



Northwest Justice Project

**Finishing Your
Modification/Adjustment of a
Parenting Plan, Residential Schedule,
or Custody Decree in a Parentage
Case**

**Forms and Instructions
March 2009**

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

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Section 1: Introduction and Important Information

This packet will help you fill out and file the forms and papers you need to finish a petition for modification or adjustment of a parenting plan, residential schedule, or custody decree in a parentage case.¹ It will help you prepare the final orders in your case and present them to the judge.²

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

◆ This packet isn't a substitute for legal advice. It provides very limited information if you're going to have a trial in your case. If possible, talk with an attorney for advice about your particular situation.

A. Should I use this packet?

Use this packet if you've already filed and served the other parties with the papers starting your modification/adjustment case, or if you've filed and served a Response to the petition. (If you're the nonrequesting party and you haven't filed and served a Response, you can use this packet to try to settle the case by agreement. However, you should also file a Response even if you think you want to settle your case, so that you're not defaulted while you're negotiating. A default judgment may give the requesting party everything s/he requested in the Petition.)

B. What is a Petition to Modify/Adjust a Parenting Plan/Residential Schedule/Custody Decree?

A Petition to Modify/Adjust asks the court to change the permanent parenting plan/residential schedule/custody decree you have now. If you provide enough evidence to support a change, then the judge may approve a new parenting plan/residential schedule/custody decree.

¹ This type of case is called a Petition for Modification/Adjustment of a Custody Decree/Parenting Plan/Residential Schedule. We'll call it a modification/adjustment case for short.

² Many decisions in family law cases are made by court commissioners instead of judges. To make this packet simpler, we just refer to a "judge."

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 law on modifications/adjustments in Washington State.

In many places in this packet, the same instructions apply to parenting plans, residential schedules, and custody decrees. There are some differences, so know what type of document you have.

Look at your existing court order that states where the children will live and what times they'll spend with each parent. A Washington court order should say "Residential Schedule" or "Parenting Plan" in the top right corner of the first page.

A "Parenting Plan" form contains separate sections for a residential schedule (Section III), decision-making (Section IV), and dispute resolution (Section V).

A "Residential Schedule" form contains a residential schedule, but not "dispute resolution" or "decision-making."

Most Washington state parentage cases don't have "custody decrees" anymore, since the law changed in 1987. Out of state court orders may still be called "custody decrees." Sometimes a Washington state court has authority to modify those custody decrees.³

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.

³ See the publication [Which Court Has the Right to Enter A Custody Order: Frequently Asked Questions and Answers About Whether A Washington Court Has Jurisdiction](#), available at www.washingtonlawhelp.org for general information about when a Washington court could consider modifying another state's custody order.

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 cases⁴.

⁴ 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.⁵

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

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

Decree: One type of final court order.

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

Default Order: An order that can be requested if

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

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

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

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

⁵ Our publication, [Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether or Not a Washington Court Has Jurisdiction](#) gives general information about when Washington has the right to consider modifying another state's custody decree and when it doesn't.

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

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

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

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

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

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

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

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

Judgment: One type of final court order.

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

LEIS: abbreviation for Law Enforcement Information Sheet.

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

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

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

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

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

Moving Party:

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

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

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

Nonmoving party:

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

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

Nonrequesting party:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The child was born while the man was married to the child's mother; OR
- The child was born within 300 days after the man's marriage to the child's mother was ended by divorce, separation, annulment, declaration or invalidity, or death. In general, if the man and the woman thought they'd gotten married, even if the marriage is found to be invalid, the child is presumed to be the man's child.
- The man and the child's mother married each other after the child was born, the man has voluntarily said he was the child's father AND the man agreed to be on the child's birth certificate, or signed an affidavit of paternity, or promised (in writing or another record) to support the child as his own.⁶

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,

⁶ This definition of presumed father has been simplified to try to make it easier to understand. It's current as of the date of this publication. If you have questions about whether there is a presumed father in your case, read [RCW 26.26.116](#), and consult an attorney.

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

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

Ruling: A decision by the court.

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

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

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

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

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

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

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

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

Section 3: Steps to Take to Finish Your Modification/Adjustment Case

Read this list together with the list of steps in the packets [Filing a Petition to Modify/Adjust your Parenting Plan/Custody Decree in a Parentage Case](#) or [Responding to a Petition to Modify/Adjust your Parenting Plan/Custody Decree in a Parentage Case](#). Those packets contain a more complete description of the early and middle parts of the case. Most of those steps aren't repeated here.

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

❑ 1. Check for Special Local Rules and Forms.

Some counties have case schedules that you must follow. For information on case schedules and local court rules for modification/adjustment cases, check with the court clerk or the Family Law Facilitator⁷ in the county where the modification/adjustment case was filed. Some Family Law Facilitators have their own packets for finishing a modification/adjustment case. You should use any local packet instead of ours.

◆ A 2007 law⁸ requires that the court:

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

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

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

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

❑ 3. Find out how long you need to wait until you may finish your case.

If you and the other parties agree about everything in your case, you may present your final court orders to the court anytime after you and the other party have completed and signed all of the final orders. See the section below on Agreed Cases.

⁷ To find out about Family Law Facilitators (also called Courthouse Facilitators) and get a list of them, check the Washington State Courts website: http://www.courts.wa.gov/committee/?fa=committee.home&committee_id=108.

⁸ [Ch 496, Laws of 2007](#)

If you're the nonrequesting party and you disagree with the other parties' requests, get ready for trial. (There are many steps you must follow before trial. Examples: filing and serving a Response, participating in the adequate cause process, etc. Read more in our packet [Responding to a Petition to Modify/Adjust Your Parenting Plan, Residential Schedule, or Custody Decree in a Parentage Case](#), and in the section below, called "If You and the Other Party Don't Agree.")

If you're the requesting party, you must wait for the deadline for the nonrequesting party's Response. If the other party files a Response on time, and you and the other party disagree, get ready for trial. See the section below, called "If You and the Other Party Don't Agree." If the other party doesn't file a Response on time, you should file a motion for default. See the section below on "Default." The amount of time you must wait for the Response depends upon how you served the Petition on the other party.

- If you served the other party by personal service in Washington, you must wait at least 20 days from the date you served the other party.
- If you served the other party by personal service out of state, you must wait at least 60 days from the date you served the other party.
- If the other party was served by publication, you must wait at least 60 days from the date of first publication.
- If you served the other party by certified mail, you must wait at least 90 days from the date you served the other party.

◆ Don't wait too long after the other party's Response deadline to file a motion for default and enter final orders. If more than one year passes after you served the other party, you must serve the other party with notice of the motion for default by certified mail or personal service.⁹ Also, if you do nothing in your petition for modification/adjustment case for months, the court may fine you or dismiss your case and make you start over.

□ 4. Go to any parenting class, mediation, and/or settlement or status conferences that may be required.

Some counties require the parties to attend a class about parenting. If this applies to you, you may need to complete it before you can finish your case -- even if you're entering orders by agreement or default.

Some counties require mediation, settlement conferences, and/or status conferences in family law cases.

Check with your Family Law Facilitator or read local court rules to find out about the requirements in your county. Follow them.

⁹ [Civil Rule \(CR\) 55\(f\)](#).

After you've completed the steps above, follow **ONE** of the following three choices:

- 5. If you're the requesting party, the nonrequesting party hasn't filed a Response, and you have no agreement, file a Motion for Default.** See the section on Default for step by step instructions.

