

Finalize a Petition for a Parenting Plan, Residential Schedule and/or Child Support: Parentage Cases

Instructions and Forms



Northwest Justice Project

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Part 1. Important!

A. Should I use this?

This will help you finalize a petition for a parenting plan, residential schedule and/or child support case. We will call it a Petition for Parenting Plan for short.

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- ❖ Use this **only** if the petition in your case was on form number **FL Parentage 331**.
 - ❖ **This is not a substitute for legal advice.** We have very limited info if you are going to trial. Try to talk with a lawyer.
-

To use this, you must have:

- 1) Already filed and served the other parties with the papers that start your petition for parenting plan, **or**
- 2) You must already have responded to the petition.

B. Try Using Washington Forms Online

Washington Forms Online helps people fill out family law forms on a computer. Answer interview questions to create completed forms and instructions that are ready for your use.

Visit [WashingtonLawHelp.org/resource/Washington-forms-online](https://www.washingtonlawhelp.org/resource/washington-forms-online) to see what forms are available. Other packets we recommend here may also be available.

C. What if I have questions that this packet does not answer?

Talk to a lawyer familiar with family law before filing anything with the court.

Many counties have family law facilitators who can help fill out forms or free legal clinics where you can get advice about your case.

- Do you live in King County? Call 211 weekdays 8:00 a.m. - 6:00 p.m. From a pay or public phone, call 1-800-621-4636. They will refer you to a legal aid provider.

- Apply online with [CLEAR*Online -nwjustice.org/get-legal-help](https://nwjustice.org/get-legal-help)
- Call the CLEAR Legal Hotline at 1-888-201-1014.



Part 2. Checklist of Steps

We explain many of these steps in more detail later.

- **1. Learn about local court requirements.** They will affect how you handle your case. Many counties have special forms, or have local rules you must follow. Many counties require case schedules, classes, or settlement conferences.

Ask the court clerk or family law facilitator about these local requirements. Tell them you are finalizing a petition for parenting plan case. Requirements may differ.

Read your local court rules. They are available at your county's law library and often at bit.ly/3Ak5jTz.

Look at the "*Words and Expressions You Should Know*" section of this packet if you need to.

Find out about at least these:

- If the court has its own packets or forms for your type of family law case. If so, use theirs instead of ours. If you use our packet, get any other local forms you will need.
 - If the court requires parenting classes, mediation, or settlement conferences.
 - Procedures for the court to check the judicial information system and databases before entering a permanent parenting plan to identify any information relevant to placing the child.
 - In cases where someone claims there is a limiting factor such as domestic violence or child abuse, local court procedures for having both parties screened to determine if a comprehensive assessment.
- **2. Get any other packets or forms you need.**
 - **3. Find out how long you must wait to finalize.** Your case is not final until the judge signs the final orders.

If you are entering final orders by agreement, you can take them to the judge any time after you and the other parent have completed and signed them all, and you have completed any local procedures, such as a parenting class. Any other parties, such as a GAL, must also sign the final papers before you take them to the judge.

- **If you are the respondent** and you have no agreement, get ready for trial. Make sure you have taken the steps in our [Respond to a Petition for a Parenting Plan, Residential Schedule and/or Child Support: Parentage Cases](#) packet.
- **If you are the petitioner and you have no agreement**, you must wait for the deadline for the other party's Response. After the deadline for a Response has passed,
 - If you have not been served with a Response, ask the clerk if the other party has filed a Response with the court. If a Response has been filed but not served on you, get a copy of the Response and any other papers the other party has filed from the clerk's office.
 - If the other party has filed or served a Response, get ready for trial, unless you are able to reach agreement.
 - If the other party does not respond on time, you can file for default. If the other party still does not Respond, you can ask the court to sign your Order on Motion for Default and (assuming any other parties have signed your orders) final court orders. How long you must wait depends on how you served the other party. Use our [Default the Other Party if They Do Not Respond](#) interview.
 - If you served the other party by personal service in Washington, you must wait at least 20 days from the date you served them before asking for a Default Order.
 - 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 before asking for a Default Order.
 - If the other party was served by publication, they have 60 days from the date of first publication to respond.

- If you served the other party by certified mail, you must wait at least 90 days from the date you served the other party before asking for an Order on Motion for Default.

During or after the response waiting period, you may:

- File for temporary orders or immediate restraining orders. Our [Ask for Temporary Family Law Orders: Parentage Cases](#) and [Ask for Immediate Restraining Orders: Parentage Cases](#) have the forms and instructions.
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- ❖ If the other party does not respond, do not wait too long after their response deadline to file for default and enter final orders. If more than one year passes after you served them, you must serve them with notice of the motion for default by certified mail or personal service. If you do nothing in your case for months, the court may fine you or dismiss the case and make you start again.
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- Take part in any Guardian ad Litem (GAL) or Family Court Services Investigation the judge has ordered.
 - The court may have appointed a GAL or ordered a Family Court Services investigation, for example if there are claims the children are not safe with a party due to domestic violence, child abuse, neglect, or drug or alcohol problems.
 - Our [Working with GALs and Parenting Evaluators](#) guide, available at [WashingtonLawHelp.org](#), offers tips on this process. You must cooperate with any GAL or Family Court Services investigation and wait for the report.
 - **Go to any parenting class your county may require.** You must do so even if entering orders by agreement or default. Ask the facilitator or clerk if you must take such a class, and if so how to sign up for it.

□ **4. Decide how you will finalize the case.**

These Paragraphs (A through D) Describe **different** ways to finalize:

- A. Agreed cases:** If you think you and another party (parties) might agree, deliver your proposed final papers to them. Each party who agrees should sign each final paper. If **all** parties agree and sign, you can take the final papers to a judge for approval. If the State of Washington is a party, or the

judge appointed a GAL, you must also get their signed approval on your orders.

