

# Filing a Petition for Writ of Habeas Corpus

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## Should I use this?

Yes, if all these are true:

- You have a court order giving you custody of your child
- The other parent or person claiming the right to legal custody has taken your children away from you
- You tried our suggestions in [The Other Parent has Taken My Child](#) but could not get the child back that way

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❖ DO NOT USE THIS PACKET just to try to get out of a longer court procedure, such as a petition to change parenting plan.

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## Can I get an order in my county if the child is in a different county?

No.

## Should I talk to law enforcement before doing this paperwork?

**Yes.** It may save you time and money. Law enforcement will understand the legal elements your paperwork must meet. They may advise you not to continue this process. OR they may conduct a criminal custodial interference investigation and end up arresting the abducting parent. Then you do not need a Writ.

## What forms are in this packet?

Form A	Petition for Writ
Form B	Missing Child Information Declaration
Form C	Certified Copy of Custody Order your Petition is based on
Form D	Order to Issue Writ of Habeas Corpus, Warrant in Aid of Writ, and Writ of Habeas Corpus (PROPOSED)
Form E	Order Directing Return of Children (PROPOSED)

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❖ Before starting this process, you should get several certified copies of Form C. You must pay for certified copies.

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## Summary of Steps

- STEP 1. Gather the forms and documents you need.
- STEP 2. Fill out the forms.
- STEP 3. Talk to a lawyer, if you can.
- STEP 4. Make three extra copies of each document.
- STEP 5. File petition; pay filing fee OR get filing fee waived. (See Step 1, below.)
- STEP 6. Get papers signed by ex parte judge.
- STEP 7. Have the other party served. Provide working copies.
- STEP 8. Confirm and go to the hearing.

### STEP 1: Get the forms and documents you may need.

In addition to the forms in this packet, if you are low-income you may also need:

Form F	Motion for Filing Fee Waiver
Form G	Financial Statement
Form H	Order re Waiver of Filing Fee

You can get these forms at the [state courts' website](http://www.courts.wa.gov/forms/), <http://www.courts.wa.gov/forms/>. The forms and instructions for using them are also in [Filing for Waiver of Your Filing Fee](#).

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❖ Even if the court waives (excuses) your filing fee, you must still pay for certified copies AND for the sheriff to serve the other party.

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### STEP 2: Fill out the forms.

On all forms, fill out the caption (the top portion of each form naming the county, parties involved, and case number).

#### **Form A – Petition for Writ**

1. Put your address.
2. In the first blank, put the other party's address. In the second blank, put another address where you think law enforcement can find the other party.

**3.** In the first blank, put the date the court issued the order giving you custody. In the second blank, put the county that issued the order. In the third blank, put the state where the order was entered. Check whichever boxes in this section that apply to your custody order.

**4.** In the first blank, put the county you are filing in. In the second blank, put the date you want the Writ issued. In the second blank, put the date the court issued your Writ. In the third blank, put the County where you believe the children are. In the fourth blank, put the state where you believe the children are.

**5. Identification of Child(ren) to be Recovered:** Put the info requested for the children you want the Writ to cover.

**6.** If you have other addresses where you think law enforcement can find the other party, list them here.

**7. Steps taken since custodial interference occurred:** Check all the boxes that are true in this case. If you check a box, you must list the info requested in that section. If you check **yes** for the last box in this section, you must fill out the table beneath with all info about any other cases involving you, the other party, and the children.

Under **AN EMERGENCY EXISTS:** Check all boxes showing what you want the judge to order law enforcement to do.

**STATEMENT:**

***Nature of abduction:*** Be as specific as possible. If you can, give names, dates, and places.

***Risk of flight:*** Be as specific as possible. If the other party has fled with the children before, put that.

***Risk of Irreparable Harm:*** Be as specific as possible.

***Attachments:*** You should at least a certified copy of your Custody Order or other Order you believe gives you legal custody.

**Date:** Put the date you filled out and signed this petition.

**City/State:** Put where you filled out and signed this form.

**PETITIONER/APPLICANT:** Sign your name. Print it underneath.

**Form B – Missing Child Info Declaration**

Fill out the caption. At the bottom of the first page, put the date and place you are filling out this form. Then sign your name. Print your name underneath that.

You must fill out this Declaration truthfully and as completely as possible.

## **Form D – Order to Issue Writ of Habeas Corpus and Warrant in Aid of Writ**

Fill out the caption.

### **THIS ORDER APPLIES TO THE FOLLOWING INDIVIDUALS:**

In the first blank, put your name. In the second blank, put your address. In the third blank, put the other party's name. In the fourth blank, put the other party's address.

### **THIS ORDER DIRECTS THE RECOVERY OF:**

Give the info requested for the children you want this Order to cover.