_____ Follow the General Instructions for the Forms when filling out any form in this packet.

_____ **If you haven't already served the Notice Re: Dependent of a Person in Military Service, you should prepare, file, and serve this form.** (The form is in our [Filing a Petition to Modify/Adjust Parenting Plan](#) packet.) Wait 20 days (23 days if the notice was mailed). Then you can move for default

_____ Prepare the final papers in the list below.

- _____ Motion/Declaration for Default
- _____ Note for Motion Docket
- _____ Order of Default
- _____ Order re Adequate Cause, if not already signed by a judge
- _____ Order re modification/adjustment of custody decree/parenting plan/residential schedule
- _____ Parenting Plan or Residential Schedule
- _____ Order of Child Support, Child Support Worksheets & Child Support Summary Report (if child support is being changed).
- _____ Order for Protection (if you asked for one in your Petition)
- _____ Law Enforcement Information Sheet (LEIS), if you're getting a Protection order or if your final order contains safety restraints.
Don't serve a copy of the LEIS upon the other party (parties).

_____ Any other parties in your case, such as the State of Washington (the prosecuting attorney or attorney general) or a Guardian Ad Litem (GAL), must sign your final papers before you note your motion for default. You can't enter final orders without their approval.

_____ Follow the steps in the "Default" section below (and any local procedures in your county) to select a hearing date for your motion for default & final orders. Fill that information in on the Note for Motion. File your papers with the court. Arrange to serve the other parties with notice of the motion for default (you should serve the other party in all cases, even if the law allows you to finish your case without further notice if the nonrequesting party hasn't appeared). The judge may sign your final orders and Order re Adequate Cause at the same time as your order for default.

_____ If no Response is filed, when you present your papers to the judge, ask the court to sign an Order of Default, an Order re Adequate Cause (if you

don't already have an Order re Adequate Cause signed by a judge), and your final papers. If the court approves your requests and signs the papers, file them with the court. Follow the "Last Steps" item below to make copies for yourself and the other party, properly deliver them to the other party, and complete final tasks in your case.

_____ If a Response is filed, you'll have to get ready for trial.

6. **If you think that you and the other party have an agreement, prepare the final papers and deliver them to the other party. If all the other parties sign the final orders, set a hearing and ask a judge to sign them.** See the section below on agreed cases.

_____ Follow the General Instructions for the Forms when filling out any form in this packet.

_____ Prepare the final papers. Deliver them to the other party.

_____ Order re modification/adjustment of custody decree/parenting plan/residential schedule

_____ Order re Adequate Cause (if not already signed by a judge)

_____ Parenting Plan or Residential Schedule (if the plan/schedule/decree you now have will be changed)

_____ Order of Child Support, Child Support Worksheets & Child Support Summary Report (if child support is being changed).

_____ Order for Protection (if a party has asked for it as part of this case and all agree)

_____ Law Enforcement Information Sheet, if you're getting a Protection order or if your final order contains safety restraints.

Don't serve a copy of the LEIS upon the other party (parties).

_____ If there are other parties in your case, such as the State of Washington or a GAL, deliver the originals of your final papers to them for their signature. If a GAL has been appointed in your case, deliver the originals of your final papers to them for their signature before noting your motion for default. You can't enter final orders without the approval of the other parties.

_____ If all the other parties sign the papers and return them to you, follow the steps to complete agreed final orders. If the court approves your requests and signs the papers, file them with the court. Follow the "Last Steps" item below to make copies for yourself and the other party, properly deliver them to the other party, and complete final tasks in your case.

OR

_____ **If the other party doesn't sign the papers and return them to you, you must**

_____ Get ready for trial, if the nonrequesting party has filed a Response

OR

_____ Move for default, if the nonrequesting party hasn't filed a Response.

- 7. If the nonrequesting party files a Response and disagrees with your Petition, or if you're the nonrequesting party in this case and have filed a Response and you disagree with the other party's requests, get ready for trial.**

◆ In some counties, minor modifications and adjustments in parenting plans/residential schedules/custody decrees may be handled in a simpler way than described here. Check with your Family Law Facilitator or Court Clerk.

_____ **Complete the Adequate Cause process, if you haven't already done so.** In most cases, the adequate cause process should've been completed by the time you are ready to finish your case. If the court hasn't yet entered an order finding adequate cause, complete the adequate cause hearing before you continue with this packet.

If you're the requesting party, you need to schedule a hearing for adequate cause. See the packet [*Filing a Petition to Modify/Adjust your Parenting Plan/Residential Schedule/Custody Decree in a Parentage Case.*](#)

If you're the nonrequesting party, you may want to schedule the adequate cause hearing and/or file a motion to dismiss for lack of adequate cause. We have no packet with instructions for motions to dismiss. Get the form for Respondent's Notice of Hearing on Adequate Cause Determination at <http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14>. See your Family Law Facilitator or Court Clerk, or talk with an attorney for more information.

_____ Finish any pre-trial motions needed, if not already done. (Examples: motions to dismiss; motions for temporary orders.)

_____ Conduct any necessary discovery.

_____ Ask for a GAL to be appointed or a Family Court Services or CASA parenting evaluation, if necessary, and participate in any evaluation/investigation the court orders.

_____ Subpoena any witnesses or documents you'll need for trial.

_____ Go to trial. (If the State of Washington, through the prosecuting attorney or attorney general, or a GAL filed a Notice of Appearance in your case, a prosecutor or GAL will probably will come to the trial.)

- _____ After trial, prepare the final papers, based upon the court’s decision.
 - _____ Order re modification/adjustment of custody decree/parenting plan/residential schedule
 - _____ Parenting Plan or Residential Schedule (if the plan/schedule/decreed you now have will be changed)
 - _____ Order of Child Support, Child Support Worksheets & Child Support Summary Report (if child support is being changed).
 - _____ Order for Protection (if the court granted one or changed one; see below for more info)
 - _____ Law Enforcement Information Sheet, if you’re getting a Protection order or if your final order contains safety restraints. **Don’t serve a copy of the LEIS upon the other party (parties).**

- _____ Have all other parties approve the final papers by signing them. If another party won’t sign the papers, follow local procedures to schedule a hearing to present the final papers to the judge for approval. Notify the other parties of the time and place you’ll present the final papers.

- _____ Present the final orders to the judge for approval.

- _____ After the judge signs the papers, file them with the court. Follow the “Last Steps” item below to make copies for yourself and the other party, properly deliver them to the other party, and complete final tasks in your case.

☐ 8. The Last Steps: After the judge signs the final orders, take these steps to complete your case:

- **DON’T LEAVE THE COURTHOUSE WITH OR CHANGE OR DESTROY COURT ORDERS THAT HAVE BEEN SIGNED BY THE JUDGE.** If the clerk in the courtroom gives you the original orders the judge has signed, file them with the court clerk’s office. If you don’t know what to do with the original orders, ask someone at the clerk’s office for help.
- **Getting Copies of the Orders.** Get copies of the orders as signed by the judge. You need certified copies of any order with a safety restraint and of any Protection Order. (Get one certified copy for yourself, and one certified copy for each restrained party that you need to serve.) Get conformed copies of other orders.
- Ask the clerk how to get the conformed and certified copies you need. Follow those instructions.
 - ☐ Then make certified copies. There is probably a fee (example: \$5 for the first page and \$1 for every additional page).
 - ☐ For conformed copies,

- the clerk may allow you to take the original orders and make copies in the library or at the clerk’s office.
- Or, if the copies of proposed orders you brought to court are exactly the same as the orders the judge signed, the clerk may tell you to stamp those copies with the date filed stamp and the judge’s signature stamp.