B. Default cases: You should file a motion for default against any respondent who does not file and serve a Response to the petition by their deadline. If you move for Default against one party and have signed agreed orders with other parties (**example:** any GAL, the State of Washington), you can usually take the agreed orders the other parties have signed final papers to the judge for approval with the Order on Motion for Default. To finalize by default:

- 1) ___ **If you have not already served the Notice re Military Dependent, form # FL All Cases 01.0230, you must fill out, file, and serve this form.** Wait 20 days before moving for default (23 days if the notice was mailed). You can get this form at courts.wa.gov/forms.
- 2) ___ Fill out the Notice of Hearing, Motion for Default and proposed Order on Motion for Default and your proposed final orders. Make copies.
- 3) ___ File the Notice of Hearing and Motion for Default with the court clerk. Ask the clerk what to do with your proposed orders.
- 4) ___ Have the parties served with the Notice of Hearing, Motion, the proposed Order on Motion for Default, and proposed final orders.
- 5) ___ Fill out the Proof of Mailing or Hand Delivery.
- 6) ___ File the Proof of Mailing or Hand Delivery.
- 7) ___ Make at least two copies of each of your proposed final orders, the Proof of Mailing or Hand Delivery, and your original Proof of Personal Service. Bring them to the final hearing.
- 8) ___ If the other parent does not come to the hearing, and has not filed or served a Response, ask the judge to sign the Order on Motion for Default and your final orders.
- 9) ___ If the other parent comes to the hearing, ask the judge to give them a deadline to file a Response. The judge will not sign your Order on Motion for Default or final orders. (The Default section of this packet has more info.) If the judge grants your motion for default and signs the final papers, the last item in “How to Finalize Your Petition”

explains how to properly deliver copies of the final papers to the other parties.

C. Contested cases: If a party responds and does not agree with the petition, get ready for trial. You should:

- 1) _____ Conduct discovery, if needed.
- 2) _____ Get any appropriate Temporary Family Law Orders, if not done already.
- 3) _____ If not already done, ask the judge to appoint a GAL or for a Family Court Services parenting evaluation, if appropriate. Take part in their evaluation.
- 4) _____ Subpoena any witnesses or documents you will need for trial.
- 5) _____ Go to trial.
- 6) _____ Draft final papers that show the judge's decision.
- 7) _____ Take the final papers to the judge to sign.
- 8) _____ After the judge signs the final papers, the last item in "How to Finalize Your Petition" explains how to properly deliver copies of the final papers to the other parties.

D. Dismissal cases: You might dismiss the case by agreement or the judge may dismiss it before trial. We do not explain how to dismiss a case. Talk with a lawyer.

- 5. When you are ready to complete the final papers by agreement, after trial, or when you are moving for default, follow the General Instructions for the Forms and complete the Orders, including:

- _____ Final Order and Findings for a Parenting Plan, Residential Schedule and/or Child Support on Petition for Residential Schedule/Parenting Plan or Child Support
- _____ Final Parenting Plan
- _____ Child Support Order & worksheets (if the judge is setting child support)

You may also need:

- _____ Protection Order and LECIF (if you are asking for a protection order). Get the LECIF and protection order forms from the clerk. You can also get the protection order forms from a domestic violence program.
- _____ Restraining Order **or** Protection Order.
- _____ If you are moving for default, fill out the default forms.
- _____ If you must schedule a hearing to have the judge sign your papers, fill out a Notice of Hearing or local hearing notice form.
- _____ Any locally required forms.

- 6. If the prosecuting attorney or attorney general filed a Notice of Appearance in your case, give them the originals of your final orders to sign. If there is a GAL, you must also ask the GAL to sign the originals.

These other parties must sign whether you enter final orders by agreement or default. If you go to trial, a prosecutor probably will come to the trial.

- **7. After the Judge signs the Final Papers, File the Originals with the Clerk. Keep Conformed Copies for Yourself.** If you do not know what to do with the signed originals, ask the clerk how to file the originals and get conformed (or certified) copies of the papers the judge has signed. (You will need a certified copy of any order that has a restraining order.) **Do not change, destroy, or leave the courthouse with original court orders the judge has signed.**

After the originals have been filed with the court clerk and copies made:

- Keep your own copies in a safe place.
- Deliver copies to other parties (except the LECIF form if you filled it out).

If the judge enters a protection order protecting you, you will also need:

- _____ **Law Enforcement Confidential Information Form (LECIF).** See “Other court forms and documents you may need to get” below.
- _____ **Proof of Personal Service form:** See “Other court forms and documents you may need to get” below.



Part 3. Court forms in this packet

Court Form Title	Court Form Number
Proof of Mailing or Hand Delivery Or use Default the Other Party if They Do Not Respond *	FL All Family 112
Parenting Plan Or use Make a Parenting Plan *	FL All Family 140
Motion for Default Or use Default the Other Party if They Do Not Respond *	FL All Family 161
Order on Motion for Default Or use Default the Other Party if They Do Not Respond *	FL All Family 162
Notice of Hearing Or use Default the Other Party if They Do Not Respond *	FL All Family 185
Final Order and Findings for a Parenting Plan, Residential Schedule and/or Child Support	FL Parentage 333

❖ Links marked with an asterisk (*) are available as Washington Forms Online interviews that will help you prepare this form at WashingtonLawHelp.org.



Part 4. Other court forms and documents you may need to get

Our packets provide only the forms you need at the stage you need them. You will need more than one packet to file and finalize your case. Read the info below carefully. Check the boxes by the other packets you need.

[Washington Forms Online](#) helps people fill out family law forms. We are always adding new forms. Visit [WashingtonLawHelp.org](#) to download packets or use Washington Forms Online.

-
- ❖ **We discuss parenting plans only.** We do not recommend a Residential Schedule. It does not say who can make decisions for the children. A parenting plan does.
-

[Child Support Worksheets and Order](#): If the court is entering child support orders.

[Declaration about Public Assistance, FL All Family 132](#): We do not include this optional form in our packets. You may need it if your county requires it, or to verify that no child in the case has gotten public assistance or been in foster care or an out-of-home placement. You can get this form at [courts.wa.gov/forms](#).

[Serving Papers on the State](#): If any party is asking for child support, and any of the children has gotten public assistance, medical coupons, or Medicaid, or is in foster care or out-of-home placement, you must include the state as a party and serve them with papers you file.

[Parentage and Parenting Plans for Unmarried Parents in Washington](#): To learn more about your legal rights.