### **AN ORDER TO ISSUE A WRIT OF HABEAS CORPUS is entered, directing:**

Check the boxes and fill in blanks as needed to show what you want the court to order. Skip the second box.

### **A WARRANT IN AID OF WRIT OF HABEAS CORPUS ISSUED TO:**

Check the boxes and fill in blanks as needed to show what you want the court to order.

### **WRIT OF HABEAS CORPUS ISSUED TO:**

Check the boxes and fill in blanks as needed to show what you want the court to order.

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**❖ DO NOT DATE AND SIGN AT THE END. THE JUDGE DOES THAT.**

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**Presented by:** Sign your name above the line. Print your name directly below.

## **Form E - Order Directing Return of Children**

### **THIS ORDER APPLIES TO:**

In the first blank, put your name. In the second blank, put your address. In the third blank, put the other parent's name. In the fourth blank, put that parent's address.

### **THIS ORDER DIRECTS THE RECOVERY OF THESE CHILDREN:**

Give the info requested for the children you want this Order to cover. (You can copy the info from the Order to Issue Writ of Habeas Corpus.)

Underneath that, check the boxes and fill in blanks as needed to show what you want the court to order.

**RESTRAINING ORDER:**

If you already have a strong No-Contact Order or Domestic Violence Protection Order, skip this section. Otherwise, in the first blank, put the other parent's name. In the second blank, put your name.

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❖ **DO NOT DATE AND SIGN AT THE END. THE JUDGE DOES THAT.**

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**Presented by:** Sign your name above the line. Print your name directly below.

**STEP 3: TALK TO A LAWYER**

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

Apply online with **CLEAR\*Online** - <https://nwjustice.org/get-legal-help>  
or

Call CLEAR at **1-888-201-1014**

- **Outside King County:** Call 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m.
- **King County:** Call 211 for information and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. You may also call (206) 461-3200, or the toll-free number, 1-877-211-WASH (9274). You can also get information on legal service providers in King County through 211's website at [www.resourcehouse.com/win211/](http://www.resourcehouse.com/win211/).
- **Persons 60 and Over:** Persons 60 or over may call CLEAR\*Sr at 1-888-387-7111, regardless of income.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of their choice.

211 and CLEAR will conference in interpreters when needed at no cost to callers.

**STEP 4: MAKE THREE EXTRA COPIES OF EACH DOCUMENT.**

Make at least three copies of each document:

- One copy for you
- One for the other party, or his/her lawyer s/he has one

- One copy for the judge (called working papers or working copies)

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❖ Step 7 has more on working papers.

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## **STEP 5: File petition; pay filing fee (or present papers to have filing fee waived).**

You should file these with the Clerk's office:

- Originals of Forms A and B
- Form C – certified copy
- Form D – mark it in the upper right hand corner as **PROPOSED**

If you are very low-income and want the judge to waive (excuse) the filing fee, you should also file:

- Originals of forms F & G
- Form H - mark it in the upper right hand corner as **PROPOSED**

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❖ [Filing for Waiver of Your Filing Fee](#) has the forms and instructions to get the filing fee waived, if there is a filing fee for this and you are very low-income.

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## **STEP 6: Get papers signed by ex parte judge.**

Take a date-stamped copy of the Petition and the original Order to Issue Writ (and Order re Waiver of Filing Fee, if you are asking for that) to the judge as directed by the clerk. The judge will sign the Writ **if** the judge decides it is necessary. The judge will also decide whether to issue a Warrant in Aid of Writ. Without a Warrant in Aid, law enforcement has no legal right to make forcible entry or arrest. **They can still serve the Writ.**

Once law enforcement picks up the children, the judge with help from the judge's clerk/assistant will schedule the Return Hearing date. The court will probably call you to tell you when the hearing will be.

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- ❖ If the judge will not sign your Writ, STOP HERE. GET ADVICE FROM A LAWYER.
  - ❖ If you asked for a filing fee waiver, but the Judge will not sign that Order, you must pay the filing fee.
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## Step 7: Have the other party served. Deliver working papers.

The Sheriff will serve your papers for you. Ask the clerk how to make this happen.

Bring the remaining copy of your papers to your hearing.

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- ❖ Working Copies (also called Working Papers): Ask the family law facilitator or court clerk if you must deliver working copies to the judge before the hearing. If so, [What are Working Copies?](#) explains what to do.
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## STEP 8: Confirm and go to the hearing.

You must go to the hearing and tell the judge your side of the case. You cannot present any new facts that are not already in the forms you filed.