Take these steps after the judge has signed your orders (by agreement, default, or after trial), you’ve filed the originals with the clerk, and you’ve obtained copies for yourself and the other party/parties. Remember: you need only conformed copies of most orders, but one to two certified copies of any Protection order or Order containing a safety restraint.

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

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

_____ If your orders include a restraining order or a protection order and you’re the protected party, file a completed Law Enforcement Information Sheet with the court clerk. **Don’t serve a copy of the LEIS on the other party/ies.**

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

- _____ neither the restrained party nor his/her attorney appeared for the hearing; and
- _____ neither the restrained party nor his/her attorney signed the order.

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

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

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

- _____ neither the restrained party nor his/her attorney appeared for the hearing; and

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

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

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

□ 9. Complete Final Tasks

If necessary, give a copy of your parenting plan and any restraining orders or Order for Protection to your children's school and daycare.

Follow the court's orders.

Section 4: What Forms are in This Packet?

This packet contains instructions and forms that you'll need to finish your modification/adjustment action.

You may not need every form.

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

Following is a list of the blank forms in this packet:

Form Title	Form Number
Order re Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule	WPF DRPSCU 07.0400
Motion and Declaration for Default – Modification of a Parenting Plan in a Parentage Case	WPF DRPSCU 03.0100
Order of Default – Modification of a Parenting Plan in a Parentage Case	WPF DRPSCU 03.0200
Note for Motion Docket	Non-Mandatory Form; your county may have its own form
Certificate of Mailing or Personal Delivery	No Mandatory Form

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

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

You may also need the following packets or forms to complete your case:

- [Parenting Plans, Residential Schedules, and Child Support for Parentage Cases and for Modifications of Parentage Cases](#) to prepare your final parenting plan or Residential Schedule and/or child support orders, if either is being changed.
- [Law Enforcement Information Sheet \(LEIS\) – All Cases WPF 1.0400](#) -- Use this form if you're entering a restraining order or protection order in your final orders. Get it at the court clerk's office. Don't serve this form on the other party
- Return of Service Form, WPF DRPSCU 01.0250.** If your court order includes a safety restraining order or an Order for Protection, you're the protected party, and the restrained party wasn't in court when the order was signed and s/he didn't sign the order, then you must have the restrained party served with a certified copy of the order after the judge signs it, as explained below.

WARNING: law enforcement won't enforce the restraining or protection order until they receive proof that the order was served on the restrained party.

If you have a *restraining order*, you'll be responsible for arranging service on the restrained party.

If you have an *Order for Protection*, the court may order law enforcement to serve the restrained party for you. If law enforcement isn't serving the protection order for you, then you must arrange for service as described in the protection order.

Use the Return of Service form to show the court and law enforcement that the restrained party was served. Download the form, WPF DRPSCU 01.0250, at <http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14>. Or get the forms and instructions in our packet [Filing a Petition to Modify a Parenting Plan](#).

- Order for Protection forms** – You must complete Order for Protection forms if you're asking for an Order for Protection from domestic violence or unlawful harassment as part of your modification, or if you're asking for the court to change or extend your Order for Protection as part of the modification case. Get the forms from your county clerk's office, domestic violence advocacy program, or for domestic violence forms, online at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16> Note: the "Petitioner" in the Protection Order form is always the protected person, even if s/he was the respondent in the parentage.

- ❑ **Your county's Note for Motion Docket or Notice of Hearing form; Declaration re: Service Members Civil Relief Act if the local form is required; and local court rules.** If you're filing a Motion for Default, you schedule the hearing yourself. Some counties have their own note for motion or notice of hearing form. Some may require you to use the county's Service Members Civil Relief Act form.
- ❑ Many counties have forms and local rules available online. Check whether your county's local rules or forms are available online at: http://www.courts.wa.gov/court_rules/?fa=court_rules.local&group=superior.
- ❑ **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 this form, you can 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.
- ❑ **How to Subpoena Witnesses and Documents** - if you need to make sure important witnesses or documents are at trial.
- ❑ **Basic Tips on How to Prepare for a Court Hearing or Trial** – if you need to prepare for trial.
- ❑ **Child Custody Modification** - for an overview of the law.
- ❑ **Working with GALs and Parenting Evaluators** – suggestions if a custody evaluation/investigation has been ordered in your case.

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

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

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

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

Case name. Copy the case name from the petition.

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

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

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

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

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

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

Signatures.

- **Your signature**

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

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

- **Other signatures/Declarant’s Signature:** If someone else must sign a form (such as a witness or the person serving papers), be sure they fill out all information correctly and sign in the proper space provided. In a declaration form, the “declarant” is the person who is writing the declaration.

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

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

Box #1**Things You Should Not Write in Most of Your Court Papers:**

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

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

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

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

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

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

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

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

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

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

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

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

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

Box #3

When You Should Write Private Information In Court Forms:

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

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

SAMPLE FORM

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

Fill in the name of the Petitioner here.

or Court of Washington
County Of Evergreen

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

Fill in Respondent's name.

Petitioner,

Opposing party.

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

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

Form title.

NO. 08-3-99999-9

Note for Motion Docket

(No Mandatory Form Developed)

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

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

HEARING DATE: Monday, October 4, 2008

HEARING TIME: 10:00 a.m.

LOCATION: Treelane Superior Courthouse

COURTHOUSE ROOM: 2

ADDRESS: 102 West Broadway
Treelane, WA 98000

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

 Jane Doe, Petitioner

Section 7: Instructions for Filling Out and Filing Individual Forms

A. Order re Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule - WPF DRPSCU 07.0400

- ◆ Most of the information you need for this form will be similar to the Petition, or your Response to it. Have a copy of the Petition for Modification/Adjustment and the Response (if any) in front of you when filling out the Order re Modification/Adjustment.
- ◆ If you're filing a Motion for Default: When asking the judge to sign your final orders by default, you can't ask for things in the final orders (Order re: Modification, Parenting Plan or Residential Schedule and Order of Child Support) that you didn't ask for in the petition and the papers you served with the petition. You can only change what you're asking for by re-serving the other party with an amended petition (and amended parenting plan or residential schedule and child support worksheets, if applicable), and giving him/her another chance to respond.

If you're completing this Order because you've reached an agreement with the other party, write the Order so that it states your agreement. If you're writing this Order after a trial, write the judge's decision.

Section I - Basis

- If you've had an adequate cause hearing at which the judge found adequate cause exists, or if you have an agreed Order re Adequate Cause (but not agreed Final Orders), check the first box.
- If you and the other party are entering the orders by agreement, check the second box.

If you're presenting the order because of the other party's default, check the third box. Write in the date of the Order of Default, if different than the date the judge will sign this order. If you don't know the date, leave the space for the date blank. Make sure the judge fills it in on the date of the hearing.

Section II – Findings of Fact

Paragraph 2.1. Jurisdiction.

This paragraph is very similar to the "Jurisdiction Over Proceeding" paragraph of the Petition or the Response to that paragraph. Check the box(es) that applies in your case.

If you can't check the first box (continuing jurisdiction), talk with an attorney before entering final orders.

Paragraph 2.2. Modification Pursuant to RCW 26.09.260(1), (2). Changing who the child lives with most of the time.

The next several paragraphs of this form ask for the legal basis for the court’s final decision about whether or not to change the parenting plan, residential schedule, or custody decree. They may be confusing. Read them carefully.

