



Changing a Parenting Plan or Child Custody Order

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- ❖ You can find all the fact sheets and Do It Yourself packets we link to here at WashingtonLawHelp.org.
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Should I read this?

Yes, if you want to change a final court order that sets out who has custody of your children and who the children visit with. This order might be a Custody Decree or Order, Residential Schedule, Parenting Plan, or Minor Guardianship Findings and Order. In this FAQ we will call all these orders “Parenting Plans.”

The Parenting Plan may be between you and an ex-partner, or a relative who has been taking care of the child. To make things easier, we just refer to “the other parent” in this FAQ.

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- ❖ “Judge” in this FAQ refers to a judge or court commissioner.
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The other parent has custody under our final parenting plan. Things have changed since we got that parenting plan. Can I get custody now?

Maybe. You can file a Petition to Change Parenting Plan and ask the court for a new parenting plan that gives you custody. When you ask in this type of petition for a change in custody, this is called a **major modification** of your parenting plan. You will need to prove to the court that there has been some kind of substantial change in the circumstances of the children’s lives or the other parent’s life. Here are some specific reasons under state law to file for a major modification:

- The parent with custody under the current Parenting Plan has let the children live with you for a substantial time.
- The other parent’s home is not safe for the children physically, mentally or emotionally. It would be more harmful to leave the children where they are than to move them to your home.

- A court has held the other parent in contempt at least twice in three years for not following the Parenting Plan or criminally convicted the other parent of custodial interference in the first or second degree.

I lost custody of the children in a nonparent custody or minor guardianship case. Can I file a Petition to Change Parenting Plan to try to get my kids back?

Yes. You will need to be able to prove to the court that your situation has gotten better. You must also prove that it will not harm the children to be back in your custody. Read [Change a Nonparent Custody Order to Get Your Children Back](#) to learn more.

I don't want to change custody. I want a new parenting plan for other reasons. What can I do?

You can still file a Petition to Change Parenting Plan. Depending on what sort of changes you want, your type of case may be a **minor modification** of your parenting plan. Here are some examples of situations where you might need a minor modification:

- A parent's work schedule has changed. The parent can no longer visit the children during the times in the current parenting plan.
- A parent wants to take the children on a longer vacation than the current Parenting Plan allows. The children are much older than when you got the current parenting plan. They can spend more time away from the other parent.
- A parent has become a member of a religious faith which requires them to observe holidays that the current parent plan does not cover.

I have custody. The other parent has developed a substance use issue. Can I get a new parenting plan to limit the children's time around the other parent?

Yes, you can file a Petition to Change Parenting Plan for this reason. Depending on what kind of changes to the parenting plan you want, this could be either a major or a minor modification. You will need to give the court proof of the other parent's substance use issue and of how this issue affects the children.

The other parent and I agree that we need a new Parenting Plan. We also agree what it should say. What should we do?

You can file an agreed Petition to Change Parenting Plan. This will make it easier to get a new parenting plan than if you and the other parent disagreed about whether you need a new parenting plan or what a new parenting plan should say. [Our File a petition to change a parenting plan, residential schedule, or custody order](#) packet has a section on how to file an agreed case.

How much does it cost to file a Petition to Change Parenting Plan?

If you file in the same county that entered your parenting plan, the court will charge you up to a \$56 filing fee. If you file in a different county, or under a different case number, the filing fee may be up to \$260. There will also be copying costs and maybe fees for serving papers on (delivering court papers to) the other parties. If you hire a lawyer, you must pay attorney's fees and costs.

What if I cannot afford to pay the filing fee?

If you have a low income, you can try to get the court to cancel (waive) the filing fee. Use our [Ask the Court to Waive Your Filing Fee](#) packet or use our do-it-yourself interview program, [Washington Forms Online](#), to complete the forms at WashingtonLawHelp.org.

The other parent doesn't want a new parenting plan. What will happen in my court case?

After you file the case and the time for the other parent to Respond to your Petition has passed, there will be a preliminary hearing called an **Adequate Cause hearing**.

This hearing is very important. The judge will look at the papers you and the other parent have filed. You will have a few minutes to tell the judge a summary of your reasons for filing this case. The other parent will have a few minutes to say why they believe your case should not be allowed to go forward. The judge will then decide if you had valid reason (adequate cause) to file your case. If so, the judge will let the case proceed. If not, the judge will dismiss the case.

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- ❖ Our [File a petition to change a parenting plan, residential schedule, or custody order](#) packet has advice on how to get ready for the Adequate Cause hearing.
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What does it mean to let the case proceed?

It means you can continue to try to get a new final parenting plan from the court. Depending on the facts of your case, how urgent your need for a new parenting plan, and how much you and the other parent disagree, you have options for getting to a new final parenting plan:

- **Settlement:** You and the other parent come to a negotiated agreement about what a new parenting plan should say.
- **Trial:** You will testify, have others testify for you, and give evidence. A judge will decide if you need a new parenting plan, and if so, what it should say.

If you need orders before your trial date, you can get temporary orders. [Our Ask for temporary family law orders: Petition to change parenting plan cases](#) packet has forms and instructions you can use.

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- ❖ **Military Parents:** Special rules apply if a parent involved in your case is on active duty. Get advice from a family law attorney. Read [Military Service and Parenting Plan Modifications: Your Rights in Washington State](#) to learn more.
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I do not want to change the Parenting Plan. I am having other problems with the other parent involving the parenting plan. What can I do?

It depends on what the problems are.

If the other parent has not been following the parenting plan, or you need its terms made clearer, you should file for contempt or clarification. Our [File a Motion for Contempt: Family Law Cases](#) packet has forms and instructions. We do not have a packet for a motion for clarification.

If you want to change how much child support the children get, you should file a Petition to Modify Child Support Order. Read [If You Want to Modify \(Change\) Your](#)

[Child Support Court Order](#) to learn more. Our File a Petition to Modify a Child Support Court Order packet has forms and instructions.

What if I do not have a final Parenting Plan?

If a court has never signed a final Parenting Plan, you need to start a different kind of court case to get one. Read [Parenting Plans: General Info](#) to learn more.

I want to move with my children. Do I file a Petition to Change Parenting Plan?

No. Read [Questions and Answers about Washington's Relocation Law](#) to learn more.

Where can I read the law about changing a parenting plan?

Some parts of the law are set out in the Revised Code of Washington at [RCW 26.09](#). Most public libraries in Washington have a physical copy of the RCW available for in-library use. You can also read the RCW online at apps.leg.wa.gov/rcw.

Check with your county's law library to see if a librarian can help you find case law or statutes about parenting plans. You can find some contact information using the Washington Association of County Law Libraries' directory at bit.ly/39LLkC2.

Get Legal Help

- **Apply online** with [CLEAR*Online](https://nwjustice.org/apply-online) - nwjustice.org/apply-online
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at nwjustice.org/apply-online.
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.

Deaf, hard of hearing or speech impaired callers can call any of these numbers using the relay service of your choice.

Interpreters provided.

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