custody decree/parenting plan/residential schedule should be **adjusted** because the nonresidential party has voluntarily failed to exercise residential time for one year or more and the adjustment is in the best interest of the children.

2.10 Adjustments to Residential Provisions Under RCW 26.09.260(5)(a) and (b)

- Does not apply.
- The custody decree/parenting plan/residential schedule should be adjusted because a substantial change in circumstances of either parent or of the child has occurred and the proposed modification to the custody decree/parenting plan/residential schedule is in the best interest of the children and is a minor modification in the residential schedule that does not change the residence the children are scheduled to reside in the majority of the time and:
 - is not more than 24 full days in a calendar year; or
 - is based on a change of residence of the parent with whom the child does not reside a majority of the time or an involuntary change in work schedule by a party which makes the residential schedule in the parenting plan impractical to follow.

2.11 Adjustments to Residential Provisions Under RCW 26.09.260(5)(c), (7), (9)

- Does not apply.

This section only applies to a person with whom the child does not reside a majority of the time who is seeking to increase residential time.

2.11.1 Parent subject to limitations under RCW 26.09.191(2) or (3)

- The residential time of (name) _____ is not subject to limitations.
- The residential time of (name) _____ is subject to limitations. This parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

2.11.2 Parent Required to Complete Evaluations, Treatment, Parenting or Other Classes

- (Name) _____ is not required under the existing Parenting Plan/Residential Schedule to complete evaluations, treatment, parenting or other classes.
- (Name) _____, is required by the existing Parenting Plan/Residential Schedule to complete evaluations, treatment, parenting or other classes. This parent has fully complied with such requirements as described here:

2.11.3 Adjustment to Residential Provision Under RCW 26.09.260(5)(c)

- The Custody Decree/Parenting Plan/Residential Schedule should be adjusted because a substantial change in circumstances of (parent's name) _____ or (child(ren)'s name(s)) _____ has occurred. The proposed modification to the Custody Decree/Parenting Plan/Residential Schedule is in the best interest of the children. It is a minor modification in the residential schedule that does not change the residence the children are scheduled to reside in the majority of the time. The increase is more than 24 full days but less than 90 overnights per year total. The Custody Decree/Parenting Plan/Residential Schedule does not provide reasonable time with the nonprimary residential party.

2.12 Adjustments to Nonresidential Provisions Under RCW 26.09.260(10)

- Does not apply.
- The following nonresidential provisions of the parenting plan should be adjusted because there is a substantial change of circumstances of either party or of the children and the adjustment is in the best interest of the children:
 - Dispute resolution.
 - Decision making.
 - Transportation arrangements.
 - Other:

2.13 Substantial Change in Circumstance

(You must complete this part if you request a modification or adjustment in paragraphs 2.8, 2.10, 2.11.1, 2.11.3 or 2.12.)

The requested modification or adjustment of the custody decree/parenting plan/residential schedule is based upon the following substantial change in circumstance:

2.14 Protection Order

- Does not apply.
- There is a protection order between the parties filed in case number _____, court _____, which expires on (date) _____.
- The court should grant the domestic violence antiharassment petition for order for protection:
 - attached to this petition.
 - filed separately under this case number case number _____.

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

2.15 Servicemembers Civil Relief Act Statement

- 2.15.1 A. Service member status -- (name of other party) _____:
- is not a service member;
 - is on active duty in the U.S. armed forces (excluding National Guard and reserves);
 - is on active duty and is a National Guard member or a Reservist residing in Washington;
 - is not on active duty in the U.S. armed forces (excluding National Guard and reserves);

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

B. Factual basis:

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

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

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

2.15.2 A. Dependent of a service member status -- (name of other party) _____
_____:

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

B. Factual basis:

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

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

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

2.16 Other

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.

<hr/>	<hr/>	<hr/>
Date	Signature	Print Name
<input type="checkbox"/>	I, _____, join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition unless, prior to the entry of the decree or judgment and order, a response is filed and served.	
<input type="checkbox"/>	I waive notice of entry of the decree.	
<input type="checkbox"/>	I demand notice of all further proceedings in this matter. Further notice should be sent to the following address (you may list an address that is not your residential address where you agree to accept legal documents):	
	<hr/>	
	<hr/>	

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.

<hr/>	<hr/>	<hr/>
Date	Signature	Print Name
<input type="checkbox"/>	I, _____, join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition unless, prior to the entry of the decree or judgment and order, a response is filed and served.	
<input type="checkbox"/>	I waive notice of entry of the decree.	
<input type="checkbox"/>	I demand notice of all further proceedings in this matter. Further notice should be sent to the following address (you may list an address that is not your residential address where you agree to accept legal documents):	
	<hr/>	
	<hr/>	

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.