Your county's Note for Motion Docket or our Notice of Hearing form and local court rules: Some counties have their own note for motion or notice of hearing form and declaration of nonmilitary service form you may have to use to move for default or schedule a presentation hearing. Some have special rules for where and when to schedule a motion for default or signing of final court orders. You will need the local form(s) and local rules to file for default.

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- ❖ Some counties' forms and local rules are online at [bit.ly/3Ak5jTz](#).
-

Petition for Protection Order, Domestic violence: PO 001: If you are asking, as part of this case, for a Protection Order, or to change one you already have. Get the forms from your court clerk, domestic violence advocacy program, or from courts.wa.gov/forms, or use our printable [How to File for a Protection Order](#) packet.

Or use our do-it-yourself interview program, [Get a Protection Order](#), to fill out the forms at WashingtonLawHelp.org. **Attaching a Petition for Protection Order to your Petition for Parenting Plan does not give you any immediate protection. It only asks the court to enter a protection order at the end of your case.**

-
- ❖ Talk to a lawyer before filing for a Protection Order if the court has entered a temporary parenting plan or custody order very recently.
-

Restraining Order, FL All Family 150 – if you asked for one, have agreed to one, or the judge decides to issue one as part of the Final Orders in this case. Get it at courts.wa.gov/forms.

Law Enforcement and Confidential Information Sheet (LECIF), PO 003 - if you are entering a restraining order or a Protection Order. Do not serve this on the other parent. Get it from the court clerk.

[Subpoenaing Witnesses and Documents](#) –to help you make sure important witnesses or documents are at trial.

[Getting Ready for a Court Hearing or Trial](#) –if needed.

[How is Child Support Set?](#) – if needed.

[Mediation: Should I Use It?](#) - might help you settle your case.

If the court enters final orders containing safety restraints against the other party, you will also need:

- Law Enforcement and Confidential Information Sheet (LECIF). See above.
- **Proof of Personal Service form**, FL All Family 101 - if the judge signed your order and the restrained party was not there and did not sign the temporary order. Get it from courts.wa.gov/forms.



Part 5. General instructions for filling out forms

Read these before you start filling out any forms. These apply to all forms. You may not need some of the info.

The Caption is the name of your case. It appears at the top of the first page of every form. It includes the case name and number, court’s name, and title of the court paper. See the sample below:

<p style="text-align: center;">Superior Court of Washington, County of _____</p> <p>In re <u>the marriage of:</u></p> <p>Petitioner (<i>person who started this case</i>):</p> <p style="padding-left: 40px;">Jane Brown _____</p> <p>And Respondent (<i>other spouse</i>):</p> <p style="padding-left: 40px;">John Brown _____</p>	<p>No. _____</p> <p>Notice of Hearing (NTHG) ←</p> <p><input checked="" type="checkbox"/> Clerk’s action required: 1</p>
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This **case type** is for a divorce.

Put the **county** where you are filing this form.

Put the **case number**. The court clerk assigns this number when the Petitioner files the case.

This is the form’s **title**.

Name of the court. Put the name of the county where the case was filed after "Superior Court of Washington County of ."

Case name. Copy this from the petition

Case number. When Petitioner starts the case by filing the initial papers and paying the filing fee or having it waived, the court clerk assigns a case number. You must put that number on every paper you file with the court and serve on other parties. Put it near the top on the right-hand section of the first page of every form after "No." (abbreviation for "number")

-
- ❖ You can print the case number **or** you may be able to use a special stamp at the court clerk's counter to stamp the case number on each paper. If you do not put the number on the first page of everything you file with the court and copies for other parties, your papers may be lost, or the clerk may return them to you. Some courts will fine you for filing incorrect forms.
-

Title. Each form has a title directly under the case caption. You might have to add to it. (**Example: On** a declaration, you put the name of the person filling out the declaration.)

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

The contents. Fill out each form according to its instructions. In most counties, you may print or type. It must be readable. Use **black or dark blue ink**. After filling out each form, re-read it. Make sure you have correctly filled in all blanks needed. Any corrections must be neat and readable.

Do not write in the margins of any page. The clerk may reject your form.

Dates. The last page of most forms (not including orders) has a space for the person who filled it out to put the date they signed it. The judge puts dates in orders when signing them.

Signatures.

- **Your Signature:** After filling out a form, look for the place(s) to sign your name:

Some forms have one signature line for "petitioner" or "respondent." After filling out a form, sign at the place that applies to you. **Look carefully.** You may have to sign in more than one place. You may have to put the date and the place (city, state) you signed the form.

When you draft and file motions, you are the moving party. On the last page of the motion, you must fill out and sign the section called **Person making this motion (or asking for this order) fills out below.**

When you draft an order to take to the judge, look for the place at the end for your signature. Check **is presented by me**.

- **Judge's Signature:** Leave the judge's signature line and the date blank.
- **Other party's signature:** Some forms have a place for other parties to sign. You cannot force another party to sign a court paper. If you have drafted an order after a hearing, the other party may be willing to sign it if they agree it accurately states the judge's decisions, or the judge may require the other party to sign.

Agreed orders. If the other party agrees with the orders you have written, they should sign in the right place on each court order they agree to.

May be signed by the court without notice to me. If you are the respondent or nonmoving party, or did not draft the order, the other party may ask you to check this box and sign underneath. Doing so means the judge should sign the order as written **and** the other party can ask the judge to sign the order without letting you know when they are going to do it.

- **Other signatures:** A witness or person serving papers who must sign a form must fill out all info correctly and sign in the right space.

Place signed. Declarations and Proofs of Service must include the place you signed them and the date. (**Example:** Signed this 10th day of October 2016 at Seattle, WA.)

Identifying Information. Court rules try to protect privacy but also allow public access to some info in court files. The next three boxes discuss these rules.

Box #1 - Things to *not* put in most court papers:

Almost all pleadings, orders and other papers filed with the court are available to the public. They may also be publicly available online.

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

Address (Where you Live) and Phone Number: Put an address where you can get mail from the court. It does not have to be your home address. Give a phone number where they can reach you.