Look at the Paragraph of the Petition for Modification called “Modification Under RCW 26.09.260(1), (2)” (and the Response to it). If neither party in your case asked for a modification of the parenting plan, residential schedule, or custody decree using the reasons listed there, check the Does Not Apply box under paragraph 2.2 of the Order on Modification form (Does not apply). Then skip to paragraph 2.3.

If someone in your case asked for a modification of the parenting plan, residential schedule or custody decree using the reasons listed in that paragraph of the Petition for Modification, but the parenting plan, residential schedule, or custody decree isn’t being changed for one of these reasons (in other words, it’s not changing custody), or a judge denied the modification, check the second box.

If a modification is being granted for one of these reasons (it’s changing custody), check the third box and each indented box after it that applies.

In the blank space at the end of Paragraph 2.2, write in the facts supporting the modification that happened since the original decree or plan was entered, or which the court didn’t know about at the time of the original decree or plan. If no substantial change has occurred, write in “none.” If a substantial change was claimed but the court denied the change or denied that it was substantial, write why the modification was denied.

Paragraph 2.3 Modification or Adjustment Based on [RCW 26.09.260\(4\) or \(8\)](#) asking the Court to Reduce Visitation.

Look back at the Paragraph of the Petition called “Modification or Adjustment Under RCW 26.09.260(4) or (8)” and the Response to it.

If neither party in your case asked for a modification of the parenting plan using the reasons listed there, check the Does Not Apply box under paragraph 2.3 of the Order on Modification form. Then skip to paragraph 2.4.

If a modification of the parenting plan for the reasons listed in that paragraph of the Petition for Modification was requested, but the parenting plan/residential schedule/ custody decree isn’t being changed for one of these reasons, check the second box and the appropriate indented box(es).

If a modification was requested and is made because a parent’s contact needs to be reduced or restricted, check the third box. Beneath it, explain the facts that show the need for the restriction.

If an adjustment is made because the non-residential parent failed to use his/her time with the child (didn’t visit regularly) and the reduced time is in the child’s best interests, check the fourth box.

Paragraph 2.4. 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

parent the child doesn't live with has moved, or either parent has a changed work schedule beyond his/her control.

Look at the Paragraph of the Petition for Modification “Adjustments to Residential Provisions Under [RCW 26.09.260\(5\)\(a\) and \(b\)](#)” (and the Response to it).

If neither party in your case asked for an adjustment using these reasons, check the first box of paragraph 2.4 of the Order on Modification (does not apply). Then skip to paragraph 2.5.

If one of the parties asked for an adjustment using the reasons listed in that paragraph of the Petition for Modification, but the parenting plan/residential schedule isn't being adjusted for one of these reasons, or the judge denied the adjustment, check the second box.

If the adjustment is being granted for one of these reasons, check the third box and the indented boxes that apply.

Paragraph 2.5 Adjustments to Residential Provisions Pursuant to [RCW 26.09.260\(5\)\(c\),\(7\), and \(9\)](#) asking the court to increase visitation if you're the visiting parent.

This paragraph only covers certain requests to increase residential time made by the parent with whom the child doesn't live most of the time. Look back at the paragraph of the Petition called “Adjustments to Residential Provision Under [RCW 26.09.260\(5\)\(c\), \(7\), \(9\)](#)” and the Response to it.

If no adjustment was requested there, check the first box “does not apply.” Skip the rest of the paragraph.

If an adjustment was requested, then:

Paragraph 2.5.1.

- If under the existing parenting plan/residential schedule (the one being modified), the noncustodial parent wasn't “subject to limitation” check the first box and write in that parent's name. (“Subject to limitations” means limitation under [RCW 26.09.191 \(2\) or \(3\)](#)).
- If under the existing parenting plan/residential schedule (the one being modified) the noncustodial parent was “subject to limitations,” check the second box. Fill in this parent's name. Check the appropriate box to show whether or not this parent has shown a substantial change in circumstances directly related to the reasons for the restrictions.

Paragraph 2.5.2

- If the existing parenting plan/residential schedule didn't require the noncustodial parent to have evaluations, treatment, parenting or other classes, check the first box. Write in that parent's name.
- If the existing parenting plan/residential schedule required the noncustodial parent to have evaluations, treatment, parenting or other classes, check the second box. Write in that parent's name. Then check whether or not s/he is completed that requirement. Write in the facts that show how s/he did or didn't meet the requirement for treatment, classes, or evaluations.

Paragraph 2.5.3

- If a parent asked for an adjustment under RCW 26.09.260(5)(c) of the petition/Response, but the parenting plan/residential schedule is not being adjusted for this reason, check the first box in Paragraph 2.5.3.
- If a parent asked for an adjustment under Paragraph 2.11(3) of the Petition/Response, and the parenting plan/residential schedule is being adjusted for this reason,
 - check the second box in Paragraph 2.5.3 and
 - check the box and fill in the name(s) to show whose circumstances have changed (parent or children)

Paragraph 2.6. Adjustment to Nonresidential Provisions Pursuant to [RCW 26.09.260\(10\)](#) changes to the parenting plan//residential schedule/custody decree that don't involve residential time.

◆ Remember: if you have a Residential Schedule form rather than a Parenting Plan form, you can't have orders on non-residential items such as dispute resolution or decision-making.

Look at the paragraph of the Petition for Modification called “Adjustments to Nonresidential Provisions” (and the Response to it). If neither party in your case asked to change the nonresidential parts of the parenting plan (usually dispute resolution, decision-making, or transportation arrangements), check the first box (does not apply). Skip the rest of the paragraph.

If changes to nonresidential parts of the parenting plan were requested but aren't being ordered, check the second box.

If non-residential parts of the parenting plan are being changed, check the third box and the indented boxes that apply.

If a nonresidential part of the parenting plan was changed that is not listed in this paragraph, check the box “other.” Write in the blank what was changed.

Paragraph 2.7. Substantial Change in Circumstance.

This paragraph relates to the paragraph of the Petition called “Substantial Change in Circumstance,” or the Response to it, and to the court's decision on modification/adjustment.

In this paragraph, state the substantial change in circumstances that has taken place since the custody decree//residential schedule/parenting plan was entered. Be specific.

If no substantial change has occurred, write in that a change was claimed. Explain the change claimed. Then state that none occurred or that it wasn't substantial. Explain the facts that show this.

Paragraph 2.8. Protection Order

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

III. Order

If the custody decree/parenting plan/residential schedule isn’t being changed, check the first box.

If the custody decree/parenting plan/residential schedule is being changed, check the second box and write in the date the court will sign the new custody decree/parenting plan/residential schedule, if different than the date the judge will sign this order. If you don’t know the date, leave the space for the date blank, but make sure the judge fills it in on the date of the hearing.

If child support is also being changed, check the third box. Write in the date the court will sign the new order of child support, if different than the date the judge signs this order.

If there will be a Protection Order, check the fourth box. Check the text box showing the type of protection order. Fill in the date the judge signed the protection order, if different than the date the judge will sign this Order re Modification. Add the case number, if you got the protection order under a different number and it’s being consolidated here.

- If you’re getting a new protection order, you must fill out and ask the judge to sign the appropriate Order for Protection form when preparing this Order re Modification. Make sure:
 - the no-contact, custody and visitation provisions of the protection order are consistent with your final parenting plan/residential schedule;
 - the expiration date and other relief in the protection order is the same as you requested, or as the judge otherwise orders; and
 - add the following language to the protection order in paragraph 8. Other: “This Order for Protection is issued under RCW chapter 26.09, 26.10, or 26.26, and isn’t subject to the one-year limitation on restraining the respondent from contacting the respondent’s minor children. RCW 26.50.060(2).”

◆ **Caution:** there is no settled state-wide procedure for combining a protection order you have in another case into your parenting plan case. If possible, ask about the procedure in your county before you begin.

Other:

If there are further court orders not already listed in this paragraph, check the box “other” and write them in. If you have a Protection Order that was originally entered under a different case number, and you asked for the court to change it or extend the expiration date, write in what you asked the court to do. Example: “The Protection Order entered on _____ [date] under Case No. XXXX is consolidated under this case number and it’s approved and incorporated herein, except it’s modified as follows: 1) The no contact, custody and visitation provisions are changed to follow the Final Parenting Plan/Residential Schedule; and 2) the expiration date is changed so that the Protection Order is permanent, as authorized by RCW 26.26.130(9) and RCW 26.50.060(2). The parties shall comply with that Order for Protection.” Make sure you also complete a LEIS and a new Order for Protection, including the changes you asked the court to make.

Signature.

The party who’s taking this form to the judge should sign and print his/her name on the left side under "Presented by." The other party should sign under “Approved for entry,” if that party agrees with everything written in the Order or, if after trial, the other party agrees that the Order accurately states the judge’s decision.

DON’T fill in the date or sign on the line that says Judge. The Judge will fill those lines in when you have your Findings signed.

B. Order for Protection

This form isn’t in this packet. Get it only if you want the court to enter an Order for Protection, or to change an Order for Protection you got under a different case number, as part of your modification case. Otherwise, skip this form.

If you’re entering final orders by default, you can ask for an Order for Protection only if you requested one in your Petition. See the information above about where to get the form.

If you use this form: in order for the protection order to be permanent, write that on page 1, and make sure any visitation provisions in the protection order don’t conflict with the parenting plan.

◆ **Caution:** there is no settled state-wide procedure for combining a protection order you have in another case into your parenting plan case. If possible, ask about the procedure in your county before you begin.

C. Parenting Plan or Residential Schedule

If the parenting plan/residential schedule is being changed in any way, use a final parenting plan or residential schedule form. Use the information in the parenting plan or residential schedule form that you completed with your Petition or Response. Except in default cases, make any changes to it that are necessary (example: if you and the other party agreed to make changes, or if your trial judge made changes to your proposed parenting plan). A copy of the form and instructions for it are in the packet [*Parenting Plans, Residential Schedules, and Child Support for Parentage Cases and for Custody/Parenting Plan Modifications in Parentage Cases.*](#)

D. Order of Child Support and Worksheets

If child support is being changed, you'll also need to complete the Order of Child Support and Child Support Worksheets. Use the information in the worksheets that you completed with the Petition or Response. Except in default cases, make any changes to it that are necessary (example: if you and the other party agreed to make changes, or if your trial judge made changes to your proposed worksheets). A copy of the worksheets and instructions for them are in the packet [*Parenting Plans, Residential Schedules, and Child Support for Parentage Cases and for Custody/Parenting Plan Modifications of Parentage Cases.*](#) If child support is being changed, you must also complete the Order of Child Support found in that packet.

◆ If the children have received public assistance (TANF) or Medicaid, or if they're in foster care or out of home placement, the prosecuting attorney's office also must sign your Order of Child Support and child support worksheets before the Judge or Court Commissioner will sign it. If a GAL was appointed for either party or to represent the best interests of any child, s/he must also sign the final parenting plan/residential schedule.

Section 8: Steps to Complete and File a Motion for Default

If the nonrequesting party filed a Response, or if you're the nonrequesting party and have filed and served a Response, skip this section and go to the section appropriate for your case: either "Steps to Take to Finish the Modification by Agreement" or "If You and the Other Party Don't Agree."

The requesting party may ask the court to enter an order of default against the other party any time after his/her time period for responding has ended.¹⁰ This section contains forms and instructions to ask for default. First, you must fill out the necessary default forms.

A. Motion and Declaration for Default – WPF DRPSCU 03.0100

Caption. Fill out the caption.

Section I. Motion

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

Section II. Declaration.

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

Paragraph 2.1. Proper Jurisdiction and Venue

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

Paragraph 2.2. Jurisdiction Over the Other Party

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

Paragraph 2.3. Service on Other Party

- In the first blank, write the title of every form that was served on the party you believe is in default. Include the Summons, Petition, and all the other documents served. Include everything. Check your Return of Service form to be sure. If you don't have enough room in the blank, write "See attached Exhibit A." Then list the documents on a separate sheet of

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

paper, write “Exhibit A” at the top of the paper, and staple it to the Motion. Fill in the date s/he was served with these papers.

- If the other party was served in Washington, check the first box.
- If the other party was served outside Washington, check the second box. Write in the blank space the state or country where they were served. In the space at the end of the paragraph, write a brief explanation about why you couldn’t serve that party in Washington. (Example: if s/he lives out of state, write “_____ (name) lives out of state.”)

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

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

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

Paragraph 2.5. Appearance of the Other Party

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

Paragraph 2.6. Service Members' Civil Relief Act Statement

This paragraph states whether you believe the other party is a member on active duty in the military¹¹ or the dependent of a resident of Washington who’s on active duty and is a National Guard member or a Reservist. Dependents are spouses or minor children or persons for whom the service member provided most of the support for the last six months.¹²

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

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

For Washington State’s Service Members Civil Relief Act, see RCW 38.42.010 et seq.

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

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

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

Paragraph 2.6.1 Service member status¹³.

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

Paragraph 2.6.2. Dependent of a service member status.

- Paragraph 2.6.2 A Write the other party's name. Then check the box below it that applies.
- In paragraph 2.6.2 B:
 - If you had a Notice re: Dependent of a Person in Military Service¹⁴ 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. Fill in the date requested. Otherwise, skip that box.
 - Under "other factual basis," write in what you know about whether the other party is or isn't a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

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

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

- In paragraph 2.6.2.C: if the other party is a dependent of a resident of Washington who's on active duty and is a National Guard Member or a Reservist, check the box at the beginning of 2 C. Then check the box(es) under it that apply. If you check the last item, check the appropriate box in the text of that item. Otherwise, skip this item.

Paragraph 2.7. Other

Leave this blank.

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

B. Order of Default – WPF DRPSCU 03.0200

This is the form you'll ask the judge to sign at your hearing to show that the nonrequesting party is in default.

Caption:

Fill out the caption as shown in the general instructions.

Section I. Basis.

Write your name in the blank.

Section II. Findings

Paragraph 2.2. Service on Nonrequesting Party

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

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

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

Paragraph 2.3. Time Elapsed Since Service

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

Paragraph 2.4. Appearance

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

Paragraph 2.5 Service Members Civil Relief Act Statement.

Paragraph 2.5.1. Service member status.

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

Paragraph 2.5.2. Dependent of a service member status.

Check the box that applies.

- If you know that the nonrequesting party is not a dependent of a resident of Washington who's on active duty and is a National Guard Member or a Reservist, check the first box.

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

Paragraph 2.6. Other

Leave this blank.

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

Signature.

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

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

If the other party didn't file or serve a Response or Notice of Appearance or other court papers, didn't appear at any court hearings, or contact you in any way (by telephone or letter) about the Petition for modification/adjustment, and if your default and final orders hearing will take place less than one year after you had him/her served with the summons and petition,¹⁵ then you can file a motion for default and ask the court to sign your final orders without giving any further notice to the other party.

