

Respond to 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 Information

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- ❖ Use this *only* if you receive papers filed in a Washington State Superior Court.
 - ❖ You can find all the packets we link to here at WashingtonLawHelp.org.
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A. Should I use this?

This packet will help you fill out and file the forms and papers you need to respond to a Petition for Parenting Plan, Residential Schedule and/or Child Support when you are not married to or in a domestic partnership with the other parent and you have already established parentage within Washington State. We will call this type of case a **Petition for Parenting Plan** for short.

The Petition will be on form FL Parentage 331. (The form number is on the bottom left of page 1 of the Petition.)

Use this packet only if the child’s parentage is *not* in question. If you have doubts about parentage (**example:** you think you might not be the father), believe it has not been legally established, or want to challenge it, or if fewer than 60 days have passed since your parentage acknowledgment or affidavit was signed, **do not use this packet.** Talk with a lawyer.

If you may want to challenge your child’s parentage, do not wait! Often there are very short deadlines for challenging parentage, especially if you have signed a parentage acknowledgment or affidavit, or you were married to the other party at or near the time the child was born. Read [Parentage and Parenting Plans](#) to learn more.

Before you use this packet, try to talk with a lawyer. (The “What If I have Questions” item below has referral information if you have a low income.) Even if you cannot afford to pay one to represent you, try to meet with a lawyer once for advice.

Petitioner may file a case using the Petition form to ask for child support without also asking for a Parenting Plan. Most people who file this type of case want a parenting plan. We assume the petition you received asks for a parenting plan.

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- ❖ **This packet only discusses parenting plans.** We do not recommend you use a Residential Schedule. It does not say who can make decisions for the children. A parenting plan does.
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B. Respond on time

When you receive legal papers, you must act right away. If you do not respond on time, the other party may automatically win what they asked for. **If you have also received a motion, you may have a very short time after receiving the papers to file your response.** It may take time to find legal resources and read this packet. **Start as soon as you get the papers.** If you cannot Respond to the petition in time, you must file a *Notice of Appearance* and ask for a continuance of any upcoming hearings. (See below.)

C. What if parentage has not been established?

For the other parent to use this procedure, you must already have established your child's parentage by Paternity or Parentage Affidavit or Acknowledgment. If you do not think you have established parentage, put that in your Response to Petition (see below), and maybe ask the court to dismiss the case.

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- ❖ For a Paternity or Parentage Affidavit or Acknowledgment to be legal in Washington, it must have been signed by the parents (and any presumed parents) **and at least 60 days must have passed** since you filed it with the Department of Vital Statistics. To find out how long it has been since the filing of your Affidavit or Acknowledgment, call the Department of Health at (360) 236-4300.
-

D. What if I think the court lacks the authority (jurisdiction) to order a parenting plan or child support?

Read the "Deadlines and Legal issues" section below. Talk to a lawyer.

E. What if I want to challenge the other party's claim about who the other parent is?

If you have been served with a Petition for Parenting Plan but do not believe that you are the parent, **you must act very quickly to challenge parentage.** Talk with a

lawyer right away. You have a very short time to challenge parentage in some cases. If you do not meet your deadline, you may not be able to challenge parentage at all.

Example: if you signed a Paternity or Parentage Affidavit or Acknowledgment in Washington, and fewer than 60 days have passed since you filed it with the Department of Health, you should immediately file a Petition to Withdraw (Rescind) Paternity or Parentage Acknowledgment/Denial of Paternity or Parentage. If more than 60 days have passed, you may still be able to challenge parentage. Talk to a lawyer. Read [Parentage and Parenting Plans for Unmarried Parents in Washington](#) to learn more.

F. What if I agree with the Petition?

If you agree you should have a parenting plan, but you do not agree with everything else the other parent asked for in the legal papers you received, use this packet to file a response. If you agree with **everything** the petition is asking for, in the parenting plan, and any child support worksheets, see the section below on agreed cases.

G. What if I am in the military, or a military dependent?

You may have special legal protection. Before filing anything with the court and well before your deadline for filing, get legal advice about your rights. Talk with your JAG office or a lawyer who knows the federal and state Service Members Civil Relief Acts.

H. Try Using Washington Forms Online

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

Visit WashingtonLawHelp.org/resource/washington-forms-online to see what forms are available. Other packets we recommend here may also be available.

I. 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 you fill out forms or free legal clinics where you may get legal advice about your case.

- Do you live in King County? Call 2-1-1 weekdays 8:00 a.m. to 6:00 p.m. You can also call toll-free 1-800-621-4636. They will refer you to a legal aid provider.
- Apply online with [CLEAR*Online](https://nwjustice.org/get-legal-help) - nwjustice.org/get-legal-help
- Call the CLEAR Legal Hotline at 1-888-201-1014.



Part 2. Checklist of Steps

We explain many of the steps listed below in more detail later in this packet. Check the boxes as you go through the process.

1. Figure out how much time you have to respond. Look at all the papers you received. The Summons should tell you how much time you have to file your Response. Look also at the “deadlines” section to make sure you know your deadline. Look carefully through all the papers to see if you also received a motion (**examples:** Motion for Temporary Family Law Orders, Motion for Immediate Restraining Order and Hearing Notice). If so, get the [Respond to Motions for Temporary Family Law Orders or Immediate Restraining Orders: Parentage Cases](#) packet.

- **Petition:** My deadline to Respond to the Petition is _____.
- **Temporary Family Law Orders** (If you received, or later receive, a Motion for Temporary Family Law Order or an Immediate Restraining Order and Hearing Notice)

The Temporary Family Law Orders hearing date is _____.

The deadline to respond to a Motion for Temporary Family Law Orders or an Immediate Restraining Order and Hearing Notice is _____.

- I do [] do not [] need to deliver working papers to the judge.
- Put other deadlines here:

If you cannot respond on time, file and serve a Notice of Appearance, and try to get a continuance of any upcoming hearings. If you cannot get a continuance, file and serve a Notice of Appearance, and get ready for the hearings. (See the “Deadlines and Some Legal Issues to Consider” section of this packet and the instructions about the Notice of Appearance form.)

2. Read the papers carefully to find out what the other parent is asking for. Use a yellow highlighter pen. Mark things in the papers that you want to respond to. If possible, take the papers to a lawyer to read them and advise you about what to put in your response.

If you believe parentage has not been established, or you want to challenge the other parent's claim about who the children's father is, you may need to file your own legal case in response. Do not use this packet. Talk with a lawyer right away. Read [Parentage and Parenting Plans](#).

3. Learn about local requirements.

Local court requirements will affect how you handle your case. Many counties have special forms or have other local rules you must follow. Many counties require case schedules, classes, or settlement conferences. You must follow local court requirements.

Call the court clerk's office or family law facilitator for the court where your case is taking place to ask about local requirements. Tell them the kind of family law case you have (**examples:** petition for parenting plan, a motion for ____). Requirements may differ, based on the type or stage of your case.

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

Look at the "*Words and Expressions You Should Know*" section of this packet if you do not know words used here.

Find out at least these:

- If the county has its own packets or forms for petition for parenting plan cases. If so, use those instead of ours. If you use our packet, get any other local forms you will need.
- If the court uses case schedules (and if the court requires the petitioner to serve the schedule on the other parties).
- If a party wants or needs the judge to appoint a Guardian ad Litem (GAL), if there is a program for such an appointment at no or reduced cost, and if there are special local forms for the appointment of a GAL or evaluator.

Procedures for the court to check databases before entering a permanent parenting plan to identify any information relevant to placing the child.

In cases where a limiting factor such as domestic violence or child abuse is claimed, local court procedures for having both parties screened to determine if an assessment is appropriate.

If you use our packet, get any other local forms you need.

If you have received motion papers, learn any special deadlines for responding to family law motions in the county where your case is filed. (See the “Deadlines and Legal Issues” section of this packet.)

4. Get any other do-it-yourself packets you need. Example: if you have been served with a motion, get our [Respond to Motions for Temporary Family Law Orders or Immediate Restraining Orders: Parentage Cases](#) packet. This and other packets are available at [WashingtonLawHelp.org](#).