Social Security/Driver's License, ID Numbers of Adults and Children: Put only the last four digits, not the whole number.

Bank Account, Credit Card Numbers: Put the bank name, type of account (savings, checking, and so on), and last four digits of the account number.

Box #2 - Private info you should file with sealed cover sheets:

If you use a sealed cover sheet, this info is usually available to the other party and the court. It is **not** available to the public.

Financial Info: You must attach any paystubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders you file to a Sealed Financial Source Documents form. Then the public cannot access them.

Medical or Mental Health Records or Info: You must attach anything you file with info about someone's past, present, or future physical or mental health, including insurance or payment records, to a Sealed Personal Health Care Records form. Then the public cannot access them.

Confidential Reports: Reports intended for court use must have public and private sections. Attach the private section to a Sealed Confidential Reports Cover Sheet.

Retirement Plan Orders: Certain retirement info belongs in the public file. "Retirement Plan Orders" do not. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See a lawyer if this affects your case.

Other Kinds of Confidential or Embarrassing Info Not Mentioned Above. If the paper you want kept confidential is not in the above list, you may need to file a motion to have that paper, or part of it, sealed. Talk to a lawyer.

Box #3 - When to write private info in court forms:

These forms are not in the public file. Info in them is **usually** not available to the other party.

You must fill out your personal info completely (including home address, social security number, and so on):

Confidential Information Form

Vital Statistics Form

Domestic Violence Information Form

Law Enforcement Confidential Information Form.

**Part 6. How to fill out each form****A. Final Order and Findings for a Parenting Plan, Residential Schedule and/or Child Support (“Findings”) - FL Parentage 333**

Most of the information you need for this will be the same as in the Petition. Have it in front of you when filling this form out.

Caption. Fill out the caption.

-
- ❖ If you are filing a motion for default, you cannot ask for anything now that your Petition did not ask for. Fill out this and the other final orders so they are consistent with your Petition.

 - ❖ If the judge has already made a decision, use it and your other final papers to show what the judge decided, even if different from what you asked for.

 - ❖ If you and the other party have reached agreement, have this show your agreement.
-

1. Money Judgment Summary. Check the first box and skip to 2 if there will be no money judgment.

Check the second box if there will be any money judgments. Fill out section 16 first. Come back to this table afterwards. Put any money one party owes the other. You cannot put anything here that your petition did not ask for.

❖ Most money judgments will have a 12% interest rate. If you agreed to a different interest rate, put it in the second blank in **Yearly Interest Rate**.

2. Court findings based on. Check the box that applies to your case.

3. Children. Give the information requested.

4. Parentage established. Check the boxes showing how parentage was established. If you check Acknowledgment of Parentage, you might also need to check the box immediately below it if it is true in this case. Fill in blanks as needed.

5. Washington state deadlines for Acknowledgment of Parentage. Check the box that applies. If you check that the Acknowledgment of Parentage was filed in Washington State, you must also check the appropriate boxes in (b) and (c).

6. Acknowledgment of Parentage filed in another state. Check the first box and skip to 7 if true in this case. Check the second box if true in this case, and then check the box underneath that applies. Fill in the blank if needed.

7. Notice and jurisdiction over parents. Check all the boxes that apply.

8. Jurisdiction over the children. Check the same boxes as in section 10 of the Petition.

9. Parenting Plan or residential Schedule. Check the box showing what you want, or what the court ordered.

10. Child Support. Check **Court Order** if you want a court order or the judge entered a child support order. Put the date, if needed.

Or

Check **administrative order** if true in this case. Then, check **Tax issues** if you want the judge to enter an order about this, or the judge did enter such an Order. Put how you want the judge to decide this issue, or how the judge in fact decided. Check

post-secondary if you want an order about this or the judge in fact made an Order on this issue. Then check the box showing what you want or how the judge ruled.

11. Protection Order. Check the first box and skip to 12 if no one asked for a Protection Order. Check **Approved** if you agreed to a Protection Order. Check **Denied** if someone asked for a Protection Order but you don't want one, or the judge turned down the request. Check **Renewed/Changed** if that is what you want or agreed to, or what the judge ordered, and then check the box underneath that applies.

12. Restraining Order. Check the first box and skip to 13 if no one asked for a Restraining Order. Check **Approved** if you want a Restraining Order or the judge ordered one after hearing. Check **Denied** if the other party asked for a Restraining Order but you do not one, OR the judge denied the request.

13. Fees and Costs. Check the box and fill in any blanks needed showing what you want, or what the judge ordered.

14. Other findings, if any. The judge will fill this out if needed.

15. Decision. Check all boxes showing what you want or what the judge ordered.

16. Money Judgment. Check the first box and skip to 17 if there is no money judgment. Otherwise, check the second box and fill out the table showing what you want, or what the judge ordered.

17. Other orders, if any. If you put anything in section 16 of the petition, put it here as well. Otherwise, the judge may put something here.

Petitioner and Respondent or their lawyers fill out below.

There are two columns of boxes to check, one column for each party. You should check **is presented by me** in your column and any other box that that applies to you. You should sign and print your name and the date where it says.

B. Parenting Plan

You need a final parenting plan if you want a custody order. Start with the parenting plan you completed with our [File a Petition for a Parenting Plan, Residential Schedule and/or Child Support: Parentage Cases](#) packet or our [Respond to a Petition for a Parenting Plan, Residential Schedule and/or Child Support: Parentage Cases](#) packet.

You can use our Washington Forms Online [Make a Parenting Plan interview](#). Make any needed changes, such as if you and the other party agreed to make changes, or the trial judge made changes to your parenting plan.

-
- ❖ **We discuss parenting plans only.** We do not recommend a Residential Schedule. It does not say who can make decisions for the children. A parenting plan does.
-

C. Child Support Order and Worksheets

If you are setting child support, you **must** also complete the child support order and worksheets.

If there are no changes to the worksheets, use the info from the worksheets you completed with File Petition for Parenting Plan packet or Responding to a Petition for Parenting Plan packet.

If there are changes to the worksheets, use [Child Support Worksheets and Order](#). You must also fill out the “Child Support Order Summary Report” on the first page of the worksheets.