However, we recommend you give notice anyway (as described in the "Give the Other Party Notice" section, below). Orders that are entered by default may sometimes be vacated (cancelled) later if the other party files a motion to vacate and persuades the court that the orders should be vacated. Having proof that you gave the other party another chance to respond before final orders were entered may help you to prevent the other party from convincing the court to vacate (cancel) your orders later. Further, some courts require that you file a note for motion calendar to schedule a hearing to enter your final orders, even if you don't need to give notice to the other party.

If you don't want to serve a Note for Motion (and if you're not required to do so because your the other parent is the only other party and s/he hasn't appeared in the case at all, or because all other parties if there are any have signed all your final papers), you may be able to take your final orders to the courthouse whenever a judge is available. Check your local court rules (at the law library), or ask your Family Law Facilitator (if your county has one), or court clerk to find out what days and times you may go to the court to enter your final orders by default and whether you need to file a Note for Motion or similar form. Make sure to tell the clerk that the

¹⁵ If more than one year has passed since you served the other parent with your Summons and Petition, you must give the other parent notice of the motion for default.

other party didn't respond at all. Motions for entry of final orders by default in modification cases are often scheduled in the ex parte department, but may be scheduled on the family law calendar or with a judge.

If local rules don't require you to file a Note for Motion, and if you decide not to serve a Note for Motion (you can choose this only if the other party has never appeared in the case, and we don't recommend it even then), then follow the directions below for going to your hearing.

If you decide to, or are required to, file and serve notice of your motion, follow the directions beginning in the next paragraph.

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

If the other party appeared but didn't file a Response, you may file a motion for default. But you must also give the other party notice of the motion and of your intent to ask the court to sign your final papers.¹⁶ Washington's state Supreme Court recently confirmed that a party must file a written notice of appearance or file another pleading in order to "appear" in a case. However, if the other party contacted you in any way after s/he was served with the modification/adjustment action papers, it's still the better practice to act as though s/he has "appeared" and should be given notice of the final hearing.

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

1. How do I get a date for my hearing?

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

¹⁶ If you don't yet have an Order re Adequate Cause signed by the judge, your local court may also require you to file and serve a motion for adequate cause and notice of hearing for adequate cause determination. Ask the family law facilitator to be sure. If so, this adequate cause motion process is described in the packet [Filing a Petition to Modify/Adjust a Parenting Plan in a Dissolution Case](#).

2. How much notice do I need to give the other party?

Under the Washington civil rules, you must give your motion and other legal papers to the other parties and the court at least **five court days** (business days that aren't court holidays) **before the hearing date**.¹⁷ Don't count weekends, holidays, or the date you mail/deliver the papers.

Note: many counties require more than five court days' notice for family law hearings. Check your local court rules, or ask your Family Law Facilitator or the court clerk to find out how many days notice you must give.

Other note: if your default and final orders hearing will take place more than one year has passed after you served the other party with the summons and petition, you must give the other party at least ten days' notice of the motion (more in some counties), served personally or by certified mail.¹⁸

Add Days for Mailing.

Mailing. If the papers are mailed, rather than personally delivered, add at least three (3) days¹⁹ to the number of days' notice required by your county's rules. Example: if you mail a document on a Monday, it'll be presumed to have been served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day that is not a legal holiday or weekend.²⁰

It's a good idea 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.

E. Instructions for the Note for Motion Docket form

Caption. Fill in the caption.

To the Clerk of the Court and to. In this section, fill out the names of all the other parties. The other parties in your case include the other parent, and may also include the GAL (if you have one), the Prosecuting Attorney's office (if the State appeared),²¹ and/or another private individual. If you're not sure whether someone is a party to your case needing notice, consult an attorney.

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

¹⁷ Civil Rule [\(CR\) 6\(d\)](#).

¹⁸ [CR 55\(f\)](#) and any local rules.

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

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

²¹ For more information about serving the State of Washington, see our packet [Serving Papers on the State](#).

- **Address:** Fill in the address of the courthouse.
- **Nature of Motion:** Write in “Motion for Default and Presentation of Order re Adequate Cause and the Final Orders in Petition for Modification/Adjustment of Parenting Plan/Residential Schedule/Custody Decree.”
- **Signature:** Sign and print your name, and your address.

F. Filing and serving notice of the Motion for Default and presentation of final orders

Unless more than one year will have passed between your hearing date and the date you served the other party with the Summons and Petition for modification/adjustment, don’t personally serve the other party with the motion and final papers. Use first class mail or hand delivery. If you want extra proof of the date that you mailed notice, or you think the other party will sign for certified mail, send a second copy certified mail, return receipt requested.

- Make sure that your motion is filed and served in time to give the court and the other party enough notice before the hearing date.** See the Instructions for the Note for Motion Docket above. You must serve all the parties on time. This includes the nonrequesting party, and any other parties such as the GAL or prosecutor. For more information on serving the prosecuting attorney, see our packet [Serving Papers on the State](#).
- Before going to the courthouse, copy and organize your papers.** Make one copy of every paper – see the list in the “Steps to Take” section -- for each of the other parties (and for the judge if you need working papers. **Except don’t make a copy of the LEIS (if you’re using this form) for any other party.** Make a set of the papers for each. (Don’t give the other parties the Certificate of Mailing or the LEIS.)
- Keep a full set of copies for yourself.
- Put each of the other parties’ sets of papers in an envelope, addressed to that party, with your return address. Use these sets for service.
- File the original Note for Motion Docket (or any local form) and the other papers you’ve prepared for your default hearing in the clerk’s office of the Superior Courthouse where the Petition for Modification/Adjustment was filed. Ask the clerk to stamp the copies showing the place and date the originals were filed. Ask the clerk how to deliver the working papers (if required in your county) and what to do with proposed orders you’ve prepared. Do as the clerk says.
- Make sure every other party is served with copies of the papers you’ve filed with your motion (except any confidential information form or LEIS) and with your proposed orders. The papers may either be hand delivered to the other party, or mailed to the other party by first class (regular) mail using the procedure described in the following paragraphs.²²

²² [CR 5\(b\)\(1\)-\(2\)](#).

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

While the case is going on, if the party you're serving has given an address for receiving legal papers in the case, send the papers to him/her at that location. (The other party's address may be, for example, at the end of the Response form, a Summons, a Notice of Appearance, an Amended Notice of Appearance, or any updated notice changing the address for service.) If the party has an attorney in 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. It's best not to 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. File the original certificates with the court clerk. Keep a conformed copy for your records.

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

Add Days for Mailing.

Mailing. If your friend mails the papers, rather than personally delivering them, you must add at least three (3) days²³ to the number of days' notice required by your county's rules. Example: if you mail a document on a Monday, it'll be presumed to have been served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day that is not a legal holiday or weekend.²⁴

You should 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 is sent by regular first class mail, and if you think another party won't show up at a hearing, have an additional copy sent by certified mail, return receipt requested, 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
- leaving it at his office with his/her clerk or other person in charge of the office²⁵; 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,

²³ 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.

²⁴ [CR 6\(a\) & \(e\)](#); [CR 5\(b\)\(2\)](#).

²⁵ 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.

- 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.²⁶

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

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

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

3. Filing the Certificates of Mailing or Personal Delivery

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

G. Working Papers and Confirming Your Hearing

In many counties, you must:

- deliver an extra copy of all of papers (including proposed orders) for your hearing for the judge to read. This set of copies is called Working Papers.