Bring with you:

- A copy of your forms
- Your proposed Order Directing Return of Children (Form E)

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- ❖ If the judge allows you to speak at all, you will get only a few minutes.
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YOU MAY HAVE TO WAIT AS LONG AS THREE HOURS FOR YOUR HEARING. Arrive a half-hour early for your hearing to check in.

If the other party shows up at the hearing, each of you will tell your side of the case. Stand while speaking. Tell the judge briefly what you want and why. Try to make notes to use at the hearing. Try to keep your argument short. Just outline your main points. In most cases, the judge will have read your papers before the hearing. Do not repeat everything in your papers.

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- ❖ DO NOT INTERRUPT THE JUDGE.
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After the judge has heard both sides, the judge will Sign an Order Directing Return of Children, directing the release of the child to one of you. **Listen carefully.** Usually the judge will sign your Order on Return the day of your hearing.

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of March 2017.

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SUPERIOR COURT OF WASHINGTON, \_\_\_\_\_ COUNTY

In Re the Custody of:

\_\_\_\_\_ ,

a minor child,

\_\_\_\_\_ ,

Petitioner,

And

\_\_\_\_\_ ,

Respondent.

No.

**PETITION FOR WRIT OF HABEAS  
CORPUS**

This is a petition for writ of habeas corpus pursuant to RCW 7.36.020, 7.36.190 and 7.36.200.

**1.** I am applying for a Writ of Habeas Corpus and I live at: \_\_\_\_\_

**2.** The other party lives at: \_\_\_\_\_ or may be located at: \_\_\_\_\_



1 **3.** I have custody of the children listed below under a custody order entered [date]  
2 \_\_\_\_\_ in [county that entered the order] \_\_\_\_\_ County, in the state of  
3 \_\_\_\_\_ [state where court entered your custody order].

- 4  I obtained this order without notice to the other party  
5  The order is a temporary order  
6  The order is a final order

7 **4.** I am applying for a Writ of Habeas Corpus in \_\_\_\_\_ County based on a Custody  
8 Order issued on [date] \_\_\_\_\_ in \_\_\_\_\_ County, in the state of \_\_\_\_\_.

9 **5.** Children to be recovered:

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Name (first, middle initial, last)	Age	Race	Gender	How child is related to Petitioner/Respondent	Lives with

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20 **6.** I believe the children are with the other party at the address listed above, or at this  
21 location: \_\_\_\_\_.

22 **7.** Steps taken since the custodial interference occurred [check all that apply]:

- 23  I contacted Child Protective Services regarding the children on [date] \_\_\_\_\_  
24  I made a report to [name of law enforcement agency]: \_\_\_\_\_  
25  I got an Order to Show Cause Re Contempt against the other party for violating the  
26 Parenting Plan/Residential Schedule

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1  The court has found the other party in contempt for violating the Parenting  
2 Plan/Residential Schedule

3  The other party  children have/has taken part in these legal proceedings:

4 CASE NAME: \_\_\_\_\_

5 CASE NUMBER: \_\_\_\_\_

6 COURT/COUNTY: \_\_\_\_\_

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8 **AN EMERGENCY EXISTS as described below: *I request the court issue a Writ of***  
9 ***Habeas Corpus immediately without notice to the other party to avoid***  
10 ***irreparable injury, directing:***

11  \_\_\_\_\_ County Sheriff's Department to find and take the children listed above  
12 into custody and deliver them to the [*family law or presiding*] \_\_\_\_\_ judge of  
13 \_\_\_\_\_ County Superior Court, State of Washington, \_\_\_\_\_ County  
14 Courthouse, on a date to be set by the court within five days of the date of issuance of  
15 the Writ.

16  \_\_\_\_\_ County Sheriff's Department to break into and enter any home, building,  
17 structure, or vehicle where they have reason to believe the children are located or  
18 where they may find info about the children's location.

19  \_\_\_\_\_ County Sheriff's Department to arrest anyone standing in the way or  
20 obstructing their lawful efforts to obtain the immediate custody of the children.

21  \_\_\_\_\_ County Sheriff's Department to place the children into Child Protective  
22 Services' care and custody. If the court is not in session, CPS will keep the children in  
23 protective custody until 1 p.m. the first date court is in session following the date of  
24 recovery.

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26 **STATEMENT:**

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**Nature of abduction** (*describe how and when the children were taken and what you did about it*):

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**Risk of flight** (*describe why you believe the other party may flee with the children*):

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**Risk of irreparable harm** (*describe the risk of irreparable harm or danger to the children if not returned*): I am afraid because:

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**Attachments** - I attach to this Petition and incorporate by reference the following:

Certified copy of Order granting custody

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Sealed Source Declaration

Certified copy of Writ issued by \_\_\_\_\_ County, Washington

(other) \_\_\_\_\_

(other) \_\_\_\_\_

I certify under penalty of perjury under the laws of the State of Washington that the info in my Petition for Writ of Habeas Corpus is true.

Date: \_\_\_\_\_

City/State: \_\_\_\_\_

\_\_\_\_\_  
PETITIONER

*[Print your name here:]*

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SUPERIOR COURT OF WASHINGTON  
\_\_\_\_\_ COUNTY

In Re the Custody of:

No.

\_\_\_\_\_ ,

a minor child,

\_\_\_\_\_ ,

Petitioner,

And

\_\_\_\_\_ ,

Respondent.

**SEALED SOURCE MISSING CHILD  
INFORMATION DECLARATION**

**Declaration & Agreement to Conditions.** I declare: I am the Petitioner. I have not willfully or knowingly misrepresented or omitted any material facts or information relative to this case. I am willing to appear at all interviews and/or court hearings regarding this case. I will immediately notify the \_\_\_\_\_ County Sheriff's Office or 911 if the children are found/returned. I understand that, even if the children are found/returned, I must appear at the Return of Service hearing.

I understand that the **Writ of Habeas Corpus** and **Warrant in Aid of Writ of Habeas Corpus** is directed at the \_\_\_\_\_ County Sheriff's Office or \_\_\_\_\_. **ONLY** the assigned detective is authorized to effect service of the Writ. The Writ documents should

1 not be presented or otherwise represented to any other person/agency without the express  
2 knowledge/direction of the detective assigned to affect the service on the Writ. The  
3 \_\_\_\_\_ County Sheriff's Office or other \_\_\_\_\_ is acting  
4 under a direct Superior Court order and can refer criminal or civil charges (under RCW  
5 Chapters 9A.60, RCW 9A.72, RCW 9a.76, RCW 9A.84, and any other applicable law) against  
6 anyone who, directly or indirectly, interferes in the manner described here, or in any other way  
7 intervenes without the assigned peace officer's authorization.

8 I declare under penalty of perjury under Washington state laws that the information in  
9 this declaration is true and correct.

10 This \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ (city), \_\_\_\_\_  
11 (state).

12 \_\_\_\_\_  
13  
14 Petitioner

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17 **INFORMATION REGARDING REPORTING PARENT**

18 Full name: \_\_\_\_\_

19 Maiden/Alias names: \_\_\_\_\_

20 Home address: \_\_\_\_\_ How long? \_\_\_\_\_

21 Previous address: \_\_\_\_\_

22 Home phone: \_\_\_\_\_ Message: \_\_\_\_\_

23 Cell: \_\_\_\_\_ Pager: \_\_\_\_\_

24 Business name/address: \_\_\_\_\_

25 Business phone: \_\_\_\_\_ Business hours: \_\_\_\_\_

1 Date of birth: \_\_\_\_\_ Place of birth: \_\_\_\_\_ Sex: \_\_\_\_\_

2 Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_ Race: \_\_\_\_\_

3 Social Security Number: \_\_\_\_\_ Occupation: \_\_\_\_\_

4 Driver's License Number: \_\_\_\_\_

5 Vehicle Information: \_\_\_\_\_

6 Have you ever been arrested? YES/NO

7 When/where/disposition: \_\_\_\_\_

8 Relationship to children: \_\_\_\_\_

9 Relationship to abductor: \_\_\_\_\_

10 Has anyone made any allegations against you about crimes against the children: YES/NO

11 Alleged victim: \_\_\_\_\_

12 Explain allegation: \_\_\_\_\_

13 Have you ever had a physical or mental condition that could affect your ability to care for the  
14 children? YES/NO

15 If yes, please explain: \_\_\_\_\_

16 Citizenship/immigration status: \_\_\_\_\_

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21 **INFORMATION ABOUT LEGAL/COURT ACTIONS**

22 \*\*\*\* attach certified copies\*\*\*\*

23 Who has primary rights to the children? \_\_\_\_\_

24 History of relevant legal/court actions:

25 1. \_\_\_\_\_

26 2. \_\_\_\_\_

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3. \_\_\_\_\_

4. \_\_\_\_\_

**Has anyone been cited into court concerning this issue?** YES/NO If yes, state who, what, where, when, and why. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Is there any other pending legal action between those involved?** YES/NO If so, state who, what where, when, and why.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**INFORMATION REGARDING MISSING CHILDREN**

\*\*\*complete physical descriptions needed\*\*\*

**Child #1**

Full name: \_\_\_\_\_

Nickname/Alias: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_ Race: \_\_\_\_\_

Complexion: \_\_\_\_\_ Hair: (color) \_\_\_\_\_ (Style) \_\_\_\_\_ (wavy, curly, straight)

School name/address/phone: \_\_\_\_\_ Grade: \_\_\_\_\_

Are the following available? **Variety of Photos:** YES/NO **Fingerprint Cards:** YES/NO

Medical/Dental Problems (past/present): \_\_\_\_\_

Disabilities/Deformities: \_\_\_\_\_



1 Passport: YES/NO Citizenship: \_\_\_\_\_

2 Other identifiers (scars, marks, braces, glasses, piercings, tattoos, etc.) \_\_\_\_\_

3 Child #2

4 Full name: \_\_\_\_\_

5 Nickname/Alias: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

6 Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_ Race: \_\_\_\_\_

7 Complexion: \_\_\_\_\_ Hair: (color) \_\_\_\_\_ (Style) \_\_\_\_\_ (wavy, curly, straight)

8 \_\_\_\_\_

9 School name/address/phone: \_\_\_\_\_ Grade: \_\_\_\_\_

10 Are the following available? **Variety of Photos:** YES/NO **Fingerprint Cards:** YES/NO

11 Medical/Dental Problems (past/present): \_\_\_\_\_

12 Disabilities/Deformities: \_\_\_\_\_

13 Passport: YES/NO Citizenship: \_\_\_\_\_

14 Other identifiers (scars, marks, braces, glasses, piercings, tattoos, etc.)

15 \_\_\_\_\_

16 \_\_\_\_\_

17 **REPORTING PARENT & CHILDREN'S FAMILY and/or CLOSE FRIENDS**

18 (Step-parent, reporting party's partner, grandparents, alternate contact persons)

19 Full name: \_\_\_\_\_ DOB: \_\_\_\_\_

20 Relationship: \_\_\_\_\_ Phone numbers: \_\_\_\_\_

21 Address: \_\_\_\_\_

22 City/State: \_\_\_\_\_

23 Full name: \_\_\_\_\_ DOB: \_\_\_\_\_

1 Relationship: \_\_\_\_\_ Phone numbers: \_\_\_\_\_

2 Address: \_\_\_\_\_

3 City/State: \_\_\_\_\_

4 Full name: \_\_\_\_\_ DOB: \_\_\_\_\_

5 Relationship: \_\_\_\_\_ Phone numbers: \_\_\_\_\_

6 Address: \_\_\_\_\_

7 City/State: \_\_\_\_\_

8 Full name: \_\_\_\_\_ DOB: \_\_\_\_\_

9 Relationship: \_\_\_\_\_ Phone numbers: \_\_\_\_\_

10 Address: \_\_\_\_\_

11 City/State: \_\_\_\_\_

12 Full name: \_\_\_\_\_ DOB: \_\_\_\_\_

13 Relationship: \_\_\_\_\_ Phone numbers: \_\_\_\_\_

14 Address: \_\_\_\_\_

15 City/State: \_\_\_\_\_

16 Full name: \_\_\_\_\_ DOB: \_\_\_\_\_

17 Relationship: \_\_\_\_\_ Phone numbers: \_\_\_\_\_

18 Address: \_\_\_\_\_

19 City/State: \_\_\_\_\_

20 **MAKE COPIES OF THIS PAGE FOR ADDITIONAL CONTACTS**

21

22 **INFORMATION ABOUT ABDUCTING PARTY/SUSPECT**

23

1 Full name: \_\_\_\_\_  
2 Alias/Previous married name/Maiden names: \_\_\_\_\_  
3 Date of birth: \_\_\_\_\_ Place of birth: \_\_\_\_\_ Sex: \_\_\_\_\_  
4 Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_ Race: \_\_\_\_\_  
5 Complexion: \_\_\_\_\_ Hair: (color) \_\_\_\_\_ (style) \_\_\_\_\_ (wavy, curly, straight)  
6 \_\_\_\_\_  
7  
8 Other identifiers (scars, marks, braces, glasses, piercings, tattoos, etc.): \_\_\_\_\_  
9 \_\_\_\_\_  
10 Occupation/Employer: \_\_\_\_\_  
11 Business address: \_\_\_\_\_  
12 Affiliations/Memberships/Hobbies: \_\_\_\_\_  
13 Business License: \_\_\_\_\_  
14 Driver's License: \_\_\_\_\_ State: \_\_\_\_\_ SSN: \_\_\_\_\_  
15 Last known address: \_\_\_\_\_ (phone) \_\_\_\_\_  
16 City/State: \_\_\_\_\_  
17 Previous address: \_\_\_\_\_ (phone): \_\_\_\_\_  
18 City/State: \_\_\_\_\_  
19 Property owned (rental/leisure) or accessible: \_\_\_\_\_  
20 City/State: \_\_\_\_\_  
21 Places suspect wanted to visit or live: \_\_\_\_\_  
22 Place of worship: \_\_\_\_\_  
23 Benefits: (retirement, unemployment, disability, welfare, SSI, etc.) \_\_\_\_\_  
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1 Their attorney: \_\_\_\_\_  
2 Financial Planner: \_\_\_\_\_  
3 Education (when/where): \_\_\_\_\_  
4 City/State: \_\_\_\_\_  
5 Languages spoken: \_\_\_\_\_ Nationality: \_\_\_\_\_  
6 Passport: YES/NO Citizenship/immigration status: \_\_\_\_\_  
7 Military: \_\_\_\_\_ Military Occupation Specialty (MOS): \_\_\_\_\_ Status: \_\_\_\_\_  
8 Have they ever been arrested? YES/NO When/where/disposition: \_\_\_\_\_  
9 Access/Propensity to use firearms: YES/NO Type: \_\_\_\_\_  
10 Does suspect pay child support? YES/NO For whom/where: \_\_\_\_\_  
11 How (direct/via court): \_\_\_\_\_  
12 Bank branch/name/address: \_\_\_\_\_ Checking account number: \_\_\_\_\_ Savings  
13 account number: \_\_\_\_\_  
14 Credit card: (name) \_\_\_\_\_ (number) \_\_\_\_\_ (bank) \_\_\_\_\_  
15 (name) \_\_\_\_\_ (number) \_\_\_\_\_ (bank) \_\_\_\_\_  
16 History of medical, mental, or physical disabilities/condition? YES/NO  
17 Describe: \_\_\_\_\_  
18 Could it endanger the child's health/welfare? YES/NO How? \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 Physician/mental health professional/counselor's name, address, and phone: \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_

1 Are the following available? **Variety of Photos:** YES/NO **Fingerprint Cards:** YES/NO

2 Medical: YES/NO Dental Information: YES/NO Hair Samples: YES/NO

3 Suspect's email address: \_\_\_\_\_

4 Suspect Vehicle Info: \_\_\_\_\_

5 Vehicle #1: License #: \_\_\_\_\_ State: \_\_\_\_\_

6 Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Color: \_\_\_\_\_

7 Unique features: \_\_\_\_\_

8 Registered owner: \_\_\_\_\_ Legal: \_\_\_\_\_

9 Vehicle #2: License #: \_\_\_\_\_ State: \_\_\_\_\_

10 Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Color: \_\_\_\_\_

11 Unique features: \_\_\_\_\_

12 Registered owner: \_\_\_\_\_ Legal: \_\_\_\_\_

13  
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16 **ABDUCTING PARENT'S FAMILY and/or CLOSE FRIENDS**

17 (Step-parent, reporting party's partner, grandparents, alternate contact persons)

18 Full name: \_\_\_\_\_ DOB: \_\_\_\_\_

19 Relationship: \_\_\_\_\_ Phone numbers: \_\_\_\_\_

20 Address: \_\_\_\_\_

21 City/State: \_\_\_\_\_

22 Full name: \_\_\_\_\_ DOB: \_\_\_\_\_

23 Relationship: \_\_\_\_\_ Phone numbers: \_\_\_\_\_

24 Address: \_\_\_\_\_

1 City/State: \_\_\_\_\_

2 Full name: \_\_\_\_\_ DOB: \_\_\_\_\_

3 Relationship: \_\_\_\_\_ Phone numbers: \_\_\_\_\_

4 Address: \_\_\_\_\_

5 City/State: \_\_\_\_\_

6 Full name: \_\_\_\_\_ DOB: \_\_\_\_\_

7 Relationship: \_\_\_\_\_ Phone numbers: \_\_\_\_\_

8 Address: \_\_\_\_\_

9 City/State: \_\_\_\_\_

10 Is a variety of photos available for each person listed? YES/NO

11

12 **INFORMATION ABOUT ABDUCTION**

13 Date/time of abduction: \_\_\_\_\_ Reporting party (R/P): (other than victim parent, CPS, law  
14 enforcement) \_\_\_\_\_

15 Location of abduction: \_\_\_\_\_

16 R/P address: \_\_\_\_\_ Phone #: \_\_\_\_\_

17 R/P's relationship to children: \_\_\_\_\_

18 Law enforcement notified: YES/NO Agency: \_\_\_\_\_

19 Date/time of report: \_\_\_\_\_ Officer/detective: \_\_\_\_\_

20 Incident #: \_\_\_\_\_ Phone #: \_\_\_\_\_

21 Accomplice: \_\_\_\_\_ Relationship: \_\_\_\_\_

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Address/phone: \_\_\_\_\_

What was their involvement? \_\_\_\_\_

Date/time of last contact with children? \_\_\_\_\_ Where? \_\_\_\_\_

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How were they taken (car, plane, etc.) \_\_\_\_\_

What have you done to locate the suspect and the children?

\_\_\_\_\_

\_\_\_\_\_

What cause or pretense do you think the suspect will give for their action? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is there good reason to believe the abducting party will take the children out of this jurisdiction, or the children will suffer irreparable injury before the writ can be enforced? YES/NO If so, what? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Where do you think they will go? \_\_\_\_\_

Why? \_\_\_\_\_

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Since the abduction, have the children or the other parent contacted you? YES/NO How/who?

\_\_\_\_\_

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CONTACT DURING INVESTIGATION:**  I REQUEST THAT \_\_\_\_\_ SHERIFF'S  
OFFICE/ \_\_\_\_\_ POLICE DEPARTMENT CONTACT ME DIRECTLY ABOUT THE  
INVESTIGATION.



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SUPERIOR COURT OF WASHINGTON

\_\_\_\_\_ COUNTY

In Re the Custody of:

No.

\_\_\_\_\_ ,

a minor child,

\_\_\_\_\_ ,

Petitioner,

And

\_\_\_\_\_ ,

Respondent.

**ORDER TO ISSUE WRIT OF HABEAS  
CORPUS**

**WARRANT IN AID OF WRIT**

(Clerk's Action Required)

**THIS ORDER APPLIES TO:**

Name of Petitioner: \_\_\_\_\_

Petitioner lives at: \_\_\_\_\_

Name of Respondent: \_\_\_\_\_

Respondent lives at: \_\_\_\_\_

1 **THIS ORDER DIRECTS THE RECOVERY OF:**

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Name ( <i>first, middle initial, last</i> )	Age	Race	Gender	How child is related to Petitioner/Respondent	Lives with

9

10 For good cause shown, the court FINDS that an emergency exists and that ORDER  
11 TO ISSUE WRIT OF HABEAS CORPUS,  WARRANT IN AID OF WRIT and WRIT  
12 OF HABEAS CORPUS should issue without notice to the other party to avoid  
13 irreparable harm:

14

15 **THE COURT THEREFORE ORDERS THAT:**

16 **AN ORDER TO ISSUE A WRIT OF HABEAS CORPUS is entered, directing:**

17

18  The \_\_\_\_\_ County Sheriff or any other peace officer of the State of Washington  
19 to find and take [*children's names*] \_\_\_\_\_ into custody and  
20 bring them to the Presiding or Family Law Judge, \_\_\_\_\_ County Superior Court,  
21 [*address*] \_\_\_\_\_, on [*hearing date*] \_\_\_\_\_.

22

23  That if the \_\_\_\_\_ County Superior Court is not in session when the peace  
24 officers take the children into custody, the peace officers shall put them in Child  
25 Protective Services' care and custody until 1:00 p.m. the first date court is in session  
26 following the date of the recovery.

27  That Child Protective Services shall keep the children in protective custody upon  
the peace officers' request until the \_\_\_\_\_ County Superior Court may hear

1 this matter. CPS shall not release the child(ren) to anyone other than the  
2 \_\_\_\_\_ County sheriff or other peace officer in the State of Washington acting  
3 in accordance with this order, or, upon a Return of Service on this Writ of Habeas  
4 Corpus or further court order authorizing the release of the children to someone this  
5 court designates.

6  That the peace officers may break and enter any home, building, structure, or  
7 vehicle where they believe the children are located or where they may find information  
8 pertaining to the children's location.

9  That the officers may arrest anyone standing in the way or blocking their lawful  
10 attempts to obtain the immediate custody of the children.

11  
12 **A WARRANT IN AID OF WRIT OF HABEAS CORPUS ISSUED TO: \_\_\_\_\_**

13 **County Sheriff & every other peace officer in the state of Washington:**

14  YOU ARE COMMANDED TO BREAK into and enter any home, building, structure,  
15 or vehicle where you believe the children are located or where you may find  
16 information pertaining to the children's location, for example, [*other parent's*  
17 *name*] \_\_\_\_\_'s home at [*other parent's address*]  
18 \_\_\_\_\_, to secure the custody of the above-listed  
19 children.

20  If the above-listed children are not produced, [*other parent's name*]  
21 \_\_\_\_\_ and anyone else standing in the way or blocking your  
22 attempts to carry out this order shall be apprehended and brought before the Presiding  
23 or Family Law Judge, \_\_\_\_\_ County Superior Court, for questioning.

24  If \_\_\_\_\_ County Superior Court is not in session at the time of  
25 apprehension, YOU ARE HEREBY COMMANDED to hold [*other parent's name*]  
26 \_\_\_\_\_ or anyone standing in the way of producing the  
27

1 children in the \_\_\_\_\_ County Jail until 1 p.m. the first date court is in  
2 session following the date of apprehension.

3  If \_\_\_\_\_ County Superior Court is not in session at the time the children are  
4 taken into law enforcement's custody, the \_\_\_\_\_ County Sheriff or other peace  
5 office in the state of Washington shall place the children into Child Protective Services'  
6 care and custody until 1 p.m. the first date court is in session following the date of the  
7 recovery of the children.

8 **WRIT OF HABEAS CORPUS ISSUED TO: The \_\_\_\_\_ County Sheriff, and**  
9 **every other peace officer of the state of Washington:**

10 YOU ARE COMMANDED TO SECURE custody of the above-listed children and bring  
11 them before the Honorable Judge [*judge's name*] \_\_\_\_\_,

12 \_\_\_\_\_ County Superior Court, [*court's address*]  
13 \_\_\_\_\_

14 \_\_\_\_\_ to determine appropriate custody of the children.

15  YOU ARE ORDERED to break and enter any outer or inner door or other opening  
16 of any building, vehicle, or other enclosure where you believe the children are located  
17 and as needed to secure them and bring them before the court.

18  If \_\_\_\_\_ County Superior Court is not in session when you take the children into  
19 law enforcement custody, the \_\_\_\_\_ County Sheriff or other peace officer in the  
20 state of Washington shall place the children into Child Protective Services' care and  
21 custody until 1 p.m. the first date court is in session before the presiding judge  
22 following the date of the recovery of the children.

23  Child Protective Services is commanded to take custody of the above-listed  
24 children and place them in protective custody until \_\_\_\_\_ County Superior Court  
25 can hear this matter. CPS shall not release the children to anyone other than the  
26 \_\_\_\_\_ County Sheriff or other peace officer in the state of Washington acting in  
27 accordance with this order; or, upon a Return of Service on this Writ of Habeas Corpus

1 or further order from this court authorizing the release of the children to someone this  
2 court designates.

3 **THE ORDER TO ISSUE WRIT OF HABEAS CORPUS, WRIT OF HABEAS**  
4 **CORPUS, AND WARRANT IN AID OF WRIT SHALL REMAIN IN FULL FORCE AND**  
5 **EFFECT UNTIL FURTHER ORDER.**

6

7 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

8

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\_\_\_\_\_  
PRESIDING JUDGE/FAMILY LAW JUDGE

10

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Presented by:

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\_\_\_\_\_  
Petitioner

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SUPERIOR COURT OF WASHINGTON

\_\_\_\_\_ COUNTY

In Re the Custody of:

\_\_\_\_\_ ,

a minor child,

\_\_\_\_\_ ,

Petitioner,

And

\_\_\_\_\_ ,

Respondent.

No.

**ORDER DIRECTING RETURN OF CHILDREN**

(Clerk's Action Required)

**THIS ORDER APPLIES TO:**

Applicant/Petitioner: \_\_\_\_\_

Living at: \_\_\_\_\_

Other Party/Respondent: \_\_\_\_\_

Living at: \_\_\_\_\_

1 **THIS ORDER DIRECTS THE RECOVERY OF THESE CHILDREN:**

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Name <i>(first, middle initial, last)</i>	Age	Race	Gender	How child is related to Petitioner/Respondent	Lives with

11  The minor child(ren) \_\_\_\_\_ shall be returned to the  
12 custody of: \_\_\_\_\_.

13  The \_\_\_\_\_ County Sheriff, \_\_\_\_\_ Police Department, other law enforcement  
14 agencies or Child Protective Services shall transfer the custody of the children to  
15 \_\_\_\_\_.

16  Applicant/Petitioner shall have the power to authorize and provide routine medical and  
17 dental examination and care and all necessary emergency health care for the children.

18  Petitioner shall be reimbursed by the other party for reasonable travel expenses and  
19 expenses incurred in recovering the minor children.

20  Petitioner shall produce receipts verifying expenses incurred. The amount the other party  
21 shall pay is \$ \_\_\_\_\_.

22  **RESTRAINING ORDER:**

23  
24 Respondent, \_\_\_\_\_, is and shall be restrained from molesting or  
25 disturbing the peace of Applicant/Petitioner \_\_\_\_\_, or any  
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child in his/her custody, at any place or time necessary to effectuate the transfer of the children in accordance with this order.

VIOLATION OF THE RESTRAINING PROVISIONS IN THIS PARAGRAPH WITH ACTUAL KNOWLEDGE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW, SHALL SUBJECT A VIOLATOR TO ARREST, AND IS ALSO PUNISHABLE BY CIVIL CONTEMPT.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
PRESIDING JUDGE/FAMILY LAW JUDGE

Presented by:

\_\_\_\_\_  
Petitioner