If the other parent has physically harmed you or the children, or has threatened to, or if the other parent has stalked, harassed, or sexually assaulted you, you can file for a Protection Order for immediate protection. Protection Orders offer strong safety restraints. [Protection Orders: Can the Civil Legal System Help Protect Me?](#) has general information.

There are several ways to get protection order forms. You can get them from the court clerk or your local domestic violence program. You can call the National Domestic Violence Hotline at 1-800-799-7233 or the National Sexual Assault Hotline at 800-656-4673. You can use our do-it-yourself interview program, [Get a Domestic Violence Protection Order](#), to fill out the forms at WashingtonLawHelp.org, or our printable [How to File for a Protection Order](#) packet.

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- ❖ Talk to a lawyer before filing for a Protection Order if the court has entered a temporary parenting plan or custody order very recently.
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5. Make any challenges to the court’s jurisdiction or other legal motions. We do not describe jurisdiction or motions in detail. The “Deadlines and Legal Issues” section lists a few issues you might raise in appropriate cases. Talk with a lawyer.

6. Follow the General Instructions and fill out the captions of all of the forms.

7. Fill out all the forms you plan to use from this packet and other packets. Make the necessary copies of the completed forms.

8. File your response with the court clerk’s office in the Superior Courthouse of the county where your case was filed.

9. Have the papers served on the other parties.

10. File a Motion for Temporary Family Law Orders or for Immediate Restraining Orders, if you want these. For help deciding if you should file for Temporary Family Law Orders or Immediate Restraining Orders, read [Parentage and Parenting Plans](#). In general, you should ask for Immediate Restraining Orders only if you need a court order immediately (such as when the other parent is harassing you, or is endangering the children). If you decide to file for temporary family law orders, use our [Ask for Temporary Family Law Orders: Parentage Cases](#) packet. If you decide to file for immediate restraining orders, use our [Ask for Immediate Restraining Orders: Parentage Cases](#) packet.

11. File a Motion to Appoint a Guardian ad Litem (GAL), if you want one. For help deciding if you should file this motion, read [Parentage and Parenting Plans](#). To file the motion, use our [Ask for Temporary Family Law Orders: Parentage Cases](#) packet.

12. Ask for discovery, if you want it. Discovery is the process of gathering information to reach a settlement or present your case at trial. The process helps you learn how Petitioner views the case. You can ask other parties or witnesses for information and documents that could help prove your case if you go to trial. For more about how to request discovery, see a lawyer. The facilitator may have basic info. Read [“Doing Discovery” in Family Law Cases Interrogatories and Requests for Production](#) to learn more.

13. Take part in locally required conferences, classes, or mediations. Many counties require you to attend parenting classes. Some require mediation, settlement conferences, or status conferences.

14. As the case goes on, make sure you give other parties proper notice of other papers you file in your case.

15. Keep a copy of all documents that you file with the court or that you receive from other parties for your own records. Create your own file folder for these papers. Take them with you when there are hearings in your case.

Under state law, the court must:

- check the judicial information system and databases to identify any information relevant to placing the child before entering a permanent parenting plan.

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

Ask the clerk or facilitator about procedures your court is using under this law. You may need local forms and procedures not described in this packet.

16. Finalize your Case. Use our [Finalize a Petition for a Parenting Plan, Residential Schedule and/or Child Support: Parentage Cases](#) packet.



Part 3. Court forms in this packet

Forms you will need to respond to a Petition for Parenting Plan in this packet:

Court Form Title	Court Form Number
Confidential Information	FL All Family 001
Proof of Mailing or Hand Delivery	FL All Family 112
Notice of Appearance	FL All Family 118
Parenting Plan or use Make a Parenting Plan , a Washington Forms Online interview that will help you prepare this form at WashingtonLawHelp.org	FL All Family 140
Response to Petition for Parenting Plan, Residential Schedule, and/or Child Support	FL Parentage 332

Forms you **may** also need in this packet:

Court Form Title	Court Form Number
Agreement to Join Petition (Joinder)	FL All Family 119



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 information below carefully. Check the boxes by the other packets you need. The Northwest Justice Project has a new program called Washington Forms Online. It helps people fill out family law forms. Some of the forms you need are available now. Visit WashingtonLawHelp.org to download packets or use Washington Forms Online.

If you have a very low income, you can get packets by mail by calling CLEAR at 1-888-201-1014.

Additional proof to gather if you or the other party is asking for child support:

Your last two years of federal and (if applicable) state income tax return forms, with your W2s and other attachments.

Your pay stubs from at least one full month. In some counties, you may need the last six months, or back to January 1. Check local court rules.

Some counties require other evidence, such as six months of bank statements, additional years of federal income tax returns, and so on. Check local court rules.

If you file some confidential information during the case, use the forms below to protect that information from being included in the public court file. Get them individually at www.courts.wa.gov/forms.

- [Sealed Personal Health Care Records](#) (Cover Sheet) - FL All Family 012
- [Sealed Confidential Reports](#) (Cover Sheet) -FL All Family 013
- [Sealed Financial Source Documents](#) (Cover Sheet) - FL All Family 011

Other Packets You May Need to Respond to the Petition:

[Child Support Worksheets and Orders](#) –if you or the other party asks for support OR the case involves other financial requests (**example**:to help pay GAL fees). If you file private financial information, use the Sealed Financial Source Documents Cover Sheet in this packet.

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- ❖ **This packet only discusses parenting plans.** We do not recommend you file for a Residential Schedule. It does not say who can make decisions for the children. A parenting plan does.
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[Respond to Motions for Temporary Family Law Orders or Immediate Restraining Orders: Parentage Cases](#) – If you have been served with a Motion for Temporary Family Law Orders or an Immediate Restraining Order and Hearing Notice. The Sealed Confidential Reports Cover Sheet and the Sealed Personal Health Care Records Cover Sheet are in this packet, if needed.

[Petition for Protection Order, PO 001](#) - if you are asking, as part of this case, for a Protection Order to be issued at the end of this case, or to change one you already have. Get the forms from your court clerk, domestic violence advocacy program, or from courts.wa.gov/forms. You can also use our printable [Get a Domestic Violence Protection Order](#) packet or our do-it-yourself interview program, [Get a Domestic Violence Protection Order](#), to fill out the forms at WashingtonLawHelp.org.

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- ❖ Talk to a lawyer before filing for a Protection Order if the court has entered a temporary parenting plan or custody order very recently.
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[Ask for Temporary Family Law Orders: Parentage Cases](#), or [Ask for Immediate Restraining Orders: Parentage Cases](#) - For help deciding if you need either/both of these orders, talk with a lawyer or read [Parentage and Parenting Plans for Unmarried Parents in Washington](#). Use one of these packets to ask for a **Guardian Ad Litem (GAL)** if you want the court to appoint someone to investigate the all parties' situations and make a recommendation about a parenting plan in the children's best interests.

[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 a child in the case has not gotten public assistance or been in foster care or out of home placement. You can get it at www.courts.wa.gov/forms.

[Notice of Address Change, FL All Family 120](#): If you move during or after your case, you must fill this out, file it with the court, and get all other parties a copy. Get it at www.courts.wa.gov/forms.

[Serving Papers on the State](#) - If any party is asking for an order regarding child support, and any of the children has gotten TANF, medical coupons or Medicaid, or

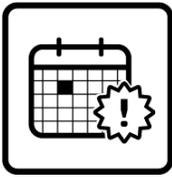
is in foster care or out of home placement. You must include the state as a party and serve them with papers you file.

County Local Court Forms and Rules – Some counties have special rules for parentage cases. Check with the clerk or facilitator.

❖ **Some county clerk's offices** have forms and local rules available online at <https://bit.ly/3Ak5jTz>.

[Subpoenaing Witnesses and Documents](#) – To make sure important witnesses or documents are available for your trial.

[Finalize a Petition for a Parenting Plan, Residential Schedule and/or Child Support: Parentage Cases](#) – Your case is not final until a judge has signed all your final court orders.



Part 5. Deadlines and Legal Issues

If the other party did not give you all the legal papers they should have, you should ask the court not to give them the relief they are asking for. First, write the other party or their attorney a letter. List the legal papers you believe you should have received, but did not. If you get the papers late, or still do not get them at all, put in your response that you did not get all the papers as required. Attach a copy of your letter.