²⁶ [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who's an adult (or at least an older teenager) who doesn't have a mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

- 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.

H. Going to the Hearing

1. **Take Your Court Papers with You.** You must take any originals and copies of all your final papers with you. (See the list in the “Steps to Take” section). Take copies of your Return of Service (from Serving the Petition), and Certificate of Mailing or Personal Delivery (from serving the Motion). Bring copies of all the papers you filed and served on the other party, in case the judge has a question about them and doesn’t have the court file.
2. **Get to Your Hearing Early.** Try to dress neatly. Bring a pad of paper and black pen to write notes with. It’s better not to bring your children if you can help it – the judge will usually not let them sit in the courtroom. If you’re not there on time, the hearing will be cancelled (or the other party may win).
3. **When You Get to the Courtroom.** When you get there, tell the person in charge in the courtroom (often called the clerk or the bailiff) your name and the name and number of your case. Take a seat. When the judge walks in the room, stand. When your case name is called, tell the court that you’re present. Remain in court until your case is called for hearing.

Come forward when told to do so. Give the court the originals of the Order of Default, the Order re Adequate Cause (unless the court has already signed it), the Parenting Plan or Residential Schedule, the Order re Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule, and any Order of Child Support and Child Support Worksheets that you’ve filled out.

4. **Getting a Default Order.** If the other party doesn’t appear, show the judge your Certificate of Mailing or Personal Delivery. Ask the judge to sign your orders. (For example, Order of Default, Order re Adequate Cause (if not already signed), Order re Modification/Adjustment, final Parenting Plan or Residential Schedule, and any Order of Child Support and Child Support Worksheets.) The judge may ask you some questions to make sure that the information is complete and correct. S/he may also ask you questions about the requested modification/adjustment, and your reasons for needing it. The judge may want to see your Return of Service.
5. **Presenting Your Case.** If the party who hasn’t filed a Response shows up at the hearing, the judge probably won’t grant your motion for default or sign any of your final papers. Ask the judge to set a Review Hearing so that you may present your Order of

Default and other papers again, if the nonrequesting party hasn't filed and served a Response by that time.

- If the nonrequesting party doesn't file a Response by the court's deadline, go to the review hearing and ask the judge to sign your Order of Default and, if applicable, your Order re Adequate Cause and final papers.
- If the nonrequesting party does file a Response before the review hearing, you can't get an order of default against that party. You must reach agreement or get ready for trial. In addition, if you don't have an Order re Adequate Cause already signed by the judge, you must follow the steps in the *Filing* packet to schedule the adequate cause hearing.

◆ DON'T INTERRUPT THE JUDGE.

6. **Getting Copies of the Orders.** If the judge does sign your final papers, 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.** If you don't know what to do with the originals, ask someone at the clerk's office to help you. See "Steps to Take" section for what to do with the final orders after you have them.

Section 9: Steps to Take to Finish the Modification/Adjustment Case by Agreement.

If you and the other party DON'T agree about everything in the final orders, skip this section and go to the section "If You and the Other Party Don't Agree." If you agree, use this section whether you're the requesting party or the nonrequesting party.

1. **Complete your Final Court Orders:** See the list of forms in the "Steps to Take" section above. If you haven't already done so, complete an Order re Adequate Cause. Make sure you also have the beginning papers required. See lists in the packets [Filing a Petition to Modify/Adjust your Parenting Plan/Residential Schedule/Custody Decree in a Parentage Case](#) or [Responding to a Petition to Modify/Adjust your Parenting Plan/Residential Schedule/Custody Decree in a Parentage Case](#).
2. **Have the other party sign each of the completed forms.** Decide if both parties will go to court on the day the papers are presented to the judge. If the prosecutor or GAL or any other party is involved in your case, they must also review and sign the forms before you may present them to a judge. If you need help reaching an agreement, try mediation or a settlement conference. See the publication called [Mediation](#). Your Family Law Facilitator may also have information about settlement conferences. Exception: The only time the nonrequesting party doesn't need to sign the final papers is if all the following things are true:
 - (a) s/he has signed a Joinder form AND s/he didn't check the second box in paragraph 2 of that form, asking for notice of further proceedings (look at the joinder form if you're not sure)
 - (b) s/he didn't file or serve a Response, and
 - (c) your final papers contain exactly the same relief as you requested in your Petition, proposed parenting plan or residential schedule, and any child support worksheets.
3. **Schedule Presentation of your Final Orders.** Find out if you need to file a Note for Motion to schedule a hearing in order for a judge to sign your final papers. This is usually called "presentation of agreed final orders." Then, use that information to follow the directions for filling out, filing and serving the Note for Motion. See the paragraphs in the "Default" section on how to schedule a final hearing, complete a Note for Motion, and give notice.

Exceptions: you'll be asking the court to sign agreed final papers not an order of default, so

 - **on the Note for Motion Docket take out "Motion for Default" – just write "Presentation of Final Agreed Orders" and**
 - **at the hearing you'll ask the judge to sign your final papers, but not any Order of Default.**
4. **Make at least one copy of each** of the final court order forms.

5. **Go to the courtroom where you scheduled your presentation** at the date and time scheduled. Or, if you didn't need to schedule a date in advance, go to the courtroom where "Ex Parte" matters are heard. We recommend that, if possible, both the requesting party and the nonrequesting party go to court to present the papers. Enter the courtroom quietly. Go up to the judge's clerk, and hand the clerk your papers. Sit down and wait to be called. When you're called, approach the judge and explain that you're there to present agreed final orders in the modification/adjustment action. The judge will review your papers, may ask you some questions, and usually will sign your final orders.
6. **Go to the "Steps to Take" section above to see what to do with your final orders.**

Section 10: If You and the Other Party Don't Agree, and You Don't Get an Order of Default, Get Ready To Go To Trial

If the nonrequesting party files a Response, and the parties don't reach an agreement about a modified/adjusted parenting plan/residential schedule (and child support changes, if any), and the case isn't dismissed, the parties must prepare to go to trial. See the "Words You May Need to Know" section for the difference between a trial and a hearing. You must follow the court's rules about trial preparation. In some counties, you have a case schedule or other notice that tells you about some of the things you must do to prepare for trial. Talk with your Family Law Facilitator for more information about those deadlines. If you don't have a case schedule, don't wait until the last minute to get ready for trial –make sure that you start weeks, if not months, in advance. Find out about how your trial is scheduled. Sometimes a case schedule or the court announces the trial date, and sometimes the parties must ask for a trial date. Find out whether your type of modification/adjustment will have a full trial or something different. (Some counties may decide adjustment cases differently than modification cases).

If you and the other party disagree about your parenting plan/residential schedule, and there are claims the children aren't safe with one or both parents (such as when a parent has engaged in domestic violence, child abuse, neglect, or has drug or alcohol problems), you may want to ask the court for a parenting evaluation or appointment of a GAL. See our publications [Parenting Plans](#) and [How to Request a Guardian ad Litem for Dissolution Cases](#) for more information.

If you have a trial, each party will have the chance to tell the judge why the judge should rule in that party's favor. Each party will be required to present the judge with evidence (documents or testimony, for example) that help prove that party's claims. The overview of the process of taking your case to a trial in the "Steps to Take" section is very general and may not apply in every case. This packet doesn't include detailed information about how to prepare for trial because it would require too many pages. However, we have some other publications that may help you prepare for trial. See, for example, our publications called [Mediation](#), [How to Subpoena Witnesses and Documents](#), and [Basic Tips on How to Prepare for a Court Hearing or Trial](#). If you can, talk with an attorney for specific advice about what to do to prepare for trial in your case.

At the end of your trial, the judge will announce his/her decision and give reasons for it. However, the case isn't over until final papers are signed by the judge. The judge will usually ask one of the parties, or a party's attorney if a party has one, to prepare the final papers for the judge to approve. Those papers will be presented to the judge at a "presentment" or "presentation" hearing. Sometimes the judge at the end of the trial will set a date for the presentation hearing. If s/he doesn't set the date, then the person who prepares the final papers must give the other parties advance notice of the time and place of this hearing. The person who prepares the final papers s/he wants the judge to sign is required to give the other parties advance copies of those papers to review. That person is supposed to draft the final papers to say exactly what the judge ordered – not what that party wanted. Any party who doesn't think the proposed final orders say what the judge ordered can come to the hearing and explain the objection. In

some counties, the disagreeing party must propose different final papers that s/he believes more accurately show the judge's decision and provide them in advance to the judge and other parties..

The final papers needed after trial are listed in the "Steps to Take" section above.

If you're preparing the final papers, make sure they show the judge's reasons and decision. After you've prepared the final papers, schedule the "presentment" hearing. Follow the steps for setting up a hearing, filing notice of the hearing date, and notifying the other parties described in the "Default" section, beginning with "how much notice do you need to give the other party?" (The judge who conducted your trial must be the one to approve the final papers, so call the judge's office to get a hearing date with that particular judge). Use the Note for Motion docket form in the "Default" section (or a different locally required form) except describe the "Nature of Motion" as "Presentation of Final Orders in Petition for Modification/Adjustment of Parenting Plan/Residential Schedule/Custody Decree."

Follow the remaining steps in the "Default" section, beginning with "Working Papers" except that you'll be asking the judge to sign the final papers but not an Order of Default. Then, go to the "steps to Take" section to find out what to do with your final orders.

Section 11: Blank Forms

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

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

_____ Child(ren)

_____ Petitioner

and

_____ Respondent(s).

No. _____

**Order Re
Modification/Adjustment
Of Custody Decree/Parenting
Plan/Residential Schedule
(ORMDD/ORDYMT)**

I. Basis

This order is based on:

- a finding that adequate cause had been established for hearing the petition.
- an agreement of the parties.
- an order of default signed by the court on this date or dated _____.

II. Findings

The Court Finds:

2.1 Jurisdiction

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, are 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:

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

Does not apply.

The custody decree/parenting plan/residential schedule should not be modified because none of the statutory reasons in RCW 26.09.260(1) and (2) 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 nonmoving party and the modification is in the best interest of the children and is necessary to serve the best interest of the children. This finding is based on the factors below:

The parties agree to the modification.

The children have been integrated into the moving party's family with the consent of the other party in substantial deviation from the decree or 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 person failed to comply with the residential time provisions in the court-ordered parenting plan, or the person has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

The following facts, supporting the requested modification, have arisen since the decree or plan/schedule or were unknown to the court at the time of the decree or plan/schedule:

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

- Does not apply.
- The custody decree/parenting plan/residential schedule should not be modified because:
 - none of the statutory reasons in RCW 26.09.260(4) apply.
 - none of the statutory reasons in RCW 26.09.260(8) 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 children do not reside a majority of the time would serve and protect the best interests of the children using the criteria in RCW 26.09.191. The following facts support the request for modification:
 - 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.

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

- Does not apply.
- The custody decree/parenting plan/residential schedule should not be adjusted because none of the statutory reasons in RCW 26.09.260(5)(a) and (b) 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. It is a minor modification in the residential schedule that does not change the residence at which the children are scheduled to reside the majority of the time and:
 - is not more than 24 full days in a calendar year.
 - 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 custody decree/parenting plan/residential schedule impractical to follow.

2.5 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.

2.5.1 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 has has not demonstrated a substantial change in circumstances specifically related to the basis for the limitations.

2.5.2 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. The following facts show this parent has has not fully complied with such requirements:

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

The custody decree/parenting plan/residential schedule should not be adjusted because none of the statutory reasons in RCW 26.09.260(5)(c) apply.

The custody decree/parenting plan/residential schedule should be adjusted because a substantial change in circumstances of (parent's name) _____ (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 at which the children are scheduled to reside 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.

2.6 Adjustments to Nonresidential Provisions Under RCW 26.09.260(10)

Does not apply.

The custody decree/parenting plan/residential schedule should not be adjusted because none of the statutory reasons set forth in RCW 26.09.260(10) apply.

The following nonresidential aspects of the parenting plan/residential schedule 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:

2.7 Substantial Change in Circumstances

(Complete this part if a modification or adjustment is based on paragraphs 2.2, 2.4, 2.5.1, 2.5.3 or 2.6)

The following substantial change has occurred in the circumstances of either party or of the children:

2.8 Protection Order

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

III. Order

It is Ordered:

- The petition to modify/adjust the custody decree or parenting plan/residential schedule is denied.

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

Child(ren)

Petitioner

and

Respondent(s).

No. _____

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

I. Motion

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

Dated: _____

Signature of Requesting Party or Lawyer/WSBA No.

Print Name

II. Declaration

2.1 Proper Jurisdiction and Venue

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

The petitioner resides in (county and state only) _____.

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

Respondent resides in (county and state only) _____.

Other:

2.2 Jurisdiction Over the Other Party

This court has jurisdiction over the other party because:

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

2.3 Service on Other Party

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

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

2.4 Time Elapsed Since Service on the Other Party

- The other party was served within the state of Washington and more than 20 days have elapsed since the date of service.

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

2.5 Appearance of the Other Party

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

2.6 Servicemembers Civil Relief Act Statement

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

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

B. Factual basis:

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

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

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

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

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

B. Factual basis:

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

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

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

2.7 Other

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

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

Signature of Requesting Party

Print Name

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

Child(ren)

Petitioner

and

Respondent(s).

No. _____

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

granted (ORDFL)

denied (ORDYMT)

I. Basis

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

II. Findings

The court *finds*:

2.1 Proper Jurisdiction and Venue

The court has proper jurisdiction and venue.

2.2 Service on Nonrequesting Party

(Name of nonrequesting party being defaulted) _____

was served with _____

_____ on (date) _____.

2.3 Time Elapsed Since Service

Ord of Default (ORDFL) - Page 1 of 3

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

2.4 Appearance

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

2.5 Servicemembers Civil Relief Act Statement

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

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

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

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

2.6 Other

III. Order

It is Ordered:

Ord of Default (ORDFL) - Page 2 of 3

WPF DRPSCU 03.0200 Mandatory (6/2008) - CR 55(a); RCW 26.09.020

**Superior Court of Washington
County of _____**

In re the Parenting and Support of:

Child(ren)

Petitioner

and

Respondent(s).

No. _____

Note for Motion Docket

(No Mandatory Form Developed)

TO THE CLERK OF COURT AND TO: _____

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

HEARING DATE: _____

HEARING TIME: _____

LOCATION: _____

COURTHOUSE ROOM: _____

ADDRESS: _____

NATURE OF MOTION: _____

Dated: _____

Signature of Lawyer or Party

Print or Type Name

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

Address

**Superior Court of Washington
County of _____**

In re:

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

**Finishing Your Modification/Adjustment of Parenting Plan/Custody in a Parentage 3/09
EVALUATION FORM**

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

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

1. Where did you get this packet? _____

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

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