<hr/>	<hr/>	<hr/>
Date	Signature	Print Name

**Superior Court of Washington
County of _____**

In re:

Petitioner,

and

Respondent.

No. _____

**Summons(Modification/
Adjustment of Custody
Decree/Parenting Plan/
Residential Schedule)
(SM)**

To: _____

1. An action has been started in the above court requesting that a custody decree/parenting plan/residential schedule be modified/adjusted. Additional requests, if any, are stated in the petition, a copy of which is attached to this notice.
2. You must respond to this notice and petition by serving a copy of your written response on the person signing this summons and by filing the original with the clerk of the court. If you don't serve your written response within 20 days (or 60 days if you're served outside of the state of Washington) after the date this summons was served on you, exclusive of the day of service, the court may enter an order of default against you, and the court may, without further notice to you, enter an order regarding adequate cause and a decree to modify/adjust the custody decree/parenting plan/residential schedule and providing for other relief requested in the petition. If you serve a notice of appearance on the undersigned person, you're entitled to notice before an order of default or a decree may be entered.
3. The court shall deny the petition unless it finds that adequate cause for hearing the petition is established, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.
 - Temporary residential placement or custody is not being sought.
 - Temporary residential placement or custody is being sought. If adequate cause is found, the court may proceed immediately to hear the motion for temporary placement/custody or may continue the matter to a later time.

4. You may file an opposing declaration to show that there's not adequate cause to hold a full hearing. If you don't file an opposing declaration or respond and the court finds that adequate cause exists, the court may enter an adequate cause order and an order modifying/adjusting the custody decree/parenting plan/residential schedule without notice to you pursuant to RCW 26.09.270.
5. Your written response to the summons and petition must be on form WPF DRPSCU 07.0200, Response to Petition for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule. This form may be obtained by contacting the clerk of the court at the address below, by contacting the Administrative Office of the Courts at (360) 705-5328, or from the Internet at the Washington State Courts homepage:
<http://www.courts.wa.gov/forms>
6. If this action has not been filed with the court, you may demand that the petitioner file this action with the court. If you do so, the demand must be in writing and must be served upon the person signing this notice. Within 14 days after you serve the demand, the petitioner must file this action with the court, or the service on you of this notice and motion will be void.
7. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.
8. One method of serving a copy of your response on the petitioner is to send it by certified mail with return receipt requested.

This summons is issued pursuant to Superior Court Civil Rule 4.1 of the state of Washington.

Dated: _____

Signature of Moving Party or Lawyer/WSBA No.

Print Name

File original of your response with the clerk of the court at:

Serve a copy of your response on:

Moving 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.]

Moving Party's Lawyer

[Name of Court]

[Name]

[Address]

[Address]

CASE TYPES 3 - 6

COUNTY SUPERIOR COURT

CASE INFORMATION COVER SHEET

Case Number _____ **Case Title** _____
Attorney Name _____ **Bar Membership Number** _____

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time in docketing new cases, but helps in forecasting needed judicial resources. Cause of action definitions are listed on the back of this form. Thank you for your cooperation.

DOMESTIC RELATIONS

- Annulment/Invalidity (INV 3)
- Child Custody (CUS 3)
- Dissolution with Children (DIC 3)
- Dissolution with no Children (DIN 3)
- Foreign Judgment (FJU 3)
- Legal Separation (SEP 3)
- Mandatory Wage Assignment (MWA 3)
- Modification (MOD 3)
- Modification: Support Only (MDS 3)
- Out-of-State Custody (OSC 3)
- Parenting Plan/Child Support (PPS 3)
- Reciprocal, Respondent in County (RIC 3)
- Reciprocal, Respondent Out of County (ROC 3)

DOMESTIC VIOLENCE/ANTI-HARASSMENT

- Confidential Name Change (CHN 5)

MENTAL ILLNESS

- Alcohol/Drug Treatment (ALT 6)
- Mental Illness--Adult (MI 6)
- Mental Illness--Juvenile (MIJ 6)

ADOPTION/PATERNITY

- Adoption (ADP 5)
- Confidential Intermediary (MSC 5)

ADOPTION/PATERNITY (continued)

- Initial Pre-Placement Report (PPR 5)
- Modification (MOD 5)
- Paternity (PAT 5)
- Paternity/URES/UISA (PUR 5)
- Relinquishment (REL 5)
- (Title 26) Termination of Parent-Child Relationship (TER 5)