A. Figure Out How Much Time You Have To Respond

Deadline for Response to Petition. Find the Summons form. You should have received it with the Petition. The Summons should say how many days you have to file and serve a Response after the date you received the papers. Or look at the deadlines that follow.

- If you were personally served with the petition in Washington (someone who is not a party to the case handed them to you or an adult handed them to a teenager or adult who lives with you), you have **20 days** from the date you received the papers to file and serve your Response.
- If you were personally served in a state other than Washington, you have **60 days** from the date you received the papers to file and serve your Response.
- If you were served by publication (a copy of the summons was published in the newspapers) in or outside of Washington, you have **60 days** from the first date the summons was published in the newspapers to file and serve your Response.
- If you were served by certified mail in or outside of Washington, you have 90 days from the date you received the papers to file and serve your Response.

The Deadline for Motions is Different:

a. Responding to Motions other than a Motion for Default. If you were served with a Motion for Temporary Family Law Orders or Motion for

Immediate Restraining Order and Hearing Notice along with the Petition (or later), you have much less time to file and serve a response to the motion than to Respond to the petition. You may have only a few days (for emergency motions, maybe even less). Find out the deadline for responding to the motion. Do not miss your hearing date. For non-emergency motions, the moving party must give you notice as many days before hearing as your county's local rules require. For some counties, you must receive the papers for a motion at least five court days before the hearing, not including weekends or the date the papers are given to you. For some counties or motions, you must get longer notice. **Make Sure You Got Enough Notice. If the notice does not state your deadline, immediately check your local court rules or ask the court clerk or family law facilitator what the deadlines are.** Usually, you must file and serve your response to a motion no later than one court day before the hearing on that motion. In some counties, you must have the response filed and served at least 4 days before the hearing. Read our [Respond to Motions for Temporary Family Law Orders or Immediate Restraining Orders: Parentage Cases](#) packet to learn more. There is also more below about deadlines and responding.

b. Responding to a Motion for Default. If you are served with a Motion for Default, you must file both and serve your declaration in response to the motion and your Response to the petition before the deadline on this motion, or all the moving party's requests may be granted. If you are served with a Motion for Default and you have not yet appeared in the case, you may also need to get court permission to file and serve your Response.

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- ❖ We do not explain here how to request court permission. If you cannot file a motion for court permission before the hearing on the motion for default, at least prepare your Response and declaration, file and serve both, go to court for the default hearing, and ask for permission to take part at the hearing.
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Also see the information on dealing with deadlines below.

If you do not respond on time, the moving party may get an order getting everything they ask for. Even if you file and serve a Response, if you do not then go to a hearing, the court may give the other party what they have asked for at that hearing.

B. Jurisdiction

1. Does the court in Washington have jurisdiction over me (personal jurisdiction)?

It may be able to grant the other parent a parenting plan if Washington has jurisdiction over your children, even if you have never lived here. If you have not lived here, Washington **may not** have “personal jurisdiction” over you. In that case, the Washington court may not be able to order you to do certain things, such as pay child support.

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- ❖ You may also be able to establish a child support obligation through interstate procedures.
-

If you think Washington lacks jurisdiction over you, you must challenge Washington’s jurisdiction before filing anything else with the court. For help deciding this, talk with a lawyer or read [Parentage and Parenting Plans](#).

2. Does the court have jurisdiction to order a parenting plan/ (decide custody of my children) (subject matter jurisdiction)?

If another state or tribal court has already entered a custody order about your children, or your children have not lived in Washington for very long before the petition is filed, the court here may lack jurisdiction to order a parenting plan (decide custody of your children). For more information, talk with a lawyer. Read [Which Court can Enter Custody Orders? Frequently Asked Questions and Answers about Jurisdiction](#) to learn more.

If Washington does not have this jurisdiction, the court here should not decide custody. Washington might still be able to decide other issues.

3. What should I do if I think the court lacks jurisdiction?

If you think the court in Washington lacks personal or subject matter jurisdiction, talk to a lawyer. If you have a low income, call CLEAR at 1-888-201-1014 or, in King County, call the King County Bar Association Neighborhood Legal Clinics program at

(206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday for an appointment with a free family law clinic.

If you think the court lacks personal jurisdiction, do not do anything that could give it jurisdiction, such as signing agreed orders, requesting something from the court, filing papers that fail to raise your jurisdiction defense, or showing up at a hearing **without challenging jurisdiction at the start of the hearing**. If you do not tell the court you think it lacks personal jurisdiction right at the start, you will probably lose your chance to object.

You can object to jurisdiction over your children (subject matter jurisdiction) at any time, but it is best to do so early on.

You may decide to file a motion to dismiss for lack of jurisdiction. Talk with a lawyer.

C. Decide if you should file your own motions

You may need or want to file your own motions if, for example:

you believe the court lacks jurisdiction

you are on active military duty or a protected military dependent

you want or need immediate restraining orders or temporary family law orders, or a custody evaluation or appointment of a GAL

You should file any motions before the hearing on motions scheduled by another party. You may then be able to schedule your motions so the judge hears them on the same day as the other party's.

If you do not know whether you need to file a motion, talk with a lawyer. (See also the list in this packet of self-help publications on immediate restraining orders and temporary family law orders and GALs.)

D. Dealing with deadlines

If you are in the military, or a military dependent, you may have special legal rights. Talk to a lawyer before filing anything with the court and well before your legal deadline to respond.

1. Meet your Deadlines

Review the deadlines you calculated. You must file and serve papers before those deadlines. Remember: the deadline for responding to a motion is often shorter than to file a Response to the Petition.

If hearings are coming up in your case, you must deliver working papers in advance for the judge if your county requires them. **Ask the court clerk or family law facilitator about deadlines and the need for working papers.** Read [What are Working Copies](#) to learn more.

If you miss a deadline, file and serve your papers anyway, and go to the hearing. If the other party objects at the hearing, try asking for a continuance (delay) so the court will consider your papers.

2. If You Need More Time

To Respond to the Petition: If you do not have this prepared, you should file and serve a Notice of Appearance and respond to any motions that have been filed. If you file and serve a Notice of Appearance, or file and serve motions, or appear at hearings, Petitioner should give you notice before asking for an order of default against you. Then file your Response as soon as possible. **If you are served with a Motion for Default, see “to respond to a Motion for Default” below.**

To respond to motions (other than a Motion for Default): Make sure you have filed and served a Notice of Appearance. Do not ignore a hearing, even if you got short notice! If you did not get enough legal notice of the hearing on a motion, the judge should not rule against you at the hearing. The judge may not know you received short notice. You must explain this in a declaration you file in response to the motion, and in person at the hearing. You can ask for a continuance (postponement) of the hearing. Be ready for the hearing anyway. The court may deny your continuance request.

If you did get enough notice according to the rules but you simply do not have enough time to respond, you may still try to get a continuance. As soon as you know you want one, contact every other party if possible (or their lawyer, if they have one). Email or fax is best. State that you need more time to respond to the papers. Ask for a new hearing date. Depending on your reasons, you could ask for a week or longer.

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- ❖ You must ask for a continuance before the hearing if you know you need one. If you wait to show up for the hearing and ask there, the judge may order you to pay the other party for wasting time appearing for the hearing if you could have asked in advance. This is especially true if another party has a lawyer.
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If the moving party agrees to the continuance, ask for written confirmation that they have rescheduled the hearing. If you do not get this, you should assume the hearing is still taking place. Get ready for it and go to it. The judge might need to approve any continuance.

If the other party will not agree to the continuance of the hearing, you can:

- a) **Respond as best you can and get ready for the hearing.** The very first thing to say in your declaration is that you want a continuance. If you did not get enough notice, say that. If you did get enough notice, but you need more time anyway, say that and describe how you tried to get an agreement for the continuance. If you have not already done so, file and serve a Notice of Appearance.
- b) **Make a Motion for Continuance.** You may not have enough time to give the other parties the notice required for a motion for continuance. You may need to get an Order Shortening Time. This order lets you bring a motion on less than the required time. The facilitator may have more info.
- c) **Ask for a continuance at the hearing.** Go to the hearing. When they call your case, stand up. State your name and that you want a continuance. The judge may ask why and may ask the other party why they object. If you tried to get the other party to agree before the hearing, let the judge know that.