Fill out the Child Support Order. The Child Support Order and instructions for it are in [Child Support Worksheets and Order](#). Use the Child Support Order form: FL All Family 130.

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- ❖ If a child in the case has gotten public assistance (TANF) or Medicaid, or is in foster care or out-of-home placement, the prosecuting attorney's office also must sign your Final Order and Findings, Child Support Order and Worksheets before the Judge signs it.
 - ❖ If the judge appointed a GAL, the GAL must sign the Final Order and Findings and, if appointed for a child, the parenting plan.
-



Part 7. How to finalize your petition by agreement

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- ❖ If you and the other party **do not** agree about everything in the final orders, skip this section. If you agree, use this section.
-

Fill out your Final Court Orders: at a minimum, the Final Order and Findings, Parenting Plan, and (if you are setting child support) the Child Support Order and Worksheets.

Have the other party sign each of the completed forms. This includes the prosecutor, GAL, or other party in your case. For help reaching agreement, try to go to mediation or a settlement conference.

Read [Mediation: Should I Use It](#) to learn more. Ask the facilitator, if your county has one, about settlement conferences.

Schedule “Presentation of your Final Orders.” Ask the facilitator or clerk if you must file a Notice of Hearing to schedule a hearing for a judge to sign your final papers.

- If you need a hearing, ask when you can schedule your presentation and which courtroom it must be in. Then follow our directions for filling out, filing and serving the Notice of Hearing, below. Your Notice of Hearing will state the reason for the hearing is “Presentation of Agreed Final Orders in Petition for Parenting Plan, Residential Schedule and/or Child Support.”
- If you do not need a formal notice of hearing, ask how to take your papers to the “ex Parte” judge.

Make at least one copy of each of the final court order forms.

Go to the courtroom where you scheduled your presentation at the date and time scheduled. If you did not have to file and serve a Notice of Hearing (or local version of this form), go to the courtroom where the judge hears “Ex Parte” matters. Enter quietly.

Go up to the judge’s clerk. Hand the clerk your papers. Sit down. Wait for them to call you. When they call you, approach the judge.

Explain that you are there to ask the judge to sign final orders in the Petition for Parenting Plan case. The judge will review your papers, may ask some questions, and usually will sign your final orders.

Ask the clerk to “conform” your copies (stamp them with the judge’s signature). You may need to take the originals of your final orders to the court clerk’s office to have this done or to make copies of them. Ask the judge’s clerk what to do. **You cannot leave the courthouse with signed original court orders.**

If the judge signed a Protection Order or Restraining Order, or your judgment includes a restraining order, get two certified copies of that order. (Get these from the clerk’s office. You may need to pay for them.) If your final orders include a restraining order or a Protection Order, fill out a LECIF form at the clerk’s office.

Last Steps: Do the below after the judge signed your orders, you filed the originals with the clerk, and have gotten copies for yourself and the other parties. You need conformed copies of most orders, but one to two certified copies of any Protection order or Order with 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 have no safety restraints or a protection order, or if the restrained party or their lawyer appeared and/or signed the orders, you can mail other parties conformed copies of the orders the judge signed. You can also mail conformed copies to any other parties against whom there are no restraints. Have your server mail conformed (not certified) copies of the final orders the judge signed to other parties at their last known address. Have your server fill out a Proof of Mailing or Hand Delivery. File your Proof of Mailing or Hand Delivery with the court clerk.

_____ If your orders do have a restraining order or a protection order protecting you, file a completed LECIF with the court clerk. **Do not serve a copy of the LECIF on the other parties.**

_____ If you have a **restraining order** protecting you, you must have the other party personally served if both of these are true:

_____ Neither the restrained party nor their lawyer was at the hearing

_____ Neither the restrained party nor their lawyer signed the order

Have the restrained party personally served with the orders the judge signed, including a certified copy of the order with the restraint.

Have your server fill out a Proof of Personal Service form. (Instructions for personal service and the Proof are in our [How to Serve the Opposing Party in Your Family Law Case](#) packet.) File the Proof of Personal Service with the clerk. Give a copy of it to the law enforcement agency named in your order.

❖ **WARNING:** The safety restraints may not be effective until you have the other party personally served with the order.

_____ If you have a **protection order** that protects you, the other party must be personally served with a certified copy of it if both these are true:

_____ Neither the restrained party nor their lawyer appeared for the hearing

_____ Neither the restrained party nor their lawyer signed the order

In most cases, the protection order directs the clerk to forward a copy to the law enforcement agency where the restrained party lives for personal service on them. You do not need to have the other final orders personally served. You can mail the other parties conformed copies as described above.

The court could also order service of the protection order by mail or publication. Carefully read the “Service” section on the final page of the Protection Order to see what method of service the court has ordered, and who must arrange it.

If law enforcement is not serving the protection order, you must arrange for service as described in the protection order. Have your server fill out a Proof of Personal Service form, file the Proof with the court clerk, and give a copy 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 the judge has signed your final orders and you have given the other parent copies, congratulations! Your case is final.



Part 8. Completing and filing a Motion for Default

-
- ❖ If you are Petitioner **and** Respondent filed or served a Response to your petition, or you are the Respondent, skip this section. Go to “If You and the Other Parent Do Not Agree.”
-

Otherwise, if you are the Petitioner, you can ask for a Default Order against the other parent any time after the deadline for responding.

Fill out all final order forms, the Motion and Declaration for Default, proposed Order on Motion for Default, and Notice of Hearing forms. Then follow the steps below.

If you have never served the Notice re Military Dependent, file and serve that first. Read the “How to Finalize Your Petition” section.

A. Motion for Default – FL All Family 161

Petitioner: use this when a respondent has not Responded to the petition by their deadline. You must also use the Order on Motion for Default, below. Use a separate form for each respondent in default.

Caption. Fill out the caption.

1. Put your name.
2. **Request.** Put the name of the party you believe is in default.
3. **Notice about the motion.** Check the box that applies.

Check the first box if everything in it is true in your case. Otherwise, check the second box.

4. **Service of Summons and Petition.** Put the date you had the party in default served. Check the box if they were served outside Washington state. Explain why (**example:** the party lives outside Washington state.)