PROBATE/GUARDIANSHIP

- Absentee (ABS 4)
- Disclaimer (DSC 4)
- Estate (EST 4)
- Foreign Will (FNW 4)
- Guardianship (GDN 4)
- Guardianship/Estate (G/E 4)
- Limited Guardianship (LGD 4)
- Minor Settlement (With guardianship) (MST 4)
- Non-Probate Notice to Creditors (NNC 4)
- Sealed Will Repository (SWR 4)
- Trust/Estate Dispute Resolution (TDR 4)
- Trust (TRS 4)
- Will Only (WLL 4)

DOMESTIC RELATIONS

Annulment--Invalidity--Petition

claiming an illegal or invalid marriage.

If you cannot determine the appropriate category, please describe the cause of action below.

Child Custody--Petition involving the immediate charge and control of a child.

Dissolution with Children--

Petition to terminate a marriage other than annulment, with children of that marriage.

Dissolution with no Children--

Petition to terminate a marriage other than annulment, with no children of that marriage.

Foreign Judgment--A judgment, decree, or order of a court of the United States, or any state or territory, which is entitled to full faith and credit in this state.

Legal Separation--Petition to live separate and apart.

Mandatory Wage Assignment--

Petition for wage assignment.

Modification--Petition seeking amendment of a previous order or decree.

Modification: Support Only--

Petition seeking amendment of a previous order or decree regarding support.

Out-of-State Custody--

Recording custody established out-of-state.

Parenting Plan/Child Support—

Petition for Residential Schedule/Parenting Plan/Child Support in circumstances set forth in RCW 26.26.375.

Reciprocal, Respondent-in-

County--Petition to enforce orders between states under URESA for respondents in the county.

Reciprocal, Respondent-Out-

of-County--Petition to enforce orders between states under URESA for respondents out of the county.

**DOMESTIC VIOLENCE/
ANTIHARASSMENT**

Confidential Name Change--

Petition for name change, when domestic violence/antiharassment issues require confidentiality.

MENTAL ILLNESS

Alcohol/Drug Treatment--

Petition for involuntary treatment

for one who is incapacitated by alcohol or drugs.

Mental Illness--Adult--

Petition for involuntary treatment for an adult who is incapacitated by mental illness.

Mental Illness--Juvenile--

Petition for involuntary treatment for a juvenile who is incapacitated by mental illness.

ADOPTION/PATERNITY

Adoption--Petition to establish a

new, permanent relationship of parent and child not having that relationship.

Confidential Intermediary--

Petition to appoint a confidential intermediary to contact the adopted person(s), birth parent(s), or other relative(s).

Initial Pre-Placement --

An initial pre-placement report filed on a child by the DSHS prior to the filing of adoption papers.

Modification--Petition seeking

amendment of a previous order or decree.

Paternity --

Petition to determine the legal status of an alleged biological father.

Paternity/URES/UIFS --

Petition to determine the legal status of an alleged biological father which is filed in conjunction with the reciprocal report entered under the URESA or UIFS acts.

Relinquishment--Petition to

relinquish a child to DSHS, an agency, or a prospective adoptive parent.

**(Title 26) Termination of
Parent-Child Relationship--**

Petition to terminate a parent-child relationship when parent has not executed a written consent.

PROBATE/GUARDIANSHIP

Absentee--Petition to determine

the location of absent owner of real or personal property.

Disclaimer--Recording a written instrument disclaiming an interest by beneficiaries.

Estate--Petition seeking court

settlement of a deceased person's property.

Foreign Will--Filing of a will for probate that has been proved in another state, territory, or foreign country.

Guardianship--Petition to appoint a guardian to manage the affairs of an incompetent or non-resident person.

Guardianship/Estate--Petition seeking court settlement for the property of a deceased person who was the ward of a guardian.

Limited Guardianship--Petition to appoint a limited guardian with only partial responsibility for the ward's person and/or property, where the ward is not fully incompetent.

Minor Settlements--Petition for a court decision that an award to a minor is appropriate when letters of guardianship are required (e.g., net settlement value is greater than \$25,000).

Non-Probate Notice to

Creditors--The filing of a non-probate notice to creditors in a case in which no probate action is expected (e.g., an estate with a living trust which doesn't require probate, providing the heirs with an opportunity to start the time period for creditor filing of claims).

Sealed Will Repository – Filing a will under seal before a testator's death, as authorized by RCW 11.12.265.