-
- ❖ The judge will not always allow a continuance. Be as ready as you can to have the hearing on the original date.
-

To respond to a Motion for Default. You may try to get a continuance of the hearing date as described above. If the judge denies your request, you must do all these:

- a) file and serve your Response to the petition before the deadline to respond to the motion for default.
- b) file and serve your declaration in response to the motion before the deadline to respond to the motion for default.
- c) if the motion for default was filed before you appeared in the case, you may need court permission (“leave of court”) to Respond. Talk to a lawyer.
- d) go to the hearing **or** verify that it has been cancelled.

Otherwise, the judge may enter a default judgment against you. Your declaration should ask the judge to deny the motion for default. It should also explain that you have now filed and served a Response to the Petition and explain the late filing of your Response.

If you are already late in filing a Response to the Petition:

You might still be able to file a late Response. Ask the court clerk if there is a Motion for Default, an Order on Motion for Default, or final orders in your court file.

If the judge has not yet signed an Order on Motion for Default, you should immediately file and serve a Notice of Appearance (or file and serve your jurisdictional defenses). Then file your Response as soon as possible.

If you receive a Motion for Default, or a party has already filed a Motion for Default, filing a Notice of Appearance is not enough. See “to respond to a motion for default,” above.

Check with the clerk. If you learn that the judge has entered an order of default or final orders against you, you must act very quickly to ask the court to cancel those orders. Use our [File a Motion to Vacate Judgment/Order in a Family Law Case](#) packet. Talk to a lawyer.

3. If the hearing on a motion has already happened

If you find out a hearing on a motion already happened, or that the judge has entered orders against you, for example on a motion for Temporary Family Law Orders, talk with a lawyer as soon as possible. If you cannot afford a lawyer and live outside of King County, contact CLEAR 1-888-201-1014. If you live in King County,

contact the King County Bar Association Neighborhood Legal Clinics program. You may be able to ask the court to vacate (cancel) the orders. **Act fast.** The longer you wait, the harder it may be to vacate the orders.

Even if you missed the hearing on a motion, you can still file and serve a Response to the Petition, unless the judge has entered an Order on Motion for Default against you. (See the additional caution above if a motion for default has been filed but you have not appeared in the case.)



Part 6. General instructions for filling out forms

These general instructions apply to all forms. They cover all types of family law cases. You may not use some of the information in your case. Read these before you start filling out any forms.

THE CAPTION. The caption is the name of your case. It is a section appearing at the top of the first page of every form. 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;"><u>Jane Brown</u></p> <p>And Respondent (<i>other spouse</i>):</p> <p style="padding-left: 40px;"><u>John Brown</u></p>	<p>No. _____</p> <p>Notice of Hearing (NTHG)</p> <p><input checked="" type="checkbox"/> Clerk's action required: 1</p>
--	---

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

This is the form's **title**.

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

Put the name of the county where you are filing your case after "Superior Court of Washington, County of."

Case number. When someone files the papers to start a case and pays the filing fee, the court clerk assigns a case number. Put that number near the top on the right hand section of the first page of every form after "No." When you file your case, there may be a special stamp at the court clerk's counter that may have a stamp you can use to put the case number on each paper. You can also print it.

-
- ❖ If you do not put the case number on the first page of everything you file with the court and make 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 on the right-hand side of the form under the case number. You might have to add more info. **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 attachments to those pleadings 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 a three-inch margin (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 court clerk may refuse to file them or may make you pay a fine.
-

The contents. Fill out each form according to its instructions. In most counties, you may print or type. It must be readable. After filling out each form, re-read it. Make sure you have correctly filled in all blanks you need to. 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 when the judge signs the order.

Signatures.

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

- Some forms have one signature line for “petitioner” or “respondent.” After filling out a form such as the petition, 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 place (city, state) you signed the form.
- When you prepare and file motions, you are the moving party. After you prepare a motion, look for each place marked “signature of moving party or lawyer.” **Look carefully.** You may have to sign in more than one place. You may have to write the date and the place (city, state) you signed the form.
- When you prepare an order and plan to present it for the judge to sign, 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 prepared 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 you did not prepare the order, the other party may ask you to check this box and sign underneath. If you do, you are agreeing the judge should sign the order as written AND the other party can give the order to the judge to sign 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 information correctly and sign in the right space.

Identifying Information. Court rules try to protect privacy but also allow for public access to some information in court files. The following 3 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 available to publicly online.

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

Address (Where you live) and Phone Number:You must put an address where you can get mail from the court. (It does not have to be your home address.)You should also give the court 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.

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 information you should file with sealed cover sheets:

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

Financial Information: 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 Information:Attach any papers you file that have information 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. You should attach the private section to a Sealed Confidential Reports Cover Sheet.

Retirement Plan Orders: Certain retirement information 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 Information Not Mentioned Above. If the paper you want kept confidential is not in the above list, you may

need to file a motion asking the court to asking to have that paper, or part of it, sealed. Talk to a lawyer.

Box #3 - When to put private information in court forms:

These forms are not in the public file. Information in them is usually not available to the other party. You must fill in your personal information completely (including your home address, social security number, and so on):

Confidential Information Form

Vital Statistics Form

Domestic Violence Information Form

Law Enforcement Confidential Information Form



Part 7. How to fill out each form

A. Response to Petition – FL Parentage 332

Every respondent must fill this out. The Response, for short, is your chance to answer what the other parent's Petition says. Look at the Petition while filling out the Response.

If you are in the military or a protected military dependent, talk with a lawyer or the JAG office before filing and serving this form, and before your deadline to Respond.

Caption. Fill out the caption.

1. Your Response. Read each corresponding paragraph of the Petition. Follow the instructions in answering this section. For any section you check "*I disagree*," explain why in the section starting on page 2.

❖ **Jurisdiction over the children:** Talk to a lawyer if you need help deciding Washington has jurisdiction over your children. Read [Which Court has the Right to Enter Custody Orders? Frequently Asked Questions and Answers about Jurisdiction](#) to learn more.

2. Protection Order. Check **no** and skip to 3 if you do not want this. Check **yes** if you do want this and follow the instructions in this section. Check the third box if true, and fill in the blanks.

3. Restraining order. Check **no** and skip to 6 if you do not want this. Check **yes** if you do want this and then check boxes and fill in blanks showing what you want. If you check **Stay away** and then the first box underneath, a common distance to put is 500 feet. This is about the length of a football field. If you check **Prohibit weapons and order surrender**, you should also check **the police chief or sheriff**.

4. Requests. Check all boxes showing what you want.

Respondent fills out below. Check the box if it applies and put the number of pages you are attaching. **Signed at:** Put the city, state, and date you are signing. Then sign and print your name.

-
- ❖ If your mailing address changes, you must fill out and file a Notice of Change of Address form, FL All Family 120, available at courts.wa.gov/forms.
-

B. Parenting Plan – FL All Family 140

Before you start, make at least one extra copy of the parenting plan and keep it. You may need three or more versions of your parenting plan: one to file with your petition or response, one to file when finalizing your case, and one if you have a motion for temporary family law orders or immediate restraining orders.

-
- ❖ If you will ask for the same parenting plan with your petition (or Response) and motion for temporary family law orders, make copies of the form after filling most of it out. Fill out the entire Parenting Plan except for section 1. Make several copies.
-

Read the instructions carefully. Take your time.

If you need hands-on help, your superior court may have a family law facilitator who can give more information or help filling out problem spots in the forms. Ask your local superior court clerk if your county has one.

If you are filling out this form as a **proposed** parenting plan (**example:** with your petition, or as part of a motion for immediate restraining orders or temporary family law orders), have it show what you want the court to order.

If you are filling this out **after the judge has made a decision** (at a temporary family law orders hearing or trial), have it show the judge's actual decision, even if different from what you asked for.

If you and the other party have reached **agreement**, it must show the agreement you made.

1. “This Parenting Plan is a:” Check **proposal** if this is a proposed parenting plan. Check **court order** if true. Then check the box immediately underneath showing what kind of order it is.

2. Children. List the names and ages of the minor children you want the parenting plan to cover.

3. Reasons for putting limitations on a parent. This is where you tell the Court if it ought to limit the other parent’s time with the children, and why.

3a. Check the first box and skip to **3b** if the other parent or someone living with them has **not** done anything listed here. Check the second box if someone **has** done anything listed. Then underneath check which apply. Put the parent’s name where needed.

3b. Check the first box and skip to section **4** if neither the other parent nor anyone living with them has any of the listed issues. Check the second box if someone does have any listed issues. Then underneath, check which issues. Put the parent’s name where needed.

❖ If the Court agrees the issue exists, it will probably order restrictions.

Examples: the court may order supervised visits, or that the other parent cannot make any major decisions about the children.

Neglect. If you check this box, in section **14 (Other)** you may ask the court to order supervised visitation for the other parent until they successfully complete a parenting skills program and provides the court and you with written proof of this.

Abusive Use of Conflict. Check this box if the other parent has made derogatory comments to the children about you or untrue accusation to others (**example:** makes repeated calls to CPS on you for no reason). In **14 (Other)**, you can ask the court to order the other parent to stop doing these things. In **4 (limitations on a parent)**, under **Evaluation or treatment required**, you can ask the court to stop visits if the other parent engages in this behavior and order that visits will only start back upon the other parent completes a parenting skills class.

4. Limitations on a parent. Check the first box and skip to **5** if you checked the first boxes in **3a** and **3b**.

Check the second box and skip to **5** if you checked problems or behaviors in **3a** and/or **3b** BUT you do not believe there need to be limitations on the parent. In the blank, explain why.

-
- ❖ If this is a proposed parenting plan, you must convince the judge the children will be safe when they are with the other parent. Otherwise, the judge might not sign your parenting plan.
-

Check the third box if you checked problems or behaviors in **3a** and/or **3b** and you believe these are harmful to the children, or the court found they are harmful. In the blank, put the other parent's name. Then check all boxes underneath that apply.

Supervised contact. Check this if you want the judge to order supervised visits OR the judge ordered this after hearing. Put the other parent's name.

Check the first box underneath if you want (or the judge ordered) a professional supervisor. Put their name.

Otherwise, check the second box underneath. Put the supervisor's name.

Check the third box if the schedule for supervised visits will be in **sections 8 - 11**.

Check the fourth box and fill in the blanks if you can briefly list the schedule here. Visitation times in **sections 8 - 11** be consistent with the supervision in this paragraph. **Example:** If visitation lasts all weekend, you may not be able to have someone supervise.

Check **other limitations or conditions** if, for example, the supervisor must follow any standard "supervised visitation order" your court uses and/or you want the court to set conditions during visits, such as the supervisor being there for the entire visit and being required to stop any conduct that could harm the children.

-
- ❖ The supervisor must be someone who can and will protect the children from harm. If you choose a relative or household member to supervise visits, the plan must include conditions for the relative or household member to follow during visits.
 - ❖ The judge will not appoint someone who does not want to be a supervisor.
-

Evaluation or treatment required. Check this box and put the other parent's name if you want the judge to order them to be evaluated for and/or complete any kind of state-certified treatment program before allowing unsupervised or (or, in severe cases, any) visits, OR the judge ordered this after hearing.

Check the first box directly underneath if you want the court to order an evaluation or the court ordered this. Put the type of evaluation. **Examples:** drug or alcohol, sexual offender, domestic violence.

Check the second box directly underneath if you want the judge to order the other parent to start and complete treatment, or the judge ordered this. Check the box underneath showing the specifics.

Check the third box if you want the judge to order the other parent to submit proof of their evaluation and other records of treatment, OR the judge ordered this.

In the last blank, put what happens if the other parent does not follow this part of the parenting plan. **Examples:** The other parent gets supervised visits only. The other parent loses all visitation rights. The other parent's visits stop immediately until you can go back to court.

5. Decision-making.

a. Major Decisions. If both parents should decide together about a type of major decision, check **joint** next to it. If only one parent should decide, check **limited**. At **other**, put any major issues not listed elsewhere. Some **examples:** getting a driver's license, getting married before age 18, or enlisting in the military before age 18.

b. Reasons for limits on major decision-making.

- Check the first box and skip to **section 6** if you did not check any boxes in **sections 3a or 3b**.
- Check the second box if you checked anything in **3a**.
- Check the third box if both parents are against joint decision-making OR one of the boxes below applies.

Check the second box if you think only one parent should have decision-making authority. Check the box next to that parent. Check the box showing the reason.

6. Dispute Resolution.



❖ Skip this and go to 7 if you put limitations in 3a.

Read the box before you fill out this section.

You must use the option you check here **every time** you and the other parent have a big disagreement about the children that you cannot work out. The process may cost a lot. Still, it can be easier and cheaper than going back to court.

6a. Mediation: commonly used. You and the other parent meet with a **mediator** (a neutral person who could be a lawyer, professional mediator, or mental health professional) to try to work out the problems by agreement.

- **Arbitration:** you and the other parent meet with an **arbitrator** (a neutral person who is usually a lawyer or retired judge). The arbitrator listens to you both and makes a decision you both must follow if you cannot reach an agreement.
- **Counseling:** you and the other parent meet with a **counselor** to try to reach agreement.
- **Court.** Check this if you should not use the other options, such you cannot afford it or one parent has committed domestic violence against the other.

6b. If you chose mediation, arbitration, or counseling, you must also choose how one parent will notify the other that they want to use it. Under **the parents will pay for the mediation**, check the box for how you will divide the cost.

❖ You can divide the cost of dispute resolution 50-50 or some other percentage, based on your incomes in the child support worksheet. Or you can let the mediator, counselor, or arbitrator help you decide.

7. Custodian. Put who the children will be living with more than half the time. Do not make any other changes to this section.

If you and the other parent have agreed on joint custody, and you will each have the children one-half of the time, you may alternate the designation by odd and even year. Get legal advice about your case. Find out if this would be a good idea for you.

Parenting Time Schedule.

-
- ❖ This section may be confusing. Talk with a lawyer or the family law facilitator. Reading [Divorce and Other Options for Ending Your Marriage with Children in Washington State](#) may help.
 - ❖ Check the **limited schedule only** and skip to **section 12** if the only contact the other parent will have with the children is in **section 4**. Otherwise, check the second box. Make sure the schedule you write is best for your children.
-

8. School Schedule.

8a. Children under School-Age.

- Check the first box **and skip to 8b** if all the children are in school already.
- Check the second box if the schedule will be the same as for school-age children.
- Check the third box if the schedule for children under school age will be different from the one for school-age children.

-
- ❖ “Every other week” is different from “first and third week.” There are sometimes five weeks in a month.
-

8b. School-Age Children. Fill this section out even if none of your children is yet in school. Check the boxes showing when you want this schedule to apply (or when the court ordered it to apply).

After **the children are scheduled to live with**, in the first blank, put who they will live with most of the time. In the second, put the other parent’s name. Then check the boxes underneath showing when they will live with the other parent.

-
- ❖ “Every other week” is different from “first and third week.” There are sometimes five weeks in a month.
-

9. Summer Schedule.

In the first sentence, check the first box if you want “summer” to start and end according to the school calendar, or the court ordered that. Check the second box if

you want something other than the school calendar, or the court ordered something different.

Check “the summer schedule is the **same** as” and skip to section 10 if that is what you want, or what the court ordered.

Check the third box if the parents should each have uninterrupted vacation time with the children. Fill in the blank.

Check “the summer schedule is **different** than” if that is what you want, or what the court ordered. Check the box showing when you want the summer schedule to take effect. After “During the summer the children are scheduled to live with,” in the first blank, put who they will live with most of the time. In the second, put the other parent’s name. Then check the boxes underneath showing when they will live with the other parent.

Check **other** if you do not want to set specific dates. In the blank, you can put that one or both parents notify each other by a certain date of the time they would like for that summer. **Example:** “The children will live with the father during the summer except for four weeks with the mother. The mother shall tell the father by May 15 which weeks she wants.”

You can also put if the time will be all at once or split up. **Example:** “Four weeks, taken in two, two-week sessions.”

10. Holiday Schedule. Check the first box and skip to section 11 if you will follow the school schedule.

❖ You do not need a special schedule for holidays if you do not want one.

Otherwise, check the second box. Then check the box showing which children the holiday schedule applies to. Fill in the table showing what you want the holiday schedule to be, or what the court ordered.

❖ If you will alternate holidays by year, specify “odd” and “even” years.

❖ If you will split a holiday each year (**example:** Christmas morning with one parent, Christmas afternoon and evening with the other), check “Every” for both parents. Fill out the split times for that holiday in the section below in the **begin day/time** and **end day/time** blanks.

Other occasion important to the family (page 10): Read the box before filling this part out.

11. Conflicts in Scheduling. This section says what happens when parts of the Parenting Time Schedule conflict, such as when mom’s Christmas Day falls on dad’s weekend. Check the box showing what you want, or what the judge ordered. You can check **other** to create your own priorities, or if the judge ordered something different from the first two options.

12. Transportation Arrangements. In the first paragraph, check the box showing where you will exchange the children. You can check **other location** if you want a neutral, public place, like a local fast food restaurant or park. Do this if you know you and the other parent will fight in front of the children or you have reason to be scared the other parent will hurt you. You can put more safeguards to protect your safety if you are at risk during exchanges.

In the second paragraph, check the box showing who is responsible for arranging transportation.

-
- ❖ Arrangements for the cost of transportation go in the Child Support Order.
-

Use the **other** section to put other conditions on transportation. **Example:** If the other parent does not have a driver’s license, you can put here that the other parent must arrange for someone with a license to transport the children.

13. Moving with the Children (Relocation). This section is about the laws that apply when a parent wants to move with the children. Do not delete or change this section.

14. Other. Here are some suggestions for how to use this section:

Following Requirements of Other Court Orders: You can ask the court to order the other parent to complete requirements already required by another court order (such as a dependency order or an Order for Protection) before she can have time (or unsupervised time) with the children. You can ask the court to order the other parent to provide written proof of completion of the requirements. **Example:** You have a Protection Order requiring the other parent to complete domestic violence treatment. You can put here “[Other parent] shall successfully complete all domestic violence treatment required under the Order of Protection entered on [date] under case number [protection order case number], and provide the court and all parties

written proof of such successful completion, before she may request residential time with the children.”

Removal of Children from the State: You can put here that the other parent may not remove the children from the State of Washington without your written consent.

Example: You already know the other parent will be taking the child to another state for an annual family reunion. You would state that as an exception.

If you want other rules in your parenting plan, such as giving or denying access to school or medical records, being able to go to or get notice of school or extra-curricular events (sports, church events, music recitals, and so on), or phone contact, put them here. Here is some **sample language**:

Phone Calls - Each parent may call the children at reasonable times when they are with the other parent.

Activities Outside of School - Neither parent shall sign the children up for activities that will interfere with the other parent's time, without the other parent's agreement.

Address and Phone of Parents - Both parents shall keep each other advised of their current home address and phone number.

School and Activities - Both parents shall have the right to go to school, sports, and other activities of the children.

15. Proposal. Check the first box and skip to 16 if you are writing this parenting plan as a court order. Otherwise, check the second box. At “parent requesting plan signs here,” and sign and put the date and place you are signing. If the other parent agrees with your proposed parenting plan, they should sign and date underneath.

16. Court Order. Check the first box if this is a proposed parenting plan. Check the second box if this is a final order or a temporary parenting plan after a hearing.

Leave the rest of this section for the judge to fill out and sign.

If this is a court order, the parties sign below: In the left-hand column, check **is an agreement of the parties** if true and have the other parent check the same in the right-hand column. Check **is presented by me**. You will sign in the space on the left-hand side and put your name and the date under that. If the other parent agrees to your parenting plan, they sign in the space on the right-hand side and put their name and the date under that.

When you have finished filling out your Parenting Plan, read through it **several times**. Make sure you understand it and have filled everything in you want.

C. Confidential Information Form and Attachment - FL All Family 001

In family law cases, you must give the court certain information about yourself and the other people involved in the case. This form is where you give this info.

You must fill out this form and file it with the court clerk. Keep a copy for yourself. **Do not serve this form on the other parties.**

The Confidential Information Form is generally not available to the other parties or their lawyers. There are some exceptions if, for example, your family is involved with DCS (Division of Child Support) or other parts of DCYF (Washington State Department of Children, Youth & Families).

-
- ❖ When your address changes, you must update the court by filing a [Notice of Address Change](#), FL All Family 120, even after your case is final. If you do not, legal papers may go to you at your old address. The court may enter orders against you without actual notice to you.
-

In the box in the top left-hand corner, put the county where you are filing this case. Put the case number when the clerk gives it to you.

- 1. Put your name.**
- 2. Check “yes” if restraining orders or protection orders are currently in place.**
In the blank, put who the orders protect. If the orders go into effect after you filed this form, you will need to file a revised and updated version of this form.

Check **no** and skip to 3 if there is no current restraining order or protection order in place.
- 3. Check the first box if you believe the safety of an adult or child would be at risk by listing your home address.** In the blank, explain why.
- 4. Your Information:** In the first table, put the information requested, including your driver’s license number and social security number (if you have these).

- 5. Other Party's Information.** In the first table, put as much of the information requested as you can. Use the Attachment to Confidential Information if there is more than one respondent in your case.
- 6. Children's Information.** If your case involves children, put as much of the information requested as you can.
- 7. Have the children lived with anyone other than...** Check **no** if the children have only lived with you or another party to the case in the past five years. Skip to 8. Check **yes** if the children have lived with someone besides you or another party to the case in the past five years. Put the information requested.
- 8. Do other children (not parents)...** Check **no** and skip to 9 if only you and the other parent or parents have custody or visitation rights to the children involved in this case. Check **yes** if other people besides you and the other parent or parents have custody or visitation rights. Put as much the information requested as you know.

Sign and date the form and put the place you signed it.

D. Notice of Appearance – FL All Family 118

A notice of appearance lets the court and other parties know you are taking part in the case. It gives you some protection if you do not file your Response to the petition by the deadline in the summons. If you file and serve a Notice of Appearance, Petitioner should not be able to get a default order against you without first giving you notice of the motion for default. If you get a motion for default, you must file and serve both a declaration in response to the motion and your Response to the petition. See Section 4 above.

-
- ❖ If you are in the military, or a military dependent, talk with a lawyer or the JAG office before filing and serving a Notice of Appearance and before your deadline to Respond to the petition.
-

A notice of appearance will not protect you from having orders entered at motions hearings (example: temporary custody or adequate cause).

Caption. Fill out the caption.

1. Put your name.
2. Read this.
3. Put your mailing address. If you are afraid to give the other parties your home address, put one where you will **reliably and immediately** learn about mail that arrives for you.

❖ If the mailing address you use on the Notice of Appearance changes during this case, you must fill out and file a new Notice of Address Change, FL All Family 120.

4. You can list an additional address if you want.

Sign and date where it says.

E. Child Support Forms

Use these if one of you is asking the court to set child support:

Child Support Worksheets

Financial Declaration

Sealed Financial Source Documents form

You will also need proof of your income.

Use our [Child Support Worksheets and Order](#) packet or Washington Forms Online interview at WashingtonLawHelp.org.



Part 8. How to file forms with the court

A. Getting ready to file and serve

After filling out the forms, follow these steps to file them with the court.

You must know who must be served or is a party to the case. Usually, Petitioner is the only other party. The caption should list other parties by name. If the children have ever gotten public assistance or Medicaid, or been in foster care or out-of-home placement, you must serve the State of Washington. (Use our [Serving Papers on the State](#) packet.) If the judge has appointed a GAL, you must have them served too. If you are unsure if have someone other than a parent, the State, or a GAL is a party, talk with a lawyer.

Figure out how many copies of each form you will need. Make the copies.

The original of each form will be filed with the court clerk in the county where the case has been filed. Make copies as follows (except, if you have prepared the Confidential Information Form and any Attachment and/or LECIF, make just make one copy, for yourself, of these three forms):

- _____ one copy of each form for yourself.
- _____ one copy of each form for the other party.
- _____ if there are other individual parties one copy of each form for each of these parties (1 x ____ number of other parties).
- _____ one for the State (if you are serving the State).
- _____ one for the GAL if your case has one.
- _____ one copy as working papers, if you have upcoming hearings and local rules require you to give the judge “working papers” before a hearing.
- _____ : **total.** This is how many copies to make of each document (except just make one copy, for yourself, of the Confidential Information Form and any Attachment and LECIF. These forms are not served on any other party).

Organize Your Papers. Make a set of the papers for the court and for each party. Put all originals into the set for the court. Put the copy of the Confidential Information Form and any Attachment and LECIF (if you are using these) into your own set. Compare each set to the checklists in this packet to be sure you have what you need.

Put each of the other parties' sets of papers in an envelope addressed to that party at the legal address they have provided. Add your return address for legal mail. (For your return address, use the address on your Response or Notice of Appearance.)

B. Filing your papers in court

Take the originals and copies to the superior court clerk's office in the courthouse where the case has been filed. Give the clerk the originals for filing. (The clerk does not put the Confidential Information form or any LECIF in the public file.) If you have any proposed orders for upcoming hearings, ask the clerk what to do with them.

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



Part 9. How to serve forms

After filing your papers with the court, you must have them properly served on (delivered to) the other parties. **Do not** serve the Confidential Information form and any Attachment and LECIF.

A. Make sure service is completed before the deadline for your response.

Service is required. The other parties have the right to know your response to the Petition and other papers.

The court does not serve the other parties for you. You must arrange for service and make sure your server delivers the papers properly.

You can have most papers served on the other party by mail or hand delivery. We

explain below. **Carefully follow the rules about service.**

After service is completed, file proof of service with the court, explained below.

B. Mail or deliver your papers to the other parties or their lawyers.

Since you are responding, your papers can be given to the other parties by either regular mail or hand delivery. While the case is going on, if a party has given you an address for service of legal papers (**examples:** in the Summons form, a Notice of Appearance, or a Notice of Address Change), serve them there. If a party has a lawyer, have the papers delivered to the lawyer.

C. Service must be completed before your deadline.

Not all county courts allow you to do your own service. To be safe, **do not deliver or mail the papers yourself.** Ask an adult friend or relative to do it for you.

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

Mailing: If your friend mails the papers, make sure they add three days to the number of days' notice required for your response. When counting, do not count the day of service (or mailing), weekends, or court holidays. **Example: a document mailed on a Monday is considered served on Thursday.** This is important when setting up or responding to hearings. There are deadlines by which you must have papers served. If the third day is on a weekend or holiday, the document is not "served" until the next court day.

If a document is sent by regular mail, 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 Mailing or Hand Delivery.

Hand delivery:

The papers may be delivered to the other party, instead of mailed. "Delivering" the papers to another party or their lawyer means one of these:

- handing it to the lawyer or party.
- 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, Notice of Address Change, or Response form.

- if no one is 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 has no office, leaving it at their home with a competent adult living there.

1. Instructions for the Proof of Mailing or Hand Delivery – FL All Family 112

Make some blank copies of this. You may need to fill it out and file it several times. Use this to show that the other parties have received copies of papers you file in court. 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, they should put who they served. Then check 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 sent or delivered to the other party. If 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 in the places where it says.

2. Filing the Proof of Mailing or Hand delivery

Make one copy of each completed Proof of Mailing or Hand Delivery. Do not give copies of this form to the other parties. If you mailed a copy of the forms by certified mail, and have a certified mail receipt back from the post office, attach the receipt to the Proof of Mailing or Hand Delivery you file with the clerk. Make a copy for your records. If you used certified mail but do not have the green receipt back when filing the Proof of Mailing or Hand Delivery, file it later, attached to a page labeled with your case caption.



Part 10. If you agree with everything in the petition

If you agree with everything the Petition and in any related papers (**examples:** parenting plan, child support worksheets) ask for, you may complete the Agreement to Join Petition (Joinder) form in this packet.

-
- ❖ You do not ever have to sign an Agreement to Join Petition.
 - ❖ If you disagree with any requests in the petition or any related paper, or you agree with all requests but want to be sure the court does not approve final agreed papers until you sign them, do **not** sign the Agreement to Join Petition form.
 - ❖ Signing the Agreement to Join Petition gives the other party permission to enter final papers without your further approval or your signature on the papers.
-

Even if you agree to everything requested, we recommend you ask to see and read the proposed final papers before the other party takes them to the judge. (The final papers may include, for example, Final Order and Findings for a Parenting Plan, Residential Schedule and/or Child Support, Parenting Plan, and/or Child Support Order.) If the proposed final papers correctly show your agreement, sign them. That reduces the chance of misunderstanding. You can be more confident the final papers accurately show your agreement.

If you agree with everything the petition and every related paper asks for, and do not think you need to sign the final orders before they are presented to the judge, fill out the Agreement to Join Petition here. That can make it easier and quicker to finalize the case. It also has risks. Talk with a lawyer (**not the other party's lawyer**) before signing an Agreement to Join Petition so you fully understand any legal rights you are giving up.

A. Agreement to Join Petition (Joinder) form - FL All Family 119 (if you decide to use it)

Caption. Fill out the caption.

1. Put your name.

2. In the blank, put **Petition for Parenting Plan, Residential Schedule, or Child Support**. Check the first box if you do not want notice of any future hearings or decisions. Check the second if you want notice of hearings to finalize the case. **Checking this box does not mean the other party must get your signature on the final papers.** You are just asking them to send you notice. In the blank, put your address. If you do not give your home address, use a reliable mailing address where you will immediately learn of papers arriving for you. If you are sure you do not want notice before the court enters final orders, check the first box.

Other: Put other information here.

Signature: Sign and date where it says.

B. How to file the Petition to Join Petition (Joinder) form (if you chose to sign it)

If you signed the Agreement to Join Petition, follow the same steps to file and serve it as described for filing your Response and other forms. Mail or deliver a copy of the Petition to Join Petition form to the other parties. Keep a copy for yourself.



Part 11. If you are in the military or the dependent of someone in the military

If you are on active duty in the military, or the dependent of someone who is, you have special legal protections. These can include protection against being defaulted in some circumstances, and the right to ask for a stay (delay) of a court case if active duty limits your ability to take part in the case. **Before doing anything else in this case, contact a lawyer or your JAG (Judge Advocate General) right away to find out how to protect your rights under the SCRA.**



Part 12. If you and another party do not agree, get ready for trial

If you file a Response challenging (contesting) the petition **and** the judge does not dismiss the case for another reason **and** you reach no agreement about final orders, **then**

both Petitioner(s) and Respondent(s) must get ready for trial.

You must follow court rules about trial preparation. Some counties have a case schedule or other notice that explains some of what you must do to get ready for trial. Ask the facilitator about those deadlines.

If you do not have a case schedule, do not wait until the last minute to get ready for trial. Start weeks, if not months, in advance. Find out how your trial is scheduled. Sometimes a case schedule or the court announces the trial date. Sometimes you must ask for a trial date.

-
- ❖ If there is a GAL or other custody evaluator in your case, you should receive a report from them before the trial.
-

At trial, each party has the chance to tell the judge why they should rule in that party's favor. Each party must present the judge with evidence (**examples:**admissible documents or testimony) to help prove that party's claims.

We do not have a packet about getting ready for trial. [Subpoenaing Witnesses and Documents](#), and [Getting Ready for a Court Hearing or Trial](#) may help. Try to talk to a lawyer.

At the end of your trial, the judge will announce a decision and the reasons for it. The case is not final until the judge signs final papers: Final Order and Findings for a Parenting Plan, Residential Schedule and/or Child Support and in most cases, a

Parenting plan or Residential Schedule. You may also need other papers (**examples:** a Child Support Order and Worksheets).

The judge will usually ask a party or their lawyer to prepare the final papers for the judge's approval. Those papers will be presented to the judge at a "presentation" hearing. The judge at the end of the trial might tell the parties the date of the presentation hearing. If not, the person who prepares the final papers must give the other parties notice of the hearing time and place. The person preparing the paper must provide the other parties copies of the papers they want the judge to sign. Those proposed final papers should say exactly what the judge ordered.

-
- ❖ If another party asks you to sign final papers they have prepared after trial, read each paper carefully. Make sure it accurately states what the judge decided at trial. If you believe any paper does not show the judge's decision correctly, or if you are not sure, **you should insist the other party set a "presentation" hearing** and give you notice of that hearing. At the presentation hearing, you must explain why you believe the language in the final papers does not show the judge's decision. You may have to prepare your own proposed final papers.
-



Part 13. Checklists of forms and documents

You may use these lists as checklists when you prepare your responses. You will need other papers at the end of your case.

List A: You need these forms to respond to the petition:

- Notice of Appearance (in this packet)
- Response (in this packet)
- Confidential Information Form & Attachment (in this packet) (do not serve this form on the other parties.)
- Proposed Parenting Plan (in this packet)

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

List B: You will need these forms to respond to the petition if a party has court order of child support: (in our [Child Support Worksheets and Order](#) packet)

- Child Support Worksheets
- Financial Declaration
- Sealed Financial Source Documents Coversheet with required proof of income attached
 - Last 2-3 years of income tax returns (or W2s, 1099s or other proof of yearly income if you have not filed yet)
 - Paystubs for the most recent month (or more – see local court rules)
 - If you do not have paystubs, other proof of your income (statement showing the amount of benefits you receive, business records & expense records, and so on)
 - Local court rules may require other financial documents, such as bank statements
 - Proof of child-related expenses, if you are asking that they be included in calculating support (for example, daycare payments, health insurance premiums, uninsured medical, and so on)

List C: You will need these if a party requests financial relief such as attorney fees or payment of a Guardian ad Litem fee:

- Financial Declaration (in the packet [Child Support Worksheets and Order](#))
- Sealed Financial Source Documents Coversheet with Required proof of income
- Proof of the expenses you claim (**example:** bills from your lawyer)

List D: If you are asking for a protection order as part of your case, you need the Petition for Order for Protection, available from the court clerk, or go to a domestic violence advocacy program for help – call the National Domestic Violence Hotline at 1.800.799.7233 for more information.

List E: Use this form to prove service on the other parties of your Response and other papers:

- Proof of Mailing or Hand Delivery

List F: If you file any confidential reports, financial records, or health care records during your case, you will need one or more of these:

- Sealed Personal Health Care Records (Cover Sheet)
- Sealed Confidential Report (Cover Sheet)
- Sealed Financial Source Documents (Cover Sheet)

See the Section called “What Else Will I Need that is not this Packet” for the packets that have these forms.

List G: If you file or respond to motions for temporary family law orders or immediate restraining orders, you will need forms from our packets on these motions. The Section called “What Else Will I Need that is not in this Packet” has a list of packets.

List H: If your case goes to trial, you may need other papers not covered here. At the end of trial, use forms in [Finalize a Petition for a Parenting Plan, Residential Schedule and/or Child Support: Parentage Cases](#), [Make a Parenting Plan](#) and [Child Support Worksheets and Order](#) to show the judge’s decision.

List I: If you and the other party reach an agreement about settling the case, see the lists of final papers in [Finalize a Petition for a Parenting Plan, Residential Schedule and/or Child Support: Parentage Cases](#).



Part 14. Words and expressions you should know

You may not need every definition in this section.

Acknowledgment of Paternity: See Paternity Affidavit.

Appearance: Informing the court and parties of your whereabouts and your desire to take part in a case. You can do this in-person at a hearing or in writing. Most people file and serve a Notice of Appearance. Certain informal actions, such as negotiating, phoning about the case, or writing a letter, might also count as an appearance.

Attachment: a document stapled to a court form and referred to in the form. Attachments should follow format rules for court forms. (The General Instructions section of this packet has basic information about format rules.)

Caption: The heading of each legal document. It has the names of the court and parties, case number, name of the document itself, and, sometimes, type of case.

Case Schedule: A printed schedule some courts issue. It shows major dates and deadlines in your case.

Clerk of the Court: Officer of the court handling clerical matters like keeping records, entering judgments and providing certified copies. Each courthouse has a Superior Court Clerk's Office. Someone from the clerk's office staff is also usually in the courtroom during hearings.

Conformed Copy: A copy of any court document filed with the clerk. Must be stamped with the date filed. If it is an order, it must also have the name of the judge who signed it written or stamped on it.

Continuance: Delaying your court hearing to a later date. In your county, the judge might have to approve any request for a continuance.

DCS: Division of Child Support: The state office (part of DSHS) that establishes, enforces, and sometimes changes child support obligations in many cases.

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

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

Default Order: An order that a petitioner can request if one of these is true:

- Respondent does not file a Response before the deadline
- if they have appeared in the case, if they do not file a Response after being served with a Motion for Default

Exhibit: Documents, records, and photos introduced into evidence at trial or hearing. Attachments to legal forms that are exhibits should follow format rules for court forms. (See the General Instructions section of this packet for basic information about format rules.)

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

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

Hearing: Going before a judge to request a court order or to defend against another party's request. Hearings usually take place before the trial date and concern specific issues (**example**: temporary relief). Hearings on important issues (**example**: motions to dismiss) may end the case. The court may not allow live witness testimony at hearings. Instead, you might have to file and serve materials in advance in writing.

Immediate Restraining Order: An order the judge signs if an emergency requires protection before the court can hold a temporary hearing.

Jurisdiction: The court's authority to make decisions regarding certain people and issues. A court that does not have jurisdiction has no authority to make orders over the person or subject affected.

LECIF: Law Enforcement Confidential Information Form.

Mediation: A meeting between parties to a case and a neutral third party (**examples**: a mental health professional, judge, retired judge, or lawyer not involved in the case), where you try to reach agreement, about the issues.

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

Notice of Appearance: A paper you file with the court and serve on the other parties showing you want to take part in the case, and saying where to send you papers in the case.

Order: A court document signed by a judge requiring someone to do (or not do) something. **Examples**: restraining orders, orders on adequate cause, parenting plans or Findings and Conclusions. If you disobey an order of the court, the judge may hold you in contempt. **An order is not in effect until a judge has signed it.** Check if an order you are served with is only a proposed order. (See “proposed order” definition.)

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

Parentage: The legal name for the legal relationship between an unmarried parent and their child. Also the name of the type of court case.

Parentage Acknowledgment: a form signed by the parent who gave birth to the child and someone who wants to establish their own parentage of the child. To take effect, a parentage acknowledgment must also be notarized or witnessed and filed with the Department of Vital Statistics. Paternity Affidavits and Acknowledgments of Paternity are types of Parentage Acknowledgment.

Parentage Case: A court case to decide parentage of a child of unmarried parents.

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

❖ **This packet only discusses parenting plans.** We do not recommend you file for a Residential Schedule. It does not say who can make decisions for the children. A parenting plan does.

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

Paternity Affidavit or Paternity Acknowledgment: Starting in 2019, we now call this an Acknowledgment of Parentage. Before 2019, unmarried parents could only use this form to state the identity of a child’s father. Starting in 2019, unmarried parents can now use this form to state the identity of a father or mother.

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

Petitioner: The person who files a legal case. Petitioner in the caption of a form does not change, even when the other party later files motions.

Proposed Order: A document one party will ask the judge to sign. Many counties require the parties to file and serve proposed orders with motions or responses to motions, to show how you want the court to decide the motion. Even if your county does not require it, you should still prepare, serve, and deliver working copies to the court. A proposed order becomes an order if the judge signs it.

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

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

Restraining Order: A court order to keep a party from doing something that may harm the other party or child.

Service: Giving court papers to the other party. The law defines how to serve. When a petitioner files a case, they must arrange for the Summons, Petition, and other papers to be properly hand-delivered or, in some cases, sent by certified mail or published in a newspaper. After the initial Summons and Petition have been served, many later papers can be served by regular mail, with enough advance notice.

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

Temporary Family Law Order: An order entered after a case is filed and before it is final. It is only in effect while the case is going on. Temporary orders can end at a fixed time, even before the case ends.

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

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

Working papers/working copies: Local court rules may require you to deliver an extra copy of all of papers (including proposed orders) for your hearing for the judge to read. We call this set of copies Working Papers. To learn the rules for working papers and confirming the hearing in your county, read local court rules, and ask the facilitator or clerk. Read [What are Working Copies](#).



Part 15. Blank Forms

The rest of this packet has blank forms for your use. Make a copy of each form so that 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 in this packet.

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