5. **Timing and type of service.** Check the box that applies.

-
- ❖ You must wait the right amount of time based on how you served the other party and where you served them before you can file a motion for default.
-

6. Correct Court. Put the information requested.

7. Active duty military. You must try to find out if the party in default is on active military duty or a military dependent. Check scra-w.dmdc.osd.mil/scra/#/home, or contact:

Defense Manpower Data Center, 1600 Wilson Blvd., Suite 400, Attn: Military Verification, Arlington, VA 22209-2593

Phone (703) 696-6762 or 5790.

You must also have served the Notice to Military Dependent form. (If you already served this Notice with your petition, do not serve it again.)

Check the first box if the party in default is **not** on military duty or a military dependent. Check the first indented box underneath if you checked scra-w.dmdc.osd.mil/scra/#/home. Staple the report you got to this form.

Check the second indented box underneath if you sent the party the Notice re Military Dependent. Under that, check the box and fill out the blank showing how you sent it. Check the third indented box underneath only if it applies and explain.

Check the second box if both of these are true:

1. The party in default **is** on active military duty or a military dependent.
2. They have a lawyer **or** they have not Responded OR the court has not postponed this matter.

Check the third box if it is true. In the blank, explain. **Example:** you contacted relatives, friends, and/or employers of the other party.

Person making this motion fills out below: Put the place you are signing this form. Sign and print your name. Put the date you are signing.

B. Order on Motion for Default – FL All Family 162

-
- ❖ You will only use this form, and the one before it, if you are the person who filed this case.
-

You should use a separate form for each respondent in default.

If you use this form, you also need the Motion for Default above.

Caption. Fill out the caption.

1. Put your name.

2. Response. Put the name of the party you think is in default. Check the box that applies.

3. Notice about the motion. Check the box that applies. If you check the first box, put the date you had the party in default served with your Motion for Default.

4. Service of Summons and Petition. Check the first box. Put the date the other party was served.

5. Timing and type of service. Check the first box and then the box underneath that applies.

-
- ❖ Do **not** check For a Petition to Modify Child Support Order only or any boxes immediately underneath it.
-

6. Correct Court. Check the first box.

7. Active duty military. Check the first box if the party in default is **not** on military duty or a military dependent. Check the second if the party **is** on military duty or a military dependent. The judge fills out the rest.

8. Other findings. The judge may put something here.

9. Check **Granted.** Put the other party's name.

10. Other orders. The judge may put something here.

Ordered. The judge fills this out.

Presented by: check Petitioner. Sign and print where it says.

If you have had a trial and a party does not agree with your final papers, that party may ask to have a presentation hearing. (See section 11.)

C. If the other parent did not appear or file a Response, you may be able to present your final orders without filing a Notice of Hearing

You should file a motion for default if all these are true:

1. the other parent did not file and serve a Response, go to court hearings, or contact you about the petition
2. your default and final orders hearing will take place less than one year after you served them with the Summons and Petition
3. there are no other parties

The court might later vacate (cancel) an order entered by default if the other parent files a motion and persuades the judge to vacate the orders.

Having proof that you gave the other parent another chance to respond before entry of final orders may keep this from happening. Some courts require you to file a Notice of Hearing to schedule a hearing to enter final orders even if you do not need to give the other parent notice.

Any other parties in your case must also sign the final papers in your case. If they do not, the judge might sign your Order on Motion for Default but probably cannot sign the final orders (findings, judgment, and so on) that end your case.

If you decide to or must file and serve notice of your motion, read “If the Other Parent Appeared,” below.

If the other parent not appeared at all in the case and you do not want to file a Notice of Hearing, you may be able to take your final orders to the courthouse whenever a judge is available.

Ask the facilitator or clerk when to go to the court to enter final orders by default, and if you should file a Notice of Hearing or local form.

Tell the clerk that the other parent did not respond at all. Motions for entry of final orders by default in parentage cases are usually scheduled in the ex parte department, but may be scheduled on the family law calendar or with a judge.

Follow the directions below for copying your papers and going to your hearing. If you must schedule a hearing, you can change the hearing notice, below.

See below about getting a hearing date, working papers, confirming your hearing, and going to the hearing.

D. If the other parent appeared, but did not Respond, give the other parent notice of your Motion for Default using a Notice of Hearing

If the other parent contacted you in any way after they were served with the petition, or if they served or filed any papers, or came to a hearing, you can still file a motion for default, but you must give them notice of the motion and of your proposed final orders. This is true even if they did not file or serve a Response.

The Notice of Hearing form lets the court and the other parties know the hearing date, time, place, and reason. **Many counties have their own form for this.** Ask the facilitator or clerk if they have a special Notice of Hearing form. If not, use ours.

1. Getting a Hearing Date

Ask the facilitator or clerk when to schedule a motion for default. Motions for default in family law cases are usually scheduled in the family law department or on the family law calendar.

The court may schedule motions for default that that give notice to the other party in a different courtroom from motions for default that do not require notice. If the State is a party to your case, you might have to schedule your hearing to accommodate the prosecutor's schedule.

2. How Much Notice to Give the Other Parent

You must give the other parties and the court your motion and other legal papers at least **five business days** (not counting holidays) **before the hearing date.**

If your default and final orders hearing will take place more than one year after you served the other parent with the summons and petition, you must give at least ten days' notice now. You must serve the notice personally or by certified mail. Some counties will require more than five court days' notice. Ask the facilitator or clerk how much notice to give. You count Day One as the day **after** you delivered or mailed the papers.

Add Days for Mailing: If you will give notice of the hearing by mail, you must add at least three days to the notice your county requires. **Example:** if you mail a document on a Monday, the law presumes you had it served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so the papers arrive on a business day.

Try to give more than the minimum notice. If, for any reason, the other parent does not get enough notice, you must reschedule the hearing, even if the other parent does not show up and object.

E. Instructions for the Notice of Hearing Form – FL All Family 185

Caption. Fill out the caption.

To the Clerk of the Court and all parties. Put your hearing date and time. Put the courthouse address, courtroom number, and name of the docket or judge's name.

2. Put "Motion for Default and Presentation of Final Orders."

This hearing was requested by. Check the box showing which party you are.

Person asking for this hearing signs here. Sign and print your name and address. Put the date. Read the box about your address.

F. Filing Your Notice of Hearing Form

Before going to the courthouse, copy and organize your papers. Make one copy of every paper for yourself and for every other party who will get notice. (Any party who has appeared must get notice now. You should give notice even where you do not have to.

Make one more copy for the judge if you need working papers. See the section "Working Papers" below.) **Do not make a copy of the Law Enforcement Confidential Information Form, if you are using it.** Organize the copies into sets. Each set must have a copy of every paper you are filing (except for the Proof of Mailing or Hand Delivery and the LECIF).

You must file your papers in time to give the court enough notice before the hearing date. See "How to Get a Date for Your Hearing" and "How Much Notice to give," above.

Take the originals and the copies to the clerk's office. Give the clerk the original of all forms for filing **except**

- Ask the clerk what to do with the originals of the proposed orders. Your case may also include a proposed Protection Order or other papers. You might have to file the proposed orders now, deliver them with the working papers, or bring them to the hearing.
- Do not give the clerk the LECIF (if you have filled this out). You only need that form if the judge signs a Restraining Order or Protection Order.

Ask the clerk to stamp the copies to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk keeps the originals.

G. Serving Notice of the Motion for Default and Presentation of Final Orders

-
- ❖ You must have your papers properly served on (delivered to) all the other parties.
-

You usually do not need to personally serve the motion and final papers. You can use mail or hand delivery. For extra proof of the date you mailed notice, send a second copy certified mail, return receipt requested.

Have your motion served in time to give the other parties enough notice before the hearing date. That is usually five business days, plus at least three extra days for mailing, before the hearing date. Your county may require more notice.. You must serve all parties on time. This includes the other parent, and any other parties such as the GAL or prosecutor. Use our [Serving Papers on the State](#) packet.

Copy and Organize Your Papers. Make one copy of every paper (including the orders, but **not** the Law Enforcement Confidential Information Form) for each of the other parties and the judge, if you need working papers. (See the “Working Papers” section below). Make a set of the papers for each of the other parties and the judge. (Do not give the other parties the Proof of Mailing or Hand Delivery.)

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. You will use these sets for service.

Follow the steps below to have the papers mailed or delivered to the other parties.

1. Giving the Papers to the Other Parent by Mail or Hand delivery

While the case is going on, if the party you are serving has given an address for receiving legal papers in the case, send them the papers there. (The other parent's address may be, for example, at the end of the Response form, Summons, Notice of Appearance, or any Notice of Address Change.) If the party has a lawyer in this case, serve the lawyer.

-
- ❖ To be safe, ask an adult friend or relative to deliver or mail the papers for you.
-

When your friend has mailed or delivered the papers to a party, have them fill out the Proof of Mailing or Hand Delivery the same day. Your friend should fill out a separate form for each person they mail or deliver the papers to. Then file the original Proof of Personal Service or Hand Delivery forms with the clerk. Keep a conformed copy for your records.

Papers must be mailed or delivered before your deadline. When counting, do not count the day of delivery or mailing, weekends, or court holidays. Try to give more than the minimum notice. If for some reason the other parent does not get enough notice, you must reschedule your hearing, even if the other parent does not show up and object.

- A. Mailing.** If your friend mails the papers, you must add at least three days to the notice your county requires. **Example:** A document mailed on a Monday is considered served on Thursday. If the third day after the papers are mailed is a weekend or holiday, add days so they arrive on a business day.
- B.** If you have a document sent by mail, and you think another parent will not show up at a hearing, have an extra copy sent by certified mail, return receipt requested, for more proof of mailing. Staple the green return receipt card to the Proof of Personal Service or Hand Delivery.
- C. Hand delivery.** Your friend can hand deliver the papers to the other parent rather than mail them. This means one of these:
 - handing it to the lawyer or to the parent
 - leaving it at his office with their clerk or other person in charge of the office

-
- ❖ You should only serve another party at their office if they have used that as their service address in a Notice of Appearance, Petition, Response, or Notice of Address Change form.
-

- 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)
- if the office is closed or the person to be served has no office, leaving it at his home with a competent adult living there

2. Instructions for the Proof of Mailing or Hand Delivery (no mandatory form)

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

Caption. Fill out the caption.

1. Have your server check the third box and put their name.
2. In the first blank, the server should put the date they served the papers. In the second blank, they should put who they served. Then they should check the boxes and fill out any blanks as needed to show how they served the other party.
3. **List all documents you served:** Your server must check the box for **every form** they delivered to the other party. If you they leave out a form, you will have no proof it was served.

I declare under penalty of perjury. Your server should sign and date the form, state the place signed (city and state), and print their name where it says.

3. Filing the Proof of Mailing or Hand Delivery

Make one copy of each completed Proof of Personal Service or Hand Delivery.

Do not give copies of this to the other parties. If you mailed a copy of the forms by certified mail, and have the green receipt back from the post office, attach it to the Proof of Mailing or Hand Delivery you file with the clerk.

Make a copy for your records. If you do not have the green receipt back when filing the Proof of Personal Service or Hand Delivery, file it later, attached to a page labeled with your case caption.

H. Working Papers and Confirming Your Hearing

In many counties, you must:

Deliver an extra copy of all papers, including proposed orders, for the judge. These are Working Papers or Working Copies. Read [What are Working Copies](#) to learn more. Ask the clerk or facilitator if your county requires working copies.

Confirm the hearing a few days before the hearing date. This means telling the court the hearing will take place as scheduled. Ask the facilitator or clerk how to confirm.

-
- ❖ If you do not give the judge working papers or confirm your hearing where required, the court may cancel your hearing. The judge might not read your papers.
-

I. Going to the Hearing

Take Your Court Papers with You: your originals and copies of your Motion & Order for Default and your final orders, and copies of your Proof of Personal Service (from Serving the Petition), and Proof of Mailing or Hand Delivery or Personal Service. You should also bring the papers you filed and served on the other parent. The judge might ask a question about them and not have the court file.

Get to Your Hearing Early. Try to dress neatly. Bring a pad of paper and black pen to write notes. Try not to bring your children. The judge will usually not let them sit in the courtroom. If you are not there on time, the hearing may be cancelled.

When You Get to the Courtroom. When you get there, tell the person in charge in the courtroom (the clerk or the bailiff) your name and your case name and number. Take a seat. When the judge walks in the room, stand. When they call your case name, tell the court you are there. Stay in court until they call your case for hearing.

When the court tells you to come forward, do so. Give the court the originals of Order on Motion for Default, Final Order and Findings, Final Parenting Plan, Child Support Order and Worksheets, and any other final papers you filled out.

Getting a Default Judgment. If the other parent does not appear, show the judge your Proof of Mailing or Hand Delivery. Ask the judge to sign your orders. The judge may ask some questions to make sure the info in the final orders is complete and correct. The judge may want to see the original Proof of Personal Service showing you served the other parent with the Summons, Petition and other papers.

Presenting Your Case. If the other parent shows up, the judge will probably not grant your default motion. Ask for an order setting a deadline for the other parent to file a response. Ask for a review hearing to make sure the other parent files the response.

Do not interrupt the judge. The judge may ask about your final papers to make sure they are complete and correct. The judge may swear you in and go through the Findings, asking about each paragraph. This is “formal proof.” It shows the judge there is evidence to support them signing the final orders. If you do not understand what the judge is asking, ask the judge to explain.

If the respondent does not file a Response by the court’s deadline, go to the review hearing. Ask the judge to sign your Order on Motion for Default and your final papers.

If the respondent does file a Response before the review hearing, you cannot get an Order on Motion for Default against that respondent. You must reach agreement or get ready for trial.

Getting Copies of the Orders. Get a copy of the signed orders. Ask the clerk how to do this. The clerk may give you the originals and tell you to make copies in the library or at the clerk’s office. **Do not leave the courthouse with, change, or destroy court orders the judge has signed.** If you do not know what to do with the originals, ask at the clerk’s office. If your final papers include a restraining order or Protection Order, get certified copies of those orders. (Certified copies cost more.)

The “How to Finalize Your Petition” section explains how to properly deliver copies of the final papers to the other parties. Note: If your final order has a Restraining or Protection Order, the restrained parent must be properly served.

Once the judge signs your orders and they are filed with the clerk, your case is final! The Final Order and Findings, Parenting Plan, and Child Support Order are court orders once the judge has signed them. You must follow them. If you find you cannot follow the orders, talk with a lawyer as soon as possible.



Part 9. If you and the other parent do not agree, and you do not get an order on motion for default, get ready for trial

If any respondent files a Response, and you do not reach agreement about a final parenting plan, the parties must get ready to go to trial (unless you are a respondent against whom an Order on Motion for Default has been entered. If this describes you, talk to a lawyer right away).

You must follow court rules about trial preparation. You may have a case schedule or other notice explaining what to do to get ready for trial. Ask the facilitator about those deadlines. If you do not have a case schedule, do not wait to get ready for trial. Start weeks, if not months, in advance.

If you and the other parent disagree about your parenting plan, and there are claims the children are not 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 can ask the court for a parenting evaluation or to appoint a GAL. Read [Parentage and Parenting Plans](#) to learn more.

Find out how your trial is scheduled. You might have to ask for a trial date.

If you have a trial, you will each have a chance to tell the judge why the judge should rule in your favor. Each parent must give evidence (**examples:** admissible documents or testimony) that help prove that parent's claims.

Read [Mediation: Should I Use It?](#), [Subpoenaing Witnesses and Documents](#), and [Getting Ready for a Court Hearing or Trial](#) to learn more. Try to talk with a lawyer.

At the end of your trial, the judge will announce their decision and reasons for it. The case is not final until the judge signs the final papers.

The judge usually asks a party, or a party's lawyer if someone has one, to draft the final papers for the judge to sign. That person takes the papers to the judge at a "presentation" hearing.

Sometimes the judge at the end of the trial sets a date for this hearing. If not, the person who drew up the final papers must give the other parties advance notice of the presentation hearing time and place. The person who drafts the final papers must give the other parties advance copies to review. The draft final papers should say what the judge ordered, not what that party wanted.

If you are drafting the final papers, make sure they show the judge’s reasons and decision. After you have drafted the final papers, schedule the “presentation” hearing. The “Default” section explains how to set up a hearing, file notice of the hearing date, notify the other parties, confirm the hearing, and provide working papers.

Also:

- In the Notice of Hearing form, after **the purpose of this hearing is**, put “Presentation of Final Orders on Petition for Parenting Plan, Residential Schedule and/or Child Support.”
- You do not need a separate motion form.
- Call the court clerk or the judge’s office to get a hearing date with your trial judge. You will take the papers to that judge.
- Include copies of the draft final papers when you serve other parties with notice of the presentation hearing.
- Follow the general steps in the “Default” section, starting with “Give the Other Party notice,” for filing your notice, notifying the other parties, providing working papers, confirming your hearing, and going to the presentation hearing.
- You will ask the judge to sign the final papers you drafted. The judge will review the papers, listen to any objections raised by other parties and decide whether to sign the papers as drafted or to change them.

-
- ❖ If another party has drafted final papers after trial, and asks you to sign them, read carefully. The papers must accurately state what the judge decided at trial. If you believe a paper does not do this, or you are not sure, you can insist on a presentation hearing.
 - ❖ There, you explain why you believe the final papers do not show the judge’s decision. If the judge did not announce the presentation hearing date at the end of trial, ask the other party to set a “presentation” hearing and give you notice of it.
-



Part 10. Blank Forms

This packet has blank forms for your use. Make a copy of each so you have an extra in case your first draft needs many changes. You may need forms from other packets. You may not need all the forms here.

Washington Forms Online is a program that helps people fill out family law forms online. Check out [WashingtonLawHelp.org/resource/Washington-forms-online](https://www.washingtonlawhelp.org/resource/washington-forms-online)

The Washington Administrative Office of the Courts also has Microsoft Word and PDF versions of many of these forms available at courts.wa.gov/forms.