Trust/Estate Dispute

Resolution – The filing of a dispute in any estate, guardianship, or trust.

Trust -- A case filed, by order, separately from a guardianship or probate case.

Will Only--Filing a will when no further action shall be taken.

Superior Court of Washington
County of _____

In re:

Petitioner(s),

and

Respondent(s).

No. _____

**Notice Re: Dependent of a
Person in Military Service
(Optional Use)
(NTDMP)**

Notice: State and federal law provide protections to defendants/respondents who are on active duty in the military service, and to their dependents. This notice only pertains to a defendant/respondent who is a dependent of a member of the National Guard or a military reserve component under a call to active service for a period of more than thirty (30) consecutive days. Other defendants/respondents in military service also have protections against default judgments not covered by this notice. Dependents of a service member are the service member's spouse, a service member's minor child, or an individual for whom the service member provided more than one-half of the individual's support for one hundred eighty days (180) days immediately preceding an application for relief.

One protection provided is the protection against the entry of a default judgment in certain circumstances. If you're the dependent of a member of the National Guard or a military reserve component under a call to active service for a period of more than thirty (30) consecutive days, you should notify the plaintiff/petitioner or, if the plaintiff/petitioner is represented by an attorney, the plaintiff/petitioner's attorney in writing of your status as such within twenty (20) days of the receipt of this notice. If you fail to do so, then a court or an administrative tribunal may presume that you're not a dependent of an active duty member of the National Guard or reserves, and proceed with the entry of an order of default and/or a default judgment without further proof of your status. Your response to the plaintiff/petitioner or plaintiff/petitioner's attorney about your status doesn't constitute an appearance for jurisdictional purposes in any pending litigation, a waiver of your rights or a response to the petition, complaint or other application for relief that was filed against you.

Date

Signature of Petitioner

Print or Type Name

**Superior Court of Washington
County of _____**

In re:

Petitioner(s),

and

Respondent(s).

No. _____

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

Sealed Personal Health Care Records

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

Records or correspondences that contain health information that:

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

Submitted by:

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

**Superior Court of Washington
County of _____**

In re:

Petitioner(s),

and

Respondent(s).

No. _____

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

Sealed Confidential Reports

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

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

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

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

Submitted by:

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

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Return of Service
(Optional Use)
(RTS)**

I Declare:

1. I am over the age of 18 years, and I am not a party to this action.
2. I served the following documents to (name) _____:
 - summons, a copy of which is attached
 - petition in this action
 - proposed parenting plan or residential schedule
 - proposed child support order
 - proposed child support worksheets
 - sealed financial source documents cover sheet and financial documents
 - financial declaration
 - Notice Re: Dependent of a Person in Military Service
 - notice of hearing for _____
 - motion for temporary order
 - motion for and ex parte order
 - motion for and order to show cause re: _____
 - declarations of _____
 - temporary order
 - other:

3. The date, time and place of service were (if by mail refer to Paragraph 4 below):

Date: _____	Time: _____ a.m./p.m.
Address: _____	

4. Service was made pursuant to Civil Rule 4(d):

- by delivery to the person named in paragraph 2 above.
- by delivery to (name) _____, a person of suitable age and discretion residing at the respondent's usual abode.
- by publication as provided in RCW 4.28.100. (File Affidavit of Publication separately.)
- (check only if there is a court order authorizing service by mail) by mailing two copies postage prepaid to the person named in the order entered by the court on (date) _____. One copy was mailed by ordinary first class mail, the other copy was sent by certified mail return receipt requested. (Tape return receipt below.) The copies were mailed on (date) _____.

5. Service of Notice on Dependent of a Person in Military Service.

- The Notice to Dependent of Person in Military Service was served on mailed by first class mail on (date) _____.
- Other:

6. Other:

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

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

Signature

Print or Type Name

Fees:
Service _____
Mileage _____
Total _____

(Tape Return Receipt here, if service was by mail.)

File the original Return of Service with the clerk. Provide a copy to the law enforcement agency where protected person resides if the documents served include a restraining order signed by the court.

**Superior Court of Washington
County of _____**

In re:

Petitioner,

and

Respondent.

No. _____

**Acceptance of Service
(ACSR)**

1. Acceptance of Service

_____ [Name] accepts service of:

the summons and petition in this action.

a proposed order of child support.

proposed Child Support Worksheets.

a proposed parenting plan.

a financial declaration.

other:

2. Consent to Personal Jurisdiction

Doesn't apply.

_____ [Name] consents to personal jurisdiction.

Other

3. Other

Dated: _____

Signature of Party or Lawyer /WSBA No.

Accepting Service

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:

Petitioner(s),

and

Respondent(s).

No. _____

**Declaration Regarding Personal
Service Outside the State of
Washington
(DCLR)**

The undersigned makes the following declaration:

1. This declaration is made for the purpose of satisfying the requirements of RCW 4.28.185(4).
2. Personal service cannot be made upon _____ [Name] within the state of Washington for the following reasons:

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

Signed at _____, [City] _____ [State] on _____ [Date].

Signature

Print or Type Name

**Superior Court of Washington
County of _____**

In re the Marriage of:

Petitioner,

and

Respondent.

NO. _____

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

(No Mandatory Form Available)

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

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

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

_____.

Name of Service member: _____

Rank: _____

Serial No.: _____

Unit: _____

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

Signature of Nonrequesting Party

Print or Type Name

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

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

**Superior Court of Washington
County of _____**

In re:

Petitioner,

and

Respondent.

No. _____

**Petitioner's Notice of
Hearing for Adequate Cause
Determination
(Optional Use)
(NTHG)
 Clerk's Action Required**

To the Clerk of Court and to:

1. Please note that the court will be asked to determine if adequate cause exists to modify/adjust the custody decree/parenting plan/residential schedule as requested in the petition filed in this case.
2. A hearing has been set for the following date, time and place.
Date: _____ Time: _____ a.m./p.m.
Place: _____ Room/Department: _____
3. This request is based on the declaration in the Petition for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule and on the additional declarations served on the nonmoving party.
4. You may serve and file a response and opposing declarations prior to the hearing date. If the court determines that adequate cause for hearing the petition is established by the declarations, it will set a date for hearing on an order to show cause why the petition should not be granted.

5. If you don't file a response to the petition, opposing declarations, or a notice of appearance, an order may be entered without further notice to you finding you in default and granting the relief requested in the petition.

Dated: _____

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

Signature of Party or Lawyer/WSBA No.

Print or Type Name

[Address]

**Superior Court of Washington
County of _____**

In re:

Petitioner(s),

and

Respondent(s).

No. _____

Motion for Order re:

**(Optional use)
(MT)**

I. Relief Requested

_____ [Name of party] moves the court for an order re:

_____ granting the following relief

[explain what you want the court to order]:

_____.

II. Statement of Facts/Statement of Grounds

[Clearly and briefly state the facts upon which you base your case. Print or type.]

_____.

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

Signed at _____, [City] _____ [State] on _____ [Date].

Signature of Moving Party or Lawyer/WSBA No.

Print or Type Name

III. Statement of Issues/Argument

[Clearly and briefly state the legal issues you want the court to decide. Print or type.]

IV. Evidence Relied Upon

[Clearly identify the evidence you want the judge to consider with your motion. Print or type.]

1. Declaration of:

V. Legal Authority

[Cite the legal authority you rely upon. Print or type.]

VI. Proposed Order

[] A proposed Order accompanies this motion.

Date: _____

Signature of Moving Party or Lawyer/WSBA No.

Print or type name

Address

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.

**Superior Court of Washington
County of _____**

In re:

Petitioner,

and

Respondent.

No. _____

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

Denied (ORRACD)

Granted (ORRACG)

Hearing set (ORH)

Clerk's Action Required

I. Basis

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

II. Findings

The Court Finds:

2.1 Jurisdiction

This court has jurisdiction over the proceeding and the parties.

2.2 Service on Nonmoving Party

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

2.3 Time Elapsed Since Service on the Nonmoving Party

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

2.4 Response

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

2.5 Adequate Cause Finding

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

2.6 Servicemembers Civil Relief Act Statement

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

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

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

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

III. Order

It is Ordered:

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

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

- The nonmoving party is in default.

Superior Court of Washington
County of _____

In re:

Petitioner,

and

Respondent.

No. _____

**Joinder
(JN)**

1. Joinder

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

2. Notice of Further Proceedings

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

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

3. Other

Dated: _____

Signature of Joining Party

Print or Type Name

**Superior Court of Washington
County of _____**

In re:

Petitioner,

and

Respondent.

No. _____

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

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

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

_____ in the following
manner

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

Hand Delivery

At the following address:

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

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

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

Signature

Print or Type Name

**Filing a Petition to Modify a Parenting Plan/Custody Decree in a Dissolution Case – 11/09
EVALUATION FORM**

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

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

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

9. Did you find any mistakes? yes no
10. Today's Date: _____
Other Comments or Suggestions:
