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Filing a Petition to Decide Parentage

Instructions and Forms
May 2016

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Section 1: Introduction and Important Information

A. Should I use this packet?

This packet will help you fill out and file the forms and papers you need if you are not married to or in a domestic relationship with your child's other parent, AND you want to file a court case to decide your child's parentage, AND:

(1) There is no Paternity Affidavit or Acknowledgment[1] establishing your child's parentage **OR y**our child's Washington State Paternity Affidavit was signed before July 1, 1997

AND

(2) There is no court order in any state establishing your child's parentage

In a parentage case, you ask the court to establish legal paternity/maternity of your child. If the court has jurisdiction, you may also get a custody order (parenting plan) and/or ask the court to set child support.

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

- You will see **footnotes** in this packet. They tell the law or court case supporting the footnoted statement, or give special tips, links to websites, or other information. Use the footnotes to look up the law at your local law library, or to tell the court when you are trying to make a legal argument. **CR** is the Civil Rules of Washington. **GR** stands for General Rules. **RCW** stands for Revised Code of Washington, the law of Washington State. Court cases have names, such as I*n re Custody of Child*. The references to the law are up to date as of the date we published this packet. The law sometimes changes before we can update the packet.

Before you use this packet:

1. **Talk with a lawyer**. Even if you cannot afford to pay one to handle your case for you, a lawyer may advise you about important legal rights that may affect your case. The "What If I have Questions" item below has referral suggestions for free or reduced fee assistance if you are low-income. Our publication called Parentage and Parenting Plans for Unmarried Parents in Washington, available at www.washingtonlawhelp.org, has general information.
2. **Consider asking the State to file a parentage case for you** on your child's behalf. The benefit to asking the State is the Prosecuting Attorney's office will do much of

[1] Effective July 22, 2011, the form is called a Paternity Acknowledgment.

the paperwork, file the case and serve the other party, and help the case move through the court. **However**, the prosecutor will not be your lawyer (or the other party's). The prosecutor represents the child's interest in having parentage decided and the State's interest in any child support owed the State if the child got public assistance (TANF) or Medicaid, or is in foster care or out-of-home placement. Asking the State to file the case may delay the filing. The prosecutor must agree with any final settlement you make with the other party. For more help deciding whether to ask the State to file, talk to a lawyer.

3. **Find out if your county has local Do-it-Yourself Parentage Resources**. Some counties have their own packets on filing a parentage case, available from your local family law facilitator or court clerk. It may be easier for you to take a class or use a local publication. They will include your county's rules and forms.

B. How much will it cost to file my case?

The costs involved in filing a Petition to Decide Parentage include a filing fee of $200 - $250, copying fees, and (possibly) fees for service (delivering the papers to the other parties). If you cannot afford the filing fee, you can file a motion which asking the judge to excuse you from paying the filing fee. (We list a packet in Section 4 that can help with this.) Any genetic testing in the case can cost several hundred dollars.

C. Where should I file my Petition?

If Washington has jurisdiction, you may file in the county where the child lives or is found, or if the child does not live in Washington, in the county where Respondent lives or is found.[2] For questions about whether you may file in Washington, talk with a lawyer.

D. 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. Some 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 211.** 211 is open Monday through Friday between 8:00 a.m. and 6:00 p.m. From a pay/public phone, call 1-800-621-4636. 211 will identify and refer you to the appropriate legal aid provider.
- **Apply online with CLEAR*Online -** https://nwjustice.org/get-legal-help
- **Call the CLEAR Legal Hotline at 1-888-201-1014.**

[2] RCW 26.26.520. If the child or the other parent does not live in this state, talk with a lawyer before filing. Find out if Washington will have proper jurisdiction. Our publication *Which Court can Enter Custody Orders? Questions and Answers about Jurisdiction* has general information about child custody jurisdiction.

Section 2: Words and Expressions You Should Know

You may not need every definition in this section.

Administrative order: an order issued not by a court, but by a government agency, like Washington's Office of Administrative Hearings, in matters involving citizens and government agencies.

Acknowledgment of Paternity: See Paternity Affidavit.

Alleged father: A man who might be a child's father, but whose paternity has not been legally established. See RCW 26. 26. 011(3).

Appearance: Informing the court and parties of your whereabouts and your desire to take part in your case. You can do this in-person at a court hearing OR in writing. Most people do this by filing and serving a Notice of Appearance. Some informal actions that show knowledge of the claims in the case and intent to defend, such as negotiating, calling 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 any format rules for court forms. (The General Instructions section of this packet has basic information about the format rules.)

Bailiff: A member of the judge's staff who is in charge of courtroom procedure and security. The bailiff may sometimes be the same person as the clerk.

Calendar: The court's schedule of cases it will be hearing. Also called a Docket.

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

Case Schedule: A printed schedule issued by the court in some counties. It shows major dates and deadlines in your case.

Certified Copy: A copy of a document from the court file made by the court clerk that has an official stamp on it stating it is a true copy. Usually, you pay for a certified copy.

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

Commissioner/Court Commissioner: This person is like a judge, but only makes decisions relating to a specific subject matter. Many counties have family law commissioners who decide only family law cases[3].

Confirm a Hearing or Trial: Notifying the court that you still plan to have the hearing/trial scheduled in your case. The way to confirm your hearing/trial varies by county. Not all counties require confirmation. You may have to call the court a few days before the hearing or trial. Local rules explain each county's requirements. If notice is required and not given, the clerk may cancel the hearing or trial.

[3] Court commissioners, not judges, make many decisions in family law cases. In this packet, in most places we just use "judge."

Conformed Copy: A copy of any court document filed with the clerk. It 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.

Contested Case: A case where opposing parties take part and disagree about the outcome of the case.

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

Custodian (also Custodial Parent): The person the children live with most of the time.

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

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 Petitioner can request

- If Respondent does not file a Response before the deadline OR
- If s/he has appeared in the case, if s/he does not file a Response after being served with a Motion for Default.

Docket: the court's schedule of cases it will hear on a particular day.

Education expenses: In child support matters, these are expenses related to the child's education not covered by the child support payment. **Examples**: tuition; school uniforms.

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

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

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

Guardian ad Litem (GAL): someone the judge can appoint to investigate the issues and make recommendations to the court about the children's best interests. If the judge appoints a GAL, 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 ask for a court order or to defend against another party's request. Hearings usually take place before the trial date and concern specific issues (**example**: temporary relief). Hearings on important issues (**example**: motions to dismiss) may end the case. In many counties, the court does not allow live witness testimony at hearings. Instead, the parties must file and serve materials in advance in writing.

Immediate Restraining Order: An order the judge signs if emergency circumstances require protection before there can be 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.

LEIS: Law Enforcement Information Sheet.

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

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

Motion Docket: The court's schedule of motions it will hear.

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

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

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

Order: A court document signed by a judge requiring someone to do (or not do) something. **Examples**: restraining orders, orders parenting plans, or Findings and Conclusions. The judge must have signed them for them to take effect. If you disobey a court order, 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 or if the judge has actually signed it. (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. This is also the name of the type of court case.

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

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 the parties will resolve future disputes about the child. In parentage cases, the parties may ask the court for either a parenting plan or a residential schedule. (The residential schedule form has no dispute resolution or decision-making parts. A parenting plan form does.)

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

Paternity Affidavit: A special form, now called a Paternity Acknowledgment, typically used by unmarried parents to state the identity of the child's father. In Washington, these forms

are often offered to the mother in the hospital right after a child's birth. The form must be signed by the mother and the father (and presumed father) of a child and filed with the Washington State Department of Health. If the form is filed after July 1, 1997, and is not rescinded, it is a final legal determination of parentage. If the form was filed before July 1, 1997, there is a legal presumption that the father named on the form is the child's father, but the form is not a final legal determination of parentage.

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

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

Presumed parent: A person who the law recognizes as a child's parent until a court order or paternity affidavit or acknowledgment establishes (or disestablishes) the parent-child relationship. Generally, you can become the presumed a child's parent in one of these ways: (1) you are married to or in a domestic partnership with the child's other parent before, at the time of, or for 300 days after a child's birth; (2) you signed a paternity affidavit before July 1, 1997; (3) for the first two years of the child's life, you lived in the same home as the child and openly held the child out as yours.

Pro Se: Acting without a lawyer; representing yourself in court.

Proposed Order: A document one party will be asking the judge to sign. It will not yet have the judge's signature on it. Many counties require the parties to file and serve proposed orders with motions or responses to motions, to show how that party wants the court to decide the motion. Even if your county does not require it, it is still better to prepare and serve them and deliver copies to the court. A proposed order becomes an order if the judge signs it.

The requesting party can be either a Petitioner or Respondent in the original case.

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 also sometimes describes the papers a person files in response to a motion, so it can be confusing. Here, "Response" with a capital "R" refers to the Response form. We will 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.

Ruling: A decision by the court.

Service: Giving court papers to the other party. The law defines ways of service that are legally acceptable. A Petitioner who starts a case must arrange for the Summons and Petition and other papers that begin the case to be properly hand-delivered or, in some cases, and with advance court permission, sent by certified mail or published in a newspaper. After service of the initial Summons and Petition, many later papers can be served by first class mail, with legally sufficient advance notice.

Summons: Written notice that a court case has been filed.

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

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

Transfer Payment: the amount the court orders one parent to pay as that parent's share of basic child support.

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.

Venue: the County where the case should be filed. Proper venue depends on the type of case.

Waiver: Asking to be excused from something. When you file a motion for a fee waiver, you are asking the court for permission not to have to pay the fee.

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 check with the Family Law Facilitator or court clerk.

Section 3:How to File a Petition to Decide Parentage

We explain many of the steps below in more detail later in this packet.

> ❖ Many counties have case schedules you must follow. In some counties, you must also take parenting or other classes before a judge will sign a final parenting plan. Call the court clerk or family law facilitator (if your county has one) about case schedules and local court rules for parentage cases.

- ❑ **1. Learn About Parentage, Parenting Plan and Child Support Law in Washington**. Try to learn more about the laws affecting parentage in Washington. Visit the Washington LawHelp website (www.washingtonlawhelp.org). Read our publication called Parentage and Parenting Plans for Unmarried Parents in Washington.
- ❑ **2. 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 learn and follow local court requirements.**

Call the court clerk or family law facilitator about these local requirements. Tell them the kind of family law case you have. 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 http://www.courts.wa.gov/court_rules/?fa=court_rules.local&group=superior

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

Find out about at least the following:

- whether the county has its own packets or forms for your type of family law case. If so, use those instead of ours. If you use our packet, get any other local forms you will need.
- whether the court uses case schedules (and whether it requires the person filing the case to serve the schedule on the other parties).
- if you need or want the court to appoint a GAL, whether there is any program allowing a GAL or evaluator appointment at no or lower cost, and whether there are special local forms to have a GAL or evaluator appointed.
- procedures for the court to check the judicial information system and databases before entering a permanent parenting plan to identify any information relevant to placing the child.[4]
- 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 whether a comprehensive assessment is appropriate to determine the effect of the limiting factor on the child and the parties.[5]

❑ **3. Make Sure You Know the Other Party's Address.** You need it to serve him/her with the Petition and other forms. If there is more than one party, you need the address for each.

❑ **4. Fill out the Forms You Plan to Use**.

❑ **5. Copy the Finished Forms.**

❑ **6. Pay the filing fee, or ask for a waiver of the fee.**

❑ **7. File Your Papers with the Court Clerk's office** in the Superior Courthouse of the county where you are filing your case**.**

❑ **8. Make the Needed Extra Copies of Forms.**

❑ **9. Arrange to Serve the Papers on the Other Parties:**

❑ A. Decide whether to ask the other party to accept service. If you decide not to

[4] RCW 26.09.182
[5] RCW 26.09.191(4).

ask, or if they refuse, then

- ❑ B. Try to have the other party personally served. If the other parties cannot be personally served and they will not accept service, then
- ❑ C. Serve by other means. The forms and instructions to do this are in our packet called Service by Certified Mail or Publication. The court cannot decide that someone is a child's parent unless the court has personal jurisdiction over that person. [6] Service by mail or publication may not give the court personal jurisdiction.[7]

❑ **10. File the completed Service Accepted or Proof of Personal Service.**

❑ **11. You must give other parties proper notice of other papers you file in your case as the case goes on.** After a party has been served with the Summons and Petition, you must still give him/her copies of most documents you file with the court. See CR 5(a).

❑ **12. Keep a copy for your own records of all documents you file with the court or get from other parties.** Create your own file folder for these papers. Take them with you when you have hearings in your case.

❑ **13. File any motions you need.** You may file several types of motions in your case. We have separate packets for some motions. You typically may file more than one motion at the same time and ask the judge to hear your motions at the same time. This will save you and the other party time and money. Among the motions you may choose to file are:

- ❑ **A. Motion for Genetic Testing.** If the child's alleged father claims he is not the father, or there is any doubt whom the judge should name the legal father, a party must file a motion for genetic testing. The court will probably order one or more of the parties to pay for the genetic tests. These often cost several hundred dollars. Health insurance does not usually cover them. There is no packet for filing this kind of motion. Get the forms at http://www.courts.wa.gov/forms.
- ❑ **B. Motion to Appoint a Guardian ad Litem** (GAL), **if you need or want one**. The forms and instructions are in our packet called Filing for Temporary Family Law Orders: Parentage Cases. The court may appoint a GAL to investigate and report to the court on issues affecting the best interests of the child such as custody, visitation, and/or whether to order genetic testing.
- ❑ **C. Motion for Temporary Family Law Orders or Immediate Restraining Orders,** if you want either/both of these. In general, you should file a Motion for Immediate Restraining Orders only if you need a court order immediately (**examples**: the other party is harassing you, or endangering you or the children). If you decide to file a motion for Temporary Family Law Orders, the forms and instructions are in our packets called Filing for Temporary Family

[6] See RCW 26.26.515

[7] The failure to have personal jurisdiction over an alleged father does not deprive the court of jurisdiction to decide some or all the issues in the case based upon the parties and evidence before the court. RCW 26.26.515((3).

Law Orders: Parentage Cases. To file a Motion for Immediate Restraining Orders, the forms and instructions are in our packet called Filing for Immediate Restraining Orders: Parentage Cases.

- ❑ **14. Take part in locally required conferences, classes, or mediations.** Many counties require the parties to go to parenting classes. Some counties require mediation, settlement conferences, or status conferences. Find out and follow your county's procedures.
- ❑ **15. Ask for Discovery, if you want it**. To find out about discovery, see your family law facilitator (if there is one) or a lawyer. Discovery is the process of gathering information you may need to reach a settlement or be able to present your case at trial. Through the discovery process, you can learn how the other party views the case. You can also ask the other party or witnesses for information and documents that could help you prove your case if you go to trial. Our publication called How Do I "Do Discovery?" Help with Interrogatories and Requests for Production in Family Law Cases has more info. You should also get a lawyer's advice.

❖ 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 or modified 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 your local court clerk or family law facilitator what procedures your court is using. You may need to use local forms and procedures not in this packet.

- ❑ **16. Follow court orders entered during the case.** This may, for example, include Temporary Family Law Orders, Order Appointing a GAL, Order requiring genetic testing.
- ❑ **15. Wait until the Other Party's Time to File a Response to Your Petition Ends**. The other party may or may not file anything in response.
- ❑ **16. Finalize your Parentage Case. The case is not over until the court enters a final order.** Get our packet called Finalizing a Petition to Decide Parentage.

Section 4: What is in this Packet?

This packet has many of the forms you will need to file your Petition to Decide Parentage.

Read the next section to decide what other forms and packets you will need.

A. Forms You will Need in This Packet:

Form Title	Form Number
Petition to Decide Parentage	FL Parentage 301
Summons (Parentage)	FL Parentage 300
Declaration about Parentage	FL Parentage 302
Confidential Information Form and Attachment	FL All Family 001 & 002
Notice re Military Dependent	FL All Family 103
Declaration Re Service Members' Civil Relief Act	
Civil Case Cover Sheet	
Proof of Personal Service	FL All Family 101

B. Other Forms in this Packet:

Form Title	Form Number
Service Accepted	FL All Family 117
Declaration: Personal Service Could Not be Made in Washington	FL All Family 102
Waiver of Rights Under Service Members' Civil Relief Act Form	Non-Mandatory Form

Section 5: What else will I need that is not in this Packet?

It depends on the facts of your case. Our do-it-yourself packets have only the forms you need at the stage you need them. You may need different packets to file and finalize your case. Read the information below carefully. Check the boxes by the other packets you need. Then get them from www.washingtonlawhelp.org or, if you are low-income, by calling CLEAR at 1-888-201-1014.

A. Other packets you will need:

- ❑ **Parenting Plans** – to ask for court orders about custody and/or visitation. If you believe you are not the child's parent and are filing to disestablish parentage, you may not need to file a parenting plan.
- ❑ **Child Support Orders for Divorce, Parentage Cases and Petition to Change Parenting Plan Cases** –where someone has asked for a child support order.

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

B. Packets or forms you may need that are not in this packet

- ❑ **Filing for Waiver of Your Filing Fee** –if you cannot afford to pay the court's filing fee (usually $200-$250) and you want the judge to waive the fee (allow you to file the case without paying).
- ❑ **Service by Certified Mail or Publication** - if you have tried to serve any other party in person, but could not do so, use this packet to ask for court permission to serve by certified mail or publication. **The court cannot decide that someone is a child's parent unless the court has personal jurisdiction over that person.** [8] **Service by mail or publication may not give the court personal jurisdiction.**
- ❑ Declaration about Public Assistance: FL All Family 132: We do not include this form in our packets. It is optional. Our instructions tell you to serve the State in any case where TANF, Medicaid, or foster care is involved. We instruct you to get the state's signature on all default and agreed orders where the state might have an interest in the child support obligation in your case. You may need the form if your county requires it, or to verify that no public assistance has been paid or that the children are not in foster care or out-of-home placement. You can get this form at the Administrator of the Courts website: http://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 public assistance (TANF) or medical coupons/Medicaid, or is in foster care or out-of-home placement, get this packet. You must include the state as a party and serve them with papers you file.
- ❑ **What are Working Copies?** - If your court rules require you to serve working papers or working copies. You may want to use this even if your county does not require them.
- ❑ **Filing for Temporary Family Law Orders: Parentage Cases** **or** **Filing for Immediate Restraining Orders: Parentage Cases** –to ask for a court order that will be effective before the court enters final parentage orders. For help deciding whether to ask for temporary or immediate restraining orders, talk with a lawyer. The court may not be able to enter certain kinds of temporary relief (**example**: order an alleged father to pay child support) if paternity is denied and there is no genetic testing that proves paternity). [9]
- ❑ **Responding to Motions for Temporary Family Law Orders or Immediate Restraining Orders: Parentage Cases** –if the other party files a motion for temporary

[8] See RCW 26.26.515.
[9] See RCW 26.26.590.

family law orders or immediate restraining orders.

- ❑ **Filing a Motion for Genetic Testing-** There is no packet for this. Get the forms at http://www.courts.wa.gov/forms.

- ❑ **Petition for Order for Protection (Domestic violence:** WPF DV 1.015)**:** Use this form if you are asking as part of the parentage case for an Order for Protection or to change your Order for Protection. Get the forms from your court clerk, domestic violence advocacy program, or online at http://www.courts.wa.gov/forms. **Attaching a Petition for an Order of Protection to your petition to Decide Parentage does not give you any immediate protection order. It only asks the court to enter a protection order at the end of your case.** (The "Petitioner" on the Protection Order form is always the protected person, even if s/he is the respondent in the family law case.)

❖ **Survivors of Domestic Violence or Unlawful Harassment**: If another party has a history of physically harming you or the children, or has threatened to do so, and you have had a dating, roommate, marital, or family relationship with that party, or you are a victim of unlawful civil harassment by the other party, you can file a petition for an Order for Protection for immediate protection. Orders for Protection offer strong safety restraints. Protection order forms are available from the court clerk, from your local domestic violence program, or call the 24-hour domestic violence hotline at 1-800-562-6025. For general information, see our publication *Domestic Violence: How Can the Legal System Help Protect Me?*.

Orders of Protection may also sometimes be combined with final court orders in parentage cases. If you need to ask for a permanent Protection Order or a Protection Order covering the child/ren for longer than one year, see the instructions later in this packet for how to make this request in your Petition form.

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

- ❑ **Subpoenaing Witnesses or Documents** –to make sure important witnesses or documents are at trial.

- ❑ **Sealed Records Cover Sheets** – If you file certain confidential information any time during the case, use the following forms to protect the private information from being included in the public court file: 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. These forms are in the packet *Filing for Temporary Family Law Orders - Parentage* or at http://www.courts.wa.gov/forms.

- ❑ **Finalizing a Petition to Decide Parentage**. For finalizing by default, agreement, or after trial, get this packet.

- ❑ **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 http://www.courts.wa.gov/forms.

We also offer many "know your rights" publications. Visit www.washingtonlawhelp.org to view and download all of our publications for free.

Section 6: Follow These General Instructions before filling out Any Forms

These general instructions apply to all the forms you fill out. The instructions cover all types of family law cases. You may not use some of the information in your case. A Sample form at the end of this section may help you understand these instructions better.

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

Name of the court. The name of the court is placed on the top of the first page in the space where the form reads "Superior Court of Washington County of ." Put the name of the county where you are filing the case

Case name.

- On the blank after "In re the Parentage of:" put the name of each child for whom you are trying to establish parentage.
- On the next blank, above "petitioner," put your name.
- On the next blank, above "respondent", put the other parent's (or, if there is more than one, each possible parent's) name. If there are other parties to the case, put their name(s) above the last blank, above "respondent."
- In the blank next to "children," put the names of any children over age of two.

Case number. When the petitioner first files the papers to start the case and pays the filing fee (or has the fee waived), the court clerk will assign a case number. All parties must put that case number on every paper they file with the court and serve on the other parties during the case. Put the case number near the top on the right hand section of the first page of every form after "No." (abbreviation for "number") When the petitioner first files the case, s/he may be able to use a special stamp at the court clerk's counter to stamp the case number on each paper. You may write or stamp the case number. If you are filing a modification/adjustment case in the same court that entered the order you are asking to modify/adjust, use the case number on that order.

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

Title. Each form has a title. The title is on the right-hand side of the form under the case number. Sometimes the full title is on the form. Sometimes you must add more information

to finish it. (**Example**: on a declaration, you put the name of the person filling out the declaration.)

> ❖ **Format:** Pleadings (legal forms) that you file with the court and attachments to those pleadings must follow the court rules about size and margins (GR 14(a)). You must use regular size (8 ½ x 11") white paper. You may write on only one side of the paper. The first page of each paper that 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 the instructions for that form. In most counties, you may print or type the information, but it must be readable and you must use BLACK OR DARK BLUE INK. A few counties require you to type all documents. After filling out each form, re-read it. Make sure you have correctly filled in all the 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. On the last page of most forms (not including orders), there is a space for the person who fills out a form to put the date that the form is signed. The judge will fill I n dates in orders when s/he signs the order.

Signatures.

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

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

When you prepare and file motions, you are the moving party. After you prepare a motion, look for each place marked **Person making this motion** (or **asking for this order**) **fills out below**.

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. S/he can choose (not) to sign. If you have prepared an order after a hearing, the other party may be willing to sign it if s/he agrees it accurately states the judge's decisions (or the judge may require the other party to sign), even if the party is not happy with the decision itself.

  <u>Agreed orders.</u> If the other party agrees with the orders you have written, s/he should sign in the right place on each court order s/he agrees to.

May be signed by the court without notice to me. If you are the respondent or nonmoving party, or if 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**: If someone else (a witness or the person serving papers) must sign a form, they must fill out all information correctly and sign in the right space.

Place signed. Declarations and Proofs of Personal Service must include the place you signed them and the date. (**Example**: Signed this 10th day of October 2014 at Seattle, WA.)

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

Box #1 - Things to Not Put in Most Court Papers:

Court General Rules 22 & 31 try to protect privacy in family law cases. Almost all pleadings, orders and other papers filed with the court are available to the public. They may also be available to the public 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: If you put these in court papers, put only the last four digits, not the whole number.

Bank Account, Credit Card Numbers: Put the bank name, type of account (savings, checking, and so on), and only the 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: If you file paystubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders, attach them to a Sealed Financial Source Documents form. Then the public cannot access them.

Medical or Mental Health Records or Information: If you file papers that have health or mental health information (information about someone's past, present, or future physical or mental health, including insurance or payment records), you must attach the papers to a Sealed Personal Health Care Records form. Then the public cannot access them.

Confidential Reports: Reports intended for court use must have a public section and a private section. You should attach the private section of the report 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 GR 22, or 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 with the court to asking to have that paper, or part of it, sealed under General Rule (GR) 15. There is no packet for this. There are presently no mandatory forms for this type of motion. 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, and Law Enforcement Information Sheet.

This **case type** is for a divorce. Yours may be different.

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

Superior Court of Washington, County of _____

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

In re the marriage of:

Petitioner *(person who started this case)*:

Jane Brown

And Respondent *(other spouse)*:

John Brown

No. _____

Notice of Hearing (NTHG)

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

☑ Clerk's action required: 1

Sample Form - Notice of Hearing

To the Court Clerk and all parties:

1. A court hearing has been scheduled:

for: May 15, 2016 at: 9:30 ☒ a.m. ☐ p.m.
date *time*

at: 1234 Maple Street in 15
court's address *room or department*

Judge Anne Smith
docket / calendar or judge / commissioner's name

2. The purpose of this hearing is *(specify):Temporary Family Law Orders regarding a parenting plan and child support.*

Warning! If you do not go to the hearing, the court may sign orders without hearing your side.

This hearing was requested by: ☒ Petitioner or his/her lawyer ☐ Respondent or his/her lawyer

Jane Brown — Jane Brown — 5/1/16
Person asking for this hearing signs here — *Print name (if lawyer, also list WSBA No.)* — *Date*

I agree to accept legal papers for this case at:

5252 A Street
address

Treelane WA 98888
city *state* *zip*

(Optional) email: jbrown@email.com

This does **not** have to be your home address. If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the *Notice of Address Change* form (FL All Family 120). A party must also update his/her *Confidential Information* form (FL All Family 001) if this case involves parentage or child support.

Section 7: How to Fill out Each Form

A. Petition to Decide Parentage – FL Parentage 301

Caption. Fill out the caption, as explained in the General Instructions.

1. Put the full name, birth date[10], and county and state of residence for each child you want this case to cover. Read the **Important!** box for instructions.

2. Parties to this case. Put your name under **The Petitioner**. Check the box directly beneath that best describes you. The **Words and Expressions You Should Know** section may help.

Put the other party's name under **The Respondent**. Check the box directly beneath that best describes the other party. The "Words and Expressions You Should Know" section may help. If there is more than one respondent, use the next column as well.

3. Guardian ad Litem. Check the box if it says what you want. Otherwise, skip to 4.

4. Is there a presumed parent? If you check a box on the left, check any indented box under it that applies. You should also fill in any blanks as needed.

Check **No** if there is no presumed parent in your case. Put the children's names. Skip to 5.

Otherwise, check **Yes**. In the first blank, put the presumed parent's name. In the second blank, put the children's names. Check all the boxes underneath that apply.

Check the third box (on page 3) if there is another presumed parent. In the blank, put that person's name. In the blank next to (*reason*), choose which applies from the list of reasons for presumed parent #1 above.

5. Should the presumed parent continue to be a legal parent? Check the first box and skip to 6 if there is no presumed parent.

Check **No** if you do not believe the court should make the presumed parent the legal parent. In the first blank, put the presumed parent's name. In the second blank, put the children's names. Check the indented box underneath that applies. Check **Yes** if you believe the court should make the presumed parent the legal parent. In the blank, put the presumed parent's name. In the second blank, put the children's names.

6. Children's name change. Check the first box and skip to 7 if you do NOT want the children's name changed.

Otherwise, check the second box. In the blank, put what new names you want the children to have.

7. Personal Jurisdiction. In the blank in the first sentence, put the respondent's name. Check **yes** if you can check one of the indented boxes underneath. **Then check every box that applies in your case**. Otherwise, check **no**.

Follow these same instructions for the next paragraph if there is more than one Respondent.

[10] In this form, DO include the children's birthdates.

8. Jurisdiction over the Children. Check the first box if you believe the court can issue a parent plan in this case. Then check every box underneath that applies in your case. If you check **home state jurisdiction** or **temporary emergency jurisdiction**, you must check at least one box immediately underneath. Fill in the blank(s) in any item you checked.

Check **the court cannot decide** (top of page 6) and skip to 9 if you do not believe the court can issue a parenting plan in this case.

If you have questions about whether Washington has jurisdiction over the child, talk with a lawyer. Our publications Parentage and Parenting Plans for Unmarried Parents in Washington and Which Court can Enter Custody Orders? have general information.

9. Parenting Plan or Residential Schedule. Name/s: put who the children live with.

Check the first box if you will be proposing a parenting plan.

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

Do not check second box. That box is for the State, if the State has filed this petition.

Check the third box if you do not want a parenting plan right now.

10. Child Support. Do not make any changes to this section.

11. Past support and repayment of specific expense. Check the first box and skip to 12 if you do not want the judge to award past support.

Check **past support** if you want an award of past support. In the blank next to (*name*), put who is owed back support.

Check **specific expenses** if you want the court to award reimbursement for certain past expenses. In the blank next to (*name*), put who incurred the expenses. Then check the box underneath showing exactly what you want the court to order regarding expenses. In the blank, fill in the specific amount if that is what you want.

12. Protection Order. Check **no** and skip to 13 if you do not want a protection order.

Check **yes** if you want a protection order. Follow the directions. Check the third box if there is already a protection order between you and another party. In the blank next to (*name*), put that other party's name. Put the info requested about that protection order. Check the first box immediately underneath if you want to keep that protection order as is. Check the second box immediately underneath if you want this court to change that protection order. Check the box showing how you want the court to change it. If you want this court to renew it, put the date you want the court to renew it to. Otherwise, check **make the following changes**. Describe what changes you want.

> ❖ Read the ***Warning!*** Box.

13. Restraining Order. Check **no** and skip to 14 if you do not want a restraining order.

Check **yes** if you want a restraining order. Then check the box/es underneath showing what kind of restraining order/s you want. In the appropriate blanks, put the name of the person you want the order against. If you check the box next to **Prohibit weapons and order surrender**, usually you should check the box to have the other party surrender weapons to the police chief or sheriff. (That is usually safest.)

- ❖ Read the ***Warning!*** Box.

14. Other. Most people will not use this.

15. Summary of requests. Look back at how you filled out this petition so far. Check all the boxes showing what you want. Fill in the info requested where appropriate.

Parentage. If you check the first box, you must fill out, file and serve a Motion for Genetic Testing, FL Parentage 305. That form is not in this packet. You can get it at http://www.courts.wa.gov/forms

Petitioner fills out below: Date the form and sign where it says to. Print or type your name in the next blank.

B. Summons: notice about Parentage - FL Parentage 300

Caption. Fill out the caption.

1. - 3. Read these sections.

4. Put the name and address of the courthouse where you are filing this case. **Note**: King County has two different superior courts. Put the Seattle courthouse if your case number has an SEA. Put Kent if your case has KNT. If you are not sure in which courthouse to file your case, call the court clerk's office.

Section 5. Read this section.

Petitioner or his/her lawyer fills out below: Sign and date where indicated. In the blank underneath that, print your name.

Petitioner agrees to accept legal papers at: If you put your home address here, it will be available to the other parties in your case and in the public court record. If you are afraid to give your home address, use a P.O. box or address of a friend or relative who is stable in his/her home and will get mail to you quickly. Or try to get a safe address from your local domestic violence program or shelter.

- ❖ If the mailing address you listed in the summons later changes, you must fill out, file, and give the other parties copies of a **Notice of Address Change** (FL All Family 120) form.

C. Confidential Information Form and Attachment - FL All Family 001 & 002

In family law cases, you must give the court information about your address and phone number, your social security number, date of birth, driver's license, and the name and

address of your employer, as well as certain information about the other people involved in the case.[11]

Fill out this form. File it with the court clerk. Keep a copy for yourself. **Do not serve the Confidential Information Form and Attachment on the other parties.**

The Confidential Information Form is normally not available to the other parties or the other parties' lawyers. The info in the form could go to DCS (Division of Child Support) and other parts of DSHS (Washington State Department of Social and Health Services). They may release info in this form to another party. Another party could get access to this form by following certain court procedures.

> ❖ When your address changes, you must update the court by filing a Notice of Address Change, even after your case is finalized. 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.[12]

1. Put your name. Write in the county where the case is filed and the case number. If you have no case number yet, put the case number when the clerk gives it to you.
2. Check **yes** if restraining order protection orders are currently in place. In the blank, put who the orders protect. If the orders go into effect later, file a revised and updated 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 info requested about yourself, including your driver's license number and social security number (if you have these). Skip the second table.
5. **Other Party's Information**: In the first table, put as much of the info requested about the other party as you can. Skip the second table. Use the Attachment to Confidential Information if there is more than one respondent.
6. **Children's Information**: Put as much of the info requested about the children as you can.
7. **Have the children lived with anyone other than**… Check **no** and skip to 8 if the children have only lived with Petitioner or Respondent in the past five years. Check **yes** if the children have lived with someone besides petitioner or respondent/s in the past five years. Put the info requested.
8. **Do other children (not parents)**… Check **no** and skip to 9 if only Petitioner and Respondent have custody or visitation rights. Check **yes** if other people besides

[11] RCW 26.23.050(5)(l) & (7); GR 22(g) & (h).
[12] RCW 26.23.055(2) & (3).

Petitioner and Respondent have custody or visitation rights. Put as much the info requested about those people as you know.

9. **If you are asking for custody and are <u>not</u> the parent**… List any other adults living in your home. Use the Attachment if there are more than two other adults living in your home.

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

D. Declaration about Parentage – FL Parentage 302

If there is more than one child in your case, you must fill out a separate form for each child.

Caption. Fill out the caption.

I declare. In the first blank, put your name. In the second blank, put the child's name. In the third blank, put the child's birth date.

1. My relationship to this child. You must check one of the choices in bold, and then the box underneath that applies.

> ❖ Take your time with this section and the next. Read carefully.

2. Other parties' relationship to this child. This section gives important evidence about who the child's other parent might be. You must check one of the choices in bold, put the other party's name, and then the box underneath that applies.

> ❖ You may have more than one other party to this case.

3. Should the presumed parent continue to be a legal parent? Check **does not apply** and skip to 4 if there is no presumed parent. (Section 2 of the form defines **presumed parent**.) Otherwise, check the box showing what you want the court to order. Whether you check **yes** or **no**, you must also check the boxes immediately underneath your response that apply.

4. Was this child conceived in Washington state?

> ❖ **Why does it matter whether the mother got pregnant in Washington?** If a person has sex in Washington and this may have resulted in a pregnancy, that sexual act gives Washington personal jurisdiction over that person.

Check **yes** if you and the other party had sex in the state of Washington and you believe the child is the result. List the dates you and the other party had that relationship. Otherwise, check **no** or **I don't know**, whichever is true in your case.

5. Was this child conceived through assisted reproduction? Check **yes** if this is true in your case. Assisted reproduction means a pregnancy not conceived through sexual intercourse. **Examples** include egg or embryo donation, in vitro fertilization, and sperm injection.

Check **no** if this is not true in your case. Check **I don't know** if you are not sure.

6. Child's Home/s. Check **no** and skip to 7 if none of the question is true of the child. Otherwise, check **yes** and fill out the table with the info requested. You should list by date, starting with the most recent place the child lived.

- ❖ If the children lived in the custody of anyone other than a named party in the last five years, you must include that person's name and current address on the Confidential Information Form.

7. Do you know of anyone besides the parties to this case who has or claims to have a legal right to spend time with this child? You must check **yes** if anyone besides Petitioner or a respondent in this case has physical or legal custody court-ordered visitation, or claims to have custody or visitation rights with the child. If you do check **yes**, put that person's name in the blank.

- ❖ If the children lived in the custody of anyone other than a named party in the last five years, you must include that person's name and current address on the Confidential Information Form.

8. Do you know of any court cases involving this child? Check **no** and skip to 9 if the child has never been involved in any other court cases. Otherwise, check **yes** and list the info requested.

- ❖ **Examples of other court cases that may have involved this child**: protection orders, juvenile court cases, dependency cases (CPS), parentage cases, Division of Child Support cases. You must include cases in other states.

9. Lawyer for the State: Do not make any changes to this section.

10. Other information about parentage: Most people will not use this section.

Signed at: Put the place and date you are signing this form. Then sign and print your name.

- ❖ **Before Filing Your Papers** You may also need to fill out papers from our packet called Parenting Plans.

E. Order Appointing Guardian ad Litem for a Child – FL All Family 146 or Order Appointing Parenting Evaluator/Investigator – FL All Family 148

Our packet Filing for Temporary Family Law Orders: Parentage Cases has the form and instructions.

F. Instructions for Declaration Re Service Members' Civil Relief Act - WPF All Cases 01.0200

This declaration states whether you believe another party is on active duty in the military[13] or the dependent of a service member who is a Washington resident on active duty and a National Guard member or Reservist. Dependents are usually spouses or minor children. They may also be people for whom the service member provided most of the support for the last six months.[14]

When filling out the papers to file your case, fill out a separate declaration for each respondent party.

It is your job to try to find out whether the other party is on active military duty, or a protected dependent.[15]

- Check the following website: https://www.dmdc.osd.mil/appj/scra/welcome.xhtml

  or

- Contact the Defense Manpower Data Center, 1600 Wilson Blvd., Suite 400, Attn: Military Verification, Arlington, VA 22209-2593;
  Telephone (703) 696-6762 or 5790, fax (703) 696-4156. (If you mail a request for information, include a stamped, self-addressed return envelope.)

To try to make sure the other party is not a dependent of a service member, have the Notice re Military Dependent form served with the other papers that begin your case. That form is in this packet.

Put your name on the first line before **Declare**.

Paragraph 1. Service member status.

Paragraph 1 A

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[13]Service members who are protected by the federal Service Members Civil Relief Act, 50 U.S.C. App. Sections 501 *et seq.* include all members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at http://www.uscg.mil/legal/la/Legal_Assistance_SCRA_Guide.asp.
For Washington State's Service Members Civil Relief Act, see RCW 38.42.010 and so on.

[14]RCW 38.42.010.

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

Fill in the other party's name in the blank.

Check the box(es) next to the item(s) that shows his/her service member status.

Paragraph 1 B, after Factual Basis

If you checked the website https://www.dmdc.osd.mil/appj/scra/welcome.xhtml and the site reported the other party's military status, check the first box. Staple the report you received to this form.

If you have another source for your answer in Paragraph 1 A, check the second box. Put what you know about whether the other party is in the military and whether they are on active duty. Describe everything you did to find out about the other party's military status and the results. **Example**: Describe contacts with the other party's friends, family, and employers. If you contacted the Defense Manpower Data Center by fax or mail, explain that contact. Attach any certificate about military service you got back.

Paragraph 1 C: If the other party is on active duty, check the box at the beginning of 1 C and the box(es) underneath that apply. If you check the last item, you must check the appropriate box in the text of that item.

Paragraph 2 Dependent of a Service Member Status.

Paragraph 2A: Put the other party's name in the first line. Check the box below that applies.

Paragraph 2 B. Factual Basis:

- If you had a Notice re Military Dependent mailed to the other party at least 23 days ago (or served more than 20 days ago), and s/he did not respond to it, check **the nonmoving party failed to respond to a notice**. Check the box that applies. Fill in the date requested. Otherwise, skip that box.
- If you have another factual basis for your answer in Paragraph 2 A, check the second box and explain.

Paragraph 2 C: If the other party is a dependent of a Washington resident on active duty and a National Guard member or Reservist, check the box at the beginning of 2 C, and the box(es) underneath that apply. If you check the last item, you must check the appropriate box in the text of that item.

Sign your name on the signature line at the end of the declaration. Put the city, state and date of your signature. Print your name on the line below your signature.

❖ If another party is covered by the service members civil relief acts and is willing to give up his/her rights under those acts, s/he may be willing to sign the waiver form in the section on the military later in this packet.

G. Instructions for Notice re Dependent FL All Family 103

Certain members of the military[16] and service member dependents (usually spouses or minor children or people who have received most of their recent support from the service member) have special protections under the law. This form tells military dependents that if they do not report their dependent status to you within twenty days, they risk having you and the court presume they are not a military dependent if you apply for an order of default. We recommend you have this notice served on each respondent with the Summons and Petition, even if you believe the respondent has no connection all to the military.[17]

1. Fill out the caption.
2. Sign and date the form at the bottom of the page. Print or type your name in the space indicated.

H. Civil Case Cover Sheet

Some local courts have their own forms. Check with the clerk.

Under the words "Case Types 3-6" put the county where you are filing.

Put the case number when the clerk assigns one.

Put the Title of the case from your Petition.

In the second column, check "Paternity, (PAT 5.)"

- **Before filing your papers:** you may also need forms from our packet Parenting Plans.
- You must also follow the instructions in the Section "If the Other Party is in the Military or the Dependent of Someone in the Military" If this is true of a respondent. Otherwise, you are ready to file and serve your papers.

[16] See footnote elsewhere in this packet for protected military members.

[17] In some circumstances, the law allows for mailing of this notice separately. This packet does not explain how to do that.

Section 8: Filing and Serving the Papers

After filling out the forms, you must file them with the court and have them served on the other parties. This section explains how. **Before filing and serving your papers, make sure you have completed all the forms you need, including forms from later in this packet and forms from any other packets.** Use the checklists in this packet to make sure you have what you need.

A. Filing your Petition with the court

You file the original forms with the Superior Court Clerk (court clerk) in the county where the child lives or is found, or, if the child does not live in Washington, in the county where the respondent lives or can be found[18]. If you are applying for immediate restraining orders, you can do so at the same time you file your Petition.

- ❑ **Make one copy of every form you filled out**. (You will need more copies of most forms later. Just make one copy now, and the other copies later, after you have the case number and date filed stamps from the court clerk.)
- ❑ **Organize your forms into sets** by putting all the originals in one set and the copies in the other set. Each set should have each form you have filled out. Compare each set with the checklists in this packet. Make sure you have the forms you need.
- ❑ **Take the originals and the copies to the county court clerk's office** in the superior courthouse where you are filing your case. Tell the clerk you want to file a petition. Give the clerk the originals of your forms and the filing fee. If you cannot afford the filing fee, ask the court to waive it (allow you not to pay it). Use our packet called Filing for Waiver of Your Filing Fee, or contact the court clerk or family law facilitator for forms your county uses.
- ❑ **If you are asking for a waiver of the filing fee,** an Immediate Restraining Order, or other orders at the start of your case, ask the clerk or family law facilitator how to present these requests to a judge. (Our packets on these subjects have more information.)
- ❑ **Pay the filing fee, or give the clerk your Order Waiving Filing Fee signed by the judge.**
- ❑ **The clerk may give you some forms.**
  - The clerk may give you a Vital Statistics form to fill out and return.
  - In some counties, the clerk will give you a case schedule, a parenting seminar form, and/or other local forms. Case schedules list some important dates in the case. Parenting seminar forms tell you how to sign up for a class about the effect of conflict on children. (Many courts require parents to complete the parenting

[18] RCW 26.26.520. If either the child or the other parent does not live in Washington, talk with a lawyer before filing. Washington may not have the necessary jurisdiction.

seminar for cases involving children before the court will sign a final parenting plan.) If you get a case schedule and a parenting seminar form, **you must serve copies of them on the other parties.**

- ❑ **The clerk will take your originals for filing and assign a case number**. Put or stamp the case number on the front page of the copy of every form.
- ❑ **Stamp** the top of the front page of the copy of every form with the clerk's file- date stamp. This way you and the other parties will have a record of the filing date.
- ❑ **If the judge has signed any orders**,
  - file the original order as signed by the judge AND
  - ask the clerk to stamp the judge's signature on your copy of the order
- ❑ **If the judge has signed an Immediate Restraining Order,**
  - ask the clerk to make two certified copies of it: one for you to keep with you at all times, one to be served on the restrained person. There is an extra fee for certified copies.
  - fill out the Law Enforcement Information Sheet (LEIS), available at the clerk's office. Do not serve the LEIS on the other parties.

❖ Never leave the courthouse with the original of an order the judge has signed. Never change an order after it the judge has signed it.

- ❑ **Take the stamped copies back from the clerk.** The clerk keeps the originals.
- ❑ **If you have upcoming hearings and need to deliver working papers to the judge,** do that before leaving the courthouse.[19]

B. Getting Ready to serve your Petition

After you file your papers, **you** must have them properly served on (delivered to) the other parties. **The court does not serve the other parties**. You must arrange for service and make sure your server delivers the papers properly. **You cannot serve the papers on another party yourself.** The next paragraphs explain the rules for service. **Carefully follow the rules. If you do not do service properly, your court orders could be set aside, even years later.**

Who to serve: Every party to the case. Often, the other parent is the only other party. Some cases have more than one alleged or presumed father. (Look at the respondents named in your petition. Make sure each is served.)

In some cases, there may be still other parties. If any child in the petition has ever received public assistance (TANF) or Medicaid, or is in foster care or out-of-home placement, you must serve copies on the State of Washington. (Our packet Serving Papers on the State has

[19] If you have hearings already scheduled in your case, local rules may require you to deliver "working papers" (extra copies of the papers you filed for the judge to read) several days before the hearing.

more information.) If someone else has legal or physical custody or guardianship of any child your petition covers, or claims a right to custody or visitation, talk to a lawyer about whether to add that person to your case as a party or give them notice of the case. If you leave out a party, your orders may be invalid, even years later.

What to serve: All the papers you filed with the court need to be served. Exception: **do not serve** the Confidential Information form and Attachment and any Law Enforcement Information Sheet (LEIS)[20].

The papers to be served include at least the following: Summons, Petition, Notice of Appearance, Declaration re Service Members' Civil Relief Act, Notice re Military Dependent, your Declaration, and, depending on the case, Parenting Plan, child support worksheets, and related financial documents. You may have a case schedule and other forms.

How to serve:

Do not serve the other parties yourself.

- You may ask another party to agree to accept service of the Petition. If you ask them to accept service, and they agree, you must give them copies of the papers you filed[21] and they will then need to sign a Service Accepted form admitting they've received the papers. We explain accepting service below.
- If you decide not to ask a party to accept service, or they refuse, or agree but then do not sign the Service Accepted form, you must arrange to have them personally served. We explain personal service below.
- If you must serve the State of Washington, see our packet Serving Papers on the State.

How to copy and organize your papers for service (personal service or Service Accepted):

- Make the correct number of copies. Figure out how many copies of each form you will need.
- You will need:

  ____ one for you

  ____ one for each respondent (1 x ___ number of respondents ____) (except do not serve the Confidential Information Form and Attachment or LEIS (if you have a restraining order) on any other parties so make just one copy of these forms, for you to keep.)

[20] The Law Enforcement Information Sheet (LEIS) is available at the clerk's office. You only need it if you are getting restraining orders.
[21] Except for the Confidential Information Sheet and Attachment and any (LEIS).

____ one for the judge if you have upcoming hearings ("working papers")[22]

____ one for the State (if you are serving the State)

____ **Total =** This is how many copies you need of each document.

You will also need an extra copy of each Summons to attach to the Returns of Service.

- Organize the forms into sets. Each set should have a copy of each form you have filled out, except for the Confidential Information form and Attachment and any LEIS. The Confidential Information form and Attachment and LEIS are just for you to keep.
- Compare each set with the checklists in this packet. Make sure you have the forms you need.
- Make sure you keep a full set of copies for yourself. Put the Confidential Information form, Attachment, and any LEIS into that set.
- Put each of the other parties' sets of papers in an envelope, addressed to that party, with your return address. Use these sets for service.

How to show that service has been completed:

After service is complete, get a signed Service Accepted or Proof of Personal Service for each party to file with the court clerk.

C. Service Accepted

The other party might agree to receive the papers informally (called to "accept service"), even if s/he does not agree with your petition's requests. If they "accept service," they are not agreeing to what your petition. They are only agreeing to say they received the court papers you filed. If they will not accept service of the papers, or they agree but then do not sign the Service Accepted form, or you do not want to ask them to accept service, skip to the instructions for Personal Service.

1. Instructions for the Service Accepted Form - FL All Family 117

Use this form **only** for a party who agrees to sign a paper saying s/he has received the court papers you filed.[23] If that party fills out and files this form (or gives it to you to file), do not file a Proof of Personal Service. Give that party copies of all documents you filed with

[22] Always make a copy for the judge. Even if the local court does not require you to give the judge a copy (sometimes called "working papers"), you should take the papers to your hearings anyway. Sometimes the judge does not have the case file in the courtroom, or papers you have filed in the clerk's office have not yet been placed in the court file.

[23] If only one party accepts service in a case with multiple parties, you must still serve the others or have signed Service Accepted forms from each of them.

the court (except the Confidential Information form and Attachment and any LEIS) before s/he signs the Service Accepted form.

Caption. Fill in the caption.

1. In the blank, put the party's name. Read the list of forms. Make sure to check the box to the left of every form you give him/her. Check **Other** if a form is not listed. Put that form's title in the blank. (**Examples**: if you are giving the party the Notice re Military Dependent, check other and put this title in the blank. If you gave him/her a Declaration, check **other**, and put "Declaration of ___ (name of the person who signed the declaration.) **You must list every form you are giving a party**. If you do not list a form here, you will have no proof the party received it.

2. Personal Jurisdiction. Check the first box if the party will not agree that Washington has jurisdiction over him/her. For more information about personal jurisdiction issues, talk with a lawyer.

Check the second box if the party agrees Washington has personal jurisdiction over him/her. Put the party's name.

Signature. The party (or his/her lawyer) should date the form, sign where it says to, and print/type his/her name and address in the blank. If the party has a lawyer, s/he should check the very last box and put the party's name in the blank.

❖ If you get a signed Service Accepted form from a party, skip to the section on Filing Proof of Service. You must arrange to have personally served a party who will not sign a Service Accepted form.

D. How to personally serve and fill out the Proof of Personal Service

If the other parties do not each sign a Service Accepted form, then you **must** try to have them personally served. If you have diligently tried to have them personally served, but you have failed, , under some circumstances you can serve by mail or publication. The forms and instructions to do so are in our packet called Service by Certified Mail or Publication.

1. Instructions for personal service in Washington

- **You must properly follow the rules when you are having the other parties** personally served. Do not serve the documents on the other parties yourself. Find a person who is over age 18 to serve the papers for you.
- **Think about hiring a professional process server.** If you can afford it, you might want to hire a professional process server or the sheriff to serve the papers for you. It usually costs $30-$80. Using a professional process server may be best. The sheriff may not be willing to try more than once to serve the other party if s/he is not at home when the sheriff tries to serve him/her. Process servers are in the yellow pages of the telephone book.

- **Ask an adult friend to be your process server.** If you cannot afford a process server or the sheriff, any adult over age 18, not a party in the case and with no mental disability making that person incompetent, may serve the papers for you. Your server must understand how important it is to serve the papers and fill out the Proof of Personal Service form correctly. If you do not serve the other parties properly, the court could set your court orders aside, even years later.

❖ If you are using an adult friend as server, let the friend know hand-to-hand service is best. This means putting the papers in the other party's hand.

The other party may refuse to accept the papers. Let your server know s/he must use her best judgment about how to leave the papers. Here are some common situations in service.

Example 1: The other party may be expecting you to serve him/her and is avoiding people who look like servers. Here, it is okay for your server to, for example, pretend to be delivering an innocent package.

Example 2: The other party may let your server in, but refuse to take the papers. There have been times when it is okay for the server to leave the papers on the floor in the other party's home. Your server should always try to hand the papers to the server, unless it would be unsafe to try to do so.

Example 3: The other party opens the door for your server but does not let your server in. The other party refuses the papers. It is okay for your server to leave the papers in the doorway or just outside.

Example 4: The other party may be home, but refuse to get the door when your server knocks. Your server may have to make a few such visits to the other party's home before you can ask the court for help. Tell your server NOT TO LEAVE THE PAPERS OUTSIDE.

Give your server (the sheriff, a process server, or the adult friend) the envelope of papers you prepared for service on the other party, the other party's home and work addresses, a physical description of the other party, and any other information that will help the server find the other party for service.

2. Instructions for Proof of Personal Service – FL All Family 101

Your server must complete a separate Proof of Personal Service for each party s/he serves. After your server has completed service and signed the Return of Service form(s), follow the instructions in this packet for filing it with the court.

Caption. Fill out the caption.

1. Put **y**our server's name here.

2. Personal Service. In the blank, put the other party's name. The server must check the box showing how s/he delivered the papers to the other party. If s/he checks the second box, the server should put the name of the person s/he gave the papers to.

3. Date, time, and address of service. The server should put the date, time (and check a.m. or p.m.) and address where s/he served the papers.

4. List all documents you served. Read the list of forms. Check the box to the left of each form served on that party. Sometimes you must fill in a blank to better describe a form. (**Example**: if you check **declaration**, you must put the name of the person who wrote the declaration.) Check **other** if you had the other party served with any forms not listed. Put the names of those other forms. You MUST list all the forms you had served on your partner. If you leave a form off your list, you will have no proof that the other party received it.

5. Fees charged for service: Usually, only professional servers will use the second box for fees and mileage.

6. Other information. Your server may put here other information. **Examples**:

- Your server tries several times to serve the other party. S/he is never home or cannot be found. The server should put the dates and times and descriptions of each time s/he tried to serve the other party.
- The server gave the papers to an adult living with the other party who would not give his/her name. The server should put what the person who received the papers looks like.

Signature. The server should put the city and state where s/he signed the form and the date, and sign where it says to and then print or type his/her name where it says to.

To the Server. The server should check this box and fill it out in front of a notary public or court clerk ONLY if s/he served your partner outside Washington state.

❖ The server should staple a copy of the summons to the completed Proof of Service form and give it to you for filing with the court.

E. Personal service in another state

If you need to, you may have the other party personally served in another state using the same general directions as for personal service in Washington. You must fill out the Proof of Personal Service AND a *Declaration Regarding Personal Service Outside of the State of Washington*.

A person served outside the state has a longer deadline for responding to the petition.

1. Declaration: Personal Service Could Not be Made in Washington - FL All Family 102

Use this form if any party is served outside the State of Washington.[24]

[24] If you are serving any other party out of state, you must complete and file this form before the judge will sign the final order. The party personally served out of state has **60 days** to Respond if the papers are personally handed to him/her.

Caption. Fill in the Caption.

1. Check the first box.

2. Put the name of the person you served outside Washington State.

3. Explain why you could not serve the other party in Washington. (**Example**: The other party lives and works out of state. You would put that "_____ (name of person served outside state) lives and works in ___ State and _____ (other details showing the person cannot be served within Washington)."

Signature. The person who signs this form prints his/her date and place (city and state), signs the form, and prints his/her name.

If you use this form, file it with the court clerk. Keep a conformed copy for your records.

F. How do I file my proof of service?

Gather your original signed proof(s) of service (*Service Accepted* or *Proof of Personal Service*).You will need proof of service for each party. If any party is served in another state, you will also need the *Declaration Regarding Personal Service outside the State of Washington* for that party. Make one copy of each original. Take the originals and the copies to the court clerk's office. Give the clerk the originals. Ask the clerk to stamp the date of filing on your copies.

If the papers served included a protection order or restraining order (**example**: an Immediate Restraining Order and Hearing Notice, or Temporary Family Law Order with restraining order paragraphs), you must also deliver a copy of the Proof of Personal Service to the law enforcement agency covering the place where you (the protected person) live. The order names the agency.

If any other party is in the military or the protected dependent of someone in the military, follow the instructions in the section called "If the Other Party is in the Military" Otherwise, you are done filing your petition.

The **How to File a Petition to Decide Parentage** section of this packet explains what to do next.

G. What if I need to serve other papers as the case goes on?

Follow the procedures explained above to have every party served with the Summons, Petition, and other documents you are filing at the start of the case.

Even after a party has been served with the Summons and Petition and other beginning documents, you must still give him/her copies of most documents you file with the court as the case goes on. See CR 5(a). (**Exception**: do not keep giving papers to a party against whom you have an Order on Motion for Default.) Often, you can do ongoing service by mail or hand delivery. Your proof can be a Proof of Mailing or Hand Delivery. Instructions and forms for this type of service are in the packet Filing for Temporary Family Law Orders: Parentage Cases. **Do not use the Proof of Mailing or Hand Delivery procedure to serve the Summons and Petition or other documents you must serve to start your case.**

Section 9: If the Other Party is in the Military or the Dependent of Someone in the Military

If the other party is, or may soon be, on active duty in the military[25], or is the protected dependent[26] of a service member , when you serve him/her with your court papers, include a copy of the *Waiver of Rights Under Service Members Civil Relief Act and Admission of Service* form. If the other party is willing to give up protections under these laws, s/he must sign the form and either return it to you or file it with the court. **If s/he will not agree to do this, see a lawyer.** There are special rules for members of the military or their dependents limiting the court's ability to make orders adversely affecting the rights of the service member or his/her protected dependent.

You can find out if another party is on active duty by

1. checking the following website:
   https://www.dmdc.osd.mil/appj/scra/welcome.xhtml

   or

2. contacting:

   Defense Manpower Data Center
   1600 Wilson Blvd., Suite 400
   Attn: Military Verification
   Arlington, VA 22209-2593
   Telephone (703) 696-6762 or 5790
   Fax (703) 696-4156

(If you mail a request for information, include a stamped, self-addressed return envelope.)

[25] The Service Members Civil Relief Act of March 4, 1918, as amended, 50 U.S.C. App., 501 et.seq. protects service members including:
All members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Servicemembers Civil Relief Act Guide* http://www.uscg.mil/legal/la/Legal_Assistance_SCRA_Guide.asp.
For Washington State's Service Members Civil Relief Act, see RCW 38.42.010 et seq.

[26] Dependents are usually the spouse or minor child or someone who received more than half his/her support in the last six months from a Washington resident on active duty and a National Guard member or reservist. RCW 38.42.010.

A. Instructions for the Waiver of Rights Under Service Members Civil Relief Act form

Caption. Fill out the Caption.

In the first blank, put the other party's full name.

Talk with the other party or write a letter about the form. Include the form with the court papers when you serve the other party. Call or write the other party to ask him/her to fill out the rest of the form with the date s/he was served with the summons and petition, the service member's name, rank, serial number and unit. If s/he will sign this form, s/he should do so in front of a notary public. S/he can either return the form to you for you to file, or file it with the clerk's office. The clerk can give you a copy.

- **Finding a Notary**: Often, your local bank has a notary. If you have a bank account there, the bank will sometimes provide the notary service free. You can also look up notary publics on the web.

B. File the Waiver form

If/when you get the form back from the other party, file it with the clerk's office as soon as possible. Keep a copy for yourself. Ask the clerk to stamp your copy to show the date the form was filed.

Section 10: 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 lots of 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 website at http://www.courts.wa.gov/forms.

Superior Court of Washington, County of _____

In re parentage: Petitioner *(person who started this case)*: _____ And Respondents: *(parent / presumed parent / alleged parents)* _____ _____ Children over age 2: _____	No. _____ Petition to Decide Parentage (PTDTP)

Petition to Decide Parentage

*Do **not** use this form if:*

- *A judge has already decided who the legal parents are, or*
- *The parents signed a Paternity Acknowledgment that was filed with the appropriate state agency. (The Acknowledgment is usually signed by the parents at the hospital.)*

1. This Petition asks the court to decide who are the legal parent/s of:

Child's name *(first, middle, last)*	Born *(month/day/year)*	Lives in *(county and state)*

***Important!** Don't list more than one child unless they have all the same parents or possible parents. If they have or may have different parents, fill out a separate Petition for each child.*

2. Parties to this case

	The Petitioner *(name):* _____ is the	The Respondent *(name):* _____ is the	The Respondent (*name*): _____ is the
State of Washington	☐		
Birth mother	☐	☐	☐
Alleged parent (person who *may be* a genetic parent)	☐	☐	☐
Presumed parent (see section 4 below)	☐	☐	☐
Adoptive parent	☐	☐	☐
Parent by assisted reproduction	☐	☐	☐
Parent according to a surrogacy contract	☐	☐	☐

☐ Other Respondents *(name and describe):* _____

Important! If any of the children are age 2 or older and have a presumed parent, they must be parties to this case.

3. Guardian ad Litem

I ask the court to appoint a Guardian ad Litem (GAL) for any child who is age 2 or older and has a presumed parent.

☐ I ask the court to appoint a GAL for the children to investigate and make recommendations to the court about whether genetic testing should be done.

4. Is there a presumed parent?

(A presumed parent is the legal parent of a child unless a court decides otherwise.)

☐ **No**, there is **no presumed parent** because the birth mother was not married or in a registered domestic partnership when *(children's names):* _____ were born, or within the 300 days before these children were born.

☐ **Yes**, there **is a presumed parent**. *(Name):* _____ is the presumed parent of *(children's names):* _____ because *(check all that apply):*

- ☐ This person and the birth mother were married or in a registered domestic partnership when these children were born, or within the 300 days before these children were born.
- ☐ This person and the birth mother *believed* they were in a *valid* marriage or registered domestic partnership when these children were born or within the 300 days before these children were born, even though the marriage or partnership was (or could have been) invalidated by a court.
- ☐ *After* these children were born, this person and the birth mother married or became registered domestic partners (or believed their marriage or partnership

was valid, even if it was or could have been invalidated). This person willingly said s/he was these children's parent and *(check at least one):*

- ☐ promised in a written or electronic record to support these children as his/her own. See RCW 26.26.011(23).
- ☐ agreed to be and is listed as the parent on these children's birth certificates.
- ☐ filed a statement claiming s/he was these children's parent with the Registrar of Vital Statistics.

☐ This person lived in the same home as these children and openly held out these children as his/her own child for the first 2 years of the children's lives.

☐ Check here if there is *another* presumed parent. Give that person's name, and identify which of the reasons listed above applies to that person:

(Name): _____

(Reason): _____

_____

_____

_____

5. Should the presumed parent continue to be a legal parent?

☐ Does not apply. There is no presumed parent.

☐ **No**, the presumed parent *(name):* _____ should not be a legal parent of *(children's names):* _____. if genetic testing shows that someone else is the biological parent.

RCW 26.26.530 sets a time limit for starting a parentage case for a child who has a presumed parent. I am starting this case within the time limit because *(check all that apply):*

- ☐ I am filing or serving this *Petition* on or before each child's 4th birthday.
- ☐ The presumed parent:
  - did not live with and did not have sex with the birth mother when the children were likely conceived, and
  - did not openly hold out these children as his/her own children.

☐ **Yes**, the presumed parent *(name):* _____ should be confirmed as a legal parent of *(children's names):* _____. RCW 26.26.530 sets a time limit for starting a parentage case for a child who has a presumed parent. I am starting this case within the time limit because I am filing or serving this *Petition* on or before each child's 4th birthday.

☐ Other *(specify):* _____

_____

_____

6. Children's name change

☐ No request.

☐ I ask the court to change the children's names to: _____

_____

7. Personal Jurisdiction

Does a Washington state court have personal jurisdiction (authority to make decisions) over *(**Respondent's** name):* _____?

☐ **Yes**, because s/he *(check all that apply):*

- ☐ will be personally served in this state with a *Summons* and *Petition* for this case.
- ☐ lives in this state now.
- ☐ lived in this state with the children.
- ☐ lived in this state and paid for pregnancy costs or support for the children.
- ☐ did or said something that caused the children to live in this state.
- ☐ had sex in this state, which may have produced the children.
- ☐ signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.
- ☐ other *(specify):* _____

☐ **No**. (None of the reasons listed above apply.)

Does a Washington state court have personal jurisdiction (authority to make decisions) over *(**Other Respondent's** name):* _____?

☐ **Yes**, because s/he *(check all that apply):*

- ☐ will be personally served in this state with a *Summons* and *Petition* for this case.
- ☐ lives in this state now.
- ☐ lived in this state with the children.
- ☐ lived in this state and paid for pregnancy costs or support for the children.
- ☐ did or said something that caused the children to live in this state.
- ☐ had sex in this state, which may have produced the children.
- ☐ signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.
- ☐ other *(specify):* _____

☐ **No**. (None of the reasons listed above apply.)

☐ *Check here if there are **more Respondents**. Give those people's names, say whether or not the court has personal jurisdiction over each person, and why:*

_____

_____

_____

_____

8. **Jurisdiction over the children** (RCW 26.27.201 – .221, .231, .261, .271)

☐ The court **can** decide a *Parenting Plan* or *Residential Schedule* for the children and decide who the children should live with most of the time because *(check all that apply; if a box applies to all of the children, you may write "the children" instead of listing names):*

☐ **Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for *(children's names):* _____.

☐ **Home state jurisdiction** – Washington is the children's home state because *(check all that apply):*

☐ *(Children's names):* _____ lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if the children are less than 6 months old, they have lived in Washington with a parent or someone acting as a parent since birth.

☐ There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they are less than 6 months old), but those were temporary absences.

☐ *(Children's names):* _____ do not live in Washington right now, but Washington was the children's home state some time in the 6 months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.

☐ *(Children's names):* _____ do not have another home state.

☐ **No home state or home state declined** – No court of any other state (or tribe) has the jurisdiction to make decisions for *(children's names):* _____, **or** a court in the children's home state (or tribe) decided it is better to have this case in Washington **and:**

- The children and a parent or someone acting as a parent have ties to Washington beyond just living here; **and**
- There is a lot of information (substantial evidence) about the children's care, protection, education and relationships in this state.

☐ **Other state declined** – The courts in other states (or tribes) that might be *(children's names):*_____'s home state have refused to take this case because it is better to have this case in Washington.

☐ **Temporary emergency jurisdiction** – The court can make decisions for *(children's names):* _____ because the children are in this state now **and** were abandoned here **or** need emergency protection because the children (or the children's parent, brother or sister) were abused or threatened with abuse. (*Check one):*

☐ A custody case involving the children was filed in the children's home state *(name of state or tribe):* _____. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children's home state (or tribe).

☐ There is **no** valid custody order or open custody case in the children's home state *(name of state or tribe):* _____. If no case is filed *in the children's home state (or tribe)* by the time the children have

been in Washington for 6 months, *(date):* _____, Washington should have final jurisdiction over the children.

☐ Other reason *(specify):* _____

☐ The court **cannot** decide a *Parenting Plan* or *Residential Schedule* for the children or decide who the children should live with most of the time because the court does not have jurisdiction over the children.

9. Parenting Plan or Residential Schedule

It is in the children's best interests for the court to decide with whom the children will live, if the court has jurisdiction over the children.

The children currently live with *(name/s):* _____

☐ I will file and serve my proposed *Parenting Plan* (form FL All Family 140) or *Residential Schedule* (FL Parentage 304) with this *Petition* or in the future.

☐ The court should approve a *Parenting Plan* or *Residential Schedule* as proposed by the parents or as the court finds to be in the children's best interests.

☐ I am not asking the court for a *Parenting Plan* or *Residential Schedule*.

Warning! If the court has jurisdiction over the children, the court will decide who the children's custodian will be even if neither parent asks for a Parenting Plan or Residential Schedule. The decision about custodian will affect both parents' rights.

10. Child Support

The children have a right to child support (including medical support) from the legal parents according to state law.

11. Past support and repayment of specific expenses

☐ No request.

☐ Past Support – The state of Washington or *(name):* _____ has provided support to the children and has the right to receive up to five years of past child support according to the Washington State Child Support Schedule.

☐ Specific Expenses – The state of Washington or *(name):* _____ has incurred expenses for the mother's pregnancy and childbirth or provided other services to the children and has the right to be repaid *(check one):*

☐ *(amount):* $_____. ☐ an amount to be proven later.

12. Protection Order

Do you want the court to issue an Order for Protection as part of the final orders in this case?

☐ **No.** I do not want an *Order for Protection*.

☐ **Yes.** *(You must file a Petition for Order for Protection, form DV-1.015 for domestic violence, or form UHST-02.0200 for harassment. You may file your Petition for Order for Protection using the same case number assigned to this case.)*

Important! If you need protection now, ask the court clerk about getting a Temporary Order for Protection.

☐ **There already is an *Order for Protection* between *(name):* _____ and me.** *(Describe):*

Court that issued the order: _____

Case number: _____

Expiration date: _____

13. Restraining Order

Do you want the court to issue a Restraining Order as part of the final orders in this case?

☐ **No.** *(Skip to 14.)*

☐ **Yes.** *Check the type of orders you want:*

☐ **Do not disturb** – Order (*name/s*) _____ not to disturb my peace or the peace of any child listed in 1.

☐ **Stay away** – Order (*name/s*) _____:

☐ Not knowingly to go or stay within ____ feet of my home, workplace, or school, or the daycare or school of any child listed in 1.

☐ To stay away from my home, workplace, or school, and the daycare or school of any child listed in 1.

☐ **Do not hurt or threaten** – Order (*name/s*) _____:

- Not to assault, harass, stalk or molest me or any child listed in 1; and
- Not to use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.

Warning! If the court makes this order, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

☐ **Prohibit weapons and order surrender** – Order (*name/s*) _____:

- Not to possess or obtain any firearms, other dangerous weapons, or concealed pistol license until the Order ends, and
- To surrender any firearms, other dangerous weapons, and any concealed pistol license that he/she possesses to *(check one):* ☐ the police chief or sheriff. ☐ his/her lawyer. ☐ other person *(name):* _____.

☐ **Other restraining orders:** _____

Important! If you want a restraining order now, you must file a Motion for Temporary Family Law Order and Restraining Order (form FL Parentage 323) or a Motion for Immediate Restraining Order (Ex Parte) (form FL Parentage 321).

14. Other (if any)

_____

_____

15. Summary of Requests

I ask the court to *(check all that apply):*

Parentage

☐ Order genetic testing of all possible genetic parents listed in this *Petition* and decide who the legal parents are based on the results.

☐ Order that *(name):* _____ **is** the legal parent of *(children's names):* _____.

☐ Order that *(name):* _____ is **not** the legal parent of *(children's names):* _____.

Change the children's birth certificates to list the parents as requested above and to change the children's names if requested above.

Child Support

☐ Approve a *Child Support Order*

☐ Order *(name):* _____ to pay past child support, medical support, and other expenses for the children.

Parenting Plan / Residential Schedule

☐ Approve my proposed *Parenting Plan* or *Residential Schedule*

☐ If no one proposes a *Parenting Plan* or *Residential Schedule*, order that the children will continue to live with the parent they live with now.

Protection / Restraining Order

☐ Approve an *Order for Protection*

☐ Approve a *Restraining Order*

Fees and costs

☐ Order who should pay for court costs, genetic testing, guardian ad litem, lawyer fees, and other reasonable fees.

Other

☐ Other *(specify):* _____

Petitioner fills out below:

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at *(city and state):* _____ Date: _____

▶ _____ _____

Petitioner signs here *Print name*

Petitioner's lawyer (if any) fills out below:

▶ _____ _____ _____

Petitioner's lawyer signs here *Print name and WSBA No.* *Date*

☐ **Respondent fills out below <u>if</u> s/he agrees to join this Petition:**

I, *(name):* _____, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. *(Check one):*

☐ I do not need to be notified about the court's hearings or decisions in this case.

☐ I ask the Petitioner to notify me about any hearings in this case. *(List an address where you agree to accept legal documents. This may be a lawyer's address or any other address.)*

_____

address *city* *state* *zip*

(If this address changes before the case ends, you ***must*** *notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001).)*

▶ _____ _____ _____

Respondent signs here *Print name* *Date*

☐ **Other Respondent fills out below <u>if</u> s/he agrees to join this Petition:**

I, *(name):* _____, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. *(Check one):*

☐ I do not need to be notified about the court's hearings or decisions in this case.

☐ I ask the Petitioner to notify me about any hearings in this case. *(List an address where you agree to accept legal documents. This may be a lawyer's address or any other address.)*

_____

address *city* *state* *zip*

(If this address changes before the case ends, you ***must*** *notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001).)*

▶ _____ _____ _____

Other Respondent signs here *Print name* *Date*

Superior Court of Washington, County of _____

In re parentage: Petitioner *(person who started this case)*: _____ And Respondent/s: *(as listed on Petition)* _____ _____ Children over age 2: _____	No. _____ Summons: Notice about Parentage (SM)

Summons: Notice about Parentage

To the Respondent: The Petitioner started a case about parentage of children. You must respond in writing for the court to consider your side.

Deadline! Your *Response* must be served on the Petitioner within **20 days** of the date you were served this *Summons* (60 days if you were served outside of Washington State). If the case has been filed, you must also file your *Response* by the same deadline. If you do not serve and file your *Response* or a *Notice of Appearance* by the deadline:

- No one has to notify you about other hearings in this case, and
- The court may approve the Petitioner's requests without hearing your side (called a *default judgment).*

Follow these steps:

1. **Read** the *Petition* and any other documents you receive with this *Summons*. These documents explain what the Petitioner is asking for.

2. **Fill out** the response form that matches the *Petition*.

   Response to Petition to:
   - *Decide Parentage* (FL Parentage 303)
   - *Withdraw (Rescind) Paternity Acknowledgment or Denial* (FL Parentage 342)
   - *Challenge Paternity Acknowledgment or Denial* (FL Parentage 346)
   - *Decide Parentage (after Acknowledgment or Court Decision)* (FL Parentage 352)

- *Disprove Parentage of Presumed Parent (*FL Parentage 356)

You can get the *Response* and other forms at:

- The Washington State Courts' website: *www.courts.wa.gov/forms*
- The Administrative Office of the Courts – call: (360) 705-5328
- Washington LawHelp: *www.washingtonlawhelp.org*, or
- The Superior Court Clerk's office or county law library (for a fee).

3. **Serve** (give) a copy of your *Response* to the Petitioner at the address below and to any other Respondents. You may use certified mail with return receipt requested. For more information on how to serve, read Superior Court Civil Rule 5.

4. **File** your original *Response* with the court clerk at this address:

Superior Court Clerk, _____ County

_____

address *city* *state* *zip*

If there is no "Case No." listed on page 1, this case may not have been filed and you will not be able to file a *Response*. Contact the Superior Court Clerk or check www.courts.wa.gov to find out.

If the case was not filed, you must still serve your *Response,* and you may demand that the Petitioner file this case with the court. Your demand must be in writing and must be served on the Petitioner or his/her lawyer (whoever signed this *Summons*). If the Petitioner does not file papers for this case within 14 days of being served with your demand, this service on you of the *Summons* and *Petition* will not be valid. If the Petitioner does file, then you must file your original *Response* with the court clerk at the address above.

5. **Lawyer not required:** It's a good idea to talk to a lawyer, but you may file and serve your *Response* without one.

Petitioner or his/her lawyer fills out below:

_____ _____

*Signature of Petitioner **or** lawyer* *Date*

_____

Print name (and WSBA No., if lawyer)

Petitioner agrees to accept legal papers for this case at *(check one):*

☐ Petitioner's lawyer's address:

_____

lawyer's address *city* *state* *zip*

Email *(if applicable):* _____

☐ the following address *(this does **not** have to be your home address):*

_____

address *city* *state* *zip*

(Optional) email: _____

*(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001).)*

This Summons is issued according to Rule 4.1 of the Superior Court Civil Rules of the State of Washington.

Superior Court of Washington, County of _____

In re parentage: Petitioner *(person who started this case)*: _____ And Respondents: *(parent / presumed parent / alleged parents)* _____ _____ Children over age 2: _____	No. _____ Declaration about Parentage (DCLR)

Declaration about Parentage

(Fill out a separate Declaration for ***each child*** *in this case.)*

I declare:

My name is _____.

This declaration is about the parentage of *(child):* _____,
who was born on: _____.
month / day / year

1. **My relationship to this child** *(check all that apply):*

☐ **I am this child's parent because:**

- ☐ I am the birth mother.
- ☐ I signed a *Paternity Acknowledgment*.
- ☐ I legally adopted this child.
- ☐ I had this child using assisted reproduction. The physician's certificate and my statement that I used assisted reproduction to have this child were filed with the Washington State Registrar of Vital Statistics within ten days of this child's birth.

- ☐ I agreed that my spouse or domestic partner could use assisted reproduction to have this child.
- ☐ A valid surrogate parentage contract says I am the intended parent of this child.

☐ **I am presumed by law to be this child's parent because:**

- ☐ I was married to or registered domestic partners with the birth mother *(name):* _____ when the child was born, or within the 300 days before the child was born.
- ☐ I *believed* I was in a *valid* marriage or registered domestic partnership with the birth mother *(name):* _____ when the child was born, or within the 300 days before the child was born, even though the marriage or partnership was or could have been invalidated by a court.
- ☐ *After* the child was born, I married or became registered domestic partners with the birth mother *(name):* _____ (or believed my marriage or partnership was valid, even if it was or could have been invalidated). I willingly said I was the child's parent and I *(check at least one):*
  - ☐ promised in a written or electronic record to support the child as my own. See RCW 26.26.011(23).
  - ☐ agreed to be and am listed as the parent on the child's birth certificate.
  - ☐ filed a statement claiming I was the child's parent with the Registrar of Vital Statistics.
- ☐ I lived in the same home as the child and openly held him/her out as my own child for the first 2 years of the child's life. *(List examples that show how you treated this child as if s/he were your own)*

_____

_____

_____

_____

☐ **I am <u>not</u> presumed by law to be this child's parent because** none of the reasons listed above apply.

☐ **I may be this child's parent because** I had sex with the child's birth mother *(name):* _____ between *(starting and ending dates):* _____ when the child was likely conceived.

- ☐ I agree I am this child's parent and should be legally declared a parent.
- ☐ I don't know if I am this child's parent.

☐ **I am <u>not</u> this child's parent because:**

- ☐ I did not have sex with the child's birth mother *(name):* _____ between *(starting and ending dates):* _____ when the child was likely conceived.
  - ☐ I donated sperm for assisted reproduction with no intent to become a parent.
- ☐ I was excluded as a parent through genetic testing.

2. Other parties' relationship to this child

For each other party, write his/her name in the category below that applies. If you don't know the status of another party, leave him/her out.

☐ **Parent** *(someone who is already a legal parent)*

(Name) _____ is a parent because *(check all that apply):*

- ☐ she is the birth mother.
- ☐ s/he signed a *Paternity Acknowledgment*.
- ☐ s/he legally adopted the child.
- ☐ s/he had this child using assisted reproduction, and a physician's certificate and a statement that s/he used assisted reproduction to have this child were filed with the Washington State Registrar of Vital Statistics within ten days of this child's birth.
- ☐ s/he agreed to use assisted reproduction for us to become parents.
- ☐ s/he signed a valid surrogate parentage contract saying s/he is the intended parent of this child.

☐ **Alleged Parent/s** *(someone who may or may not be a genetic parent)*

(Name/s) _____
may be a parent because the birth mother had sex with this person (or these people) between *(starting and ending dates):* _____
when this child was likely conceived.

☐ **Presumed Parent** *(someone who is presumed by law to be a legal parent)*

(Name) _____ is a presumed parent because *(check all that apply):*

- ☐ this person and the birth mother were married or in a registered domestic partnership when this child was born, or within the 300 days before this child was born.
- ☐ this person and the birth mother *believed* they were in a *valid* marriage or registered domestic partnership when this child was born or within the 300 days before this child was born, even though the marriage or partnership was (or could have been) invalidated by a court.
- ☐ *after* this child was born, this person and the birth mother married or became registered domestic partners (or believed their marriage or partnership was valid, even if it was or could have been invalidated). This person willingly said s/he is this child's parent and *(check all that apply):*
  - ☐ Promised in a written or electronic record to support this child as his/her own. See RCW 26.26.011(23).
  - ☐ Agreed to be and is listed as the parent on this child's birth certificate.
  - ☐ Filed a statement claiming s/he was this child's parent with the Registrar of Vital Statistics.
- ☐ this person lived in the same home as this child and openly held out this child as his/her own child for the first 2 years of the child's life. *(List examples that show how this person treated this child as if s/he were the parent):*

_____

_____

_____

_____

3. **Should the presumed parent continue to be a legal parent?**

☐ Does not apply. There is no presumed parent.

☐ Yes, the presumed parent should be confirmed as a legal parent.

☐ No, *(Presumed parent's name):* _____ should not be this child's legal parent because s/he is not a biological parent and *(check all that apply):*

- ☐ did not live with and did not have sex with the birth mother when this child was likely conceived, and did not openly hold out this child as his/her own child.
- ☐ did not live with this child for the first 2 years of the child's life, and did not openly hold out this child as his/her own child.

☐ I don't know if the presumed parent should continue to be a legal parent.

4. **Was this child conceived in Washington state?**

☐ Yes. During this time period *(starting and ending dates):* _____ _____, I had sex in Washington state with *(name/s):* _____, which may have produced this child.

☐ No.

☐ I don't know.

5. **Was this child conceived through assisted reproduction?**

☐ Yes.

☐ No.

☐ I don't know.

6. **Child's Home/s**

During the past 5 years has the child lived:

- on an Indian reservation,
- outside Washington state,
- in a foreign country, or
- with anyone who is not a party to this case?

☐ No. *(Skip to 7.)*

☐ Yes. *(Fill out below to show where the child has lived during the last 5 years.)*

Dates	Child lived with	In which state, Indian reservation, or foreign country
From: To:	☐ Petitioner ☐ Resp. *(name/s):* ☐ Other *(name):*	

Dates	Child lived with	In which state, Indian reservation, or foreign country
From: To:	☐ Petitioner ☐ Resp. *(name/s):* ☐ Other *(name):*	
From: To:	☐ Petitioner ☐ Resp. *(name/s):* ☐ Other *(name):*	
From: To:	☐ Petitioner ☐ Resp. *(name/s):* ☐ Other *(name):*	
From: To:	☐ Petitioner ☐ Resp. *(name/s):* ☐ Other *(name):*	

7. **Do you know of anyone besides the parties to this case who has or claims to have a legal right to spend time with this child?** *(Check one):*

☐ No.

☐ Yes. *(Name/s)* _____ has or claims to have a legal right to spend time with this child.

8. **Do you know of any court cases involving this child?** *(Check one):*

☐ No. *(Skip to* 9.*)* ☐ Yes. *(Fill out below.)*

Kind of case *(Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)*	County and State	Case number and year

9. **Lawyer for the State**

I understand that any lawyer for the State of Washington is not my lawyer for this case. I also understand that I have the right to hire my own lawyer at any time.

10. **Other information about parentage (if any):**

_____

_____

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at _____ Date: _____
city *state*

▶ _____ _____
Sign here *Print name here*

Confidential Information (CIF)

Clerk: Do not file in a public access file

Superior Court of Washington, County: _____

Case No.: _____

Important! *Only court staff and some state agencies may see this form. The other party and his/her lawyer may not see this form unless a court order allows it. State agencies may disclose the information in this form according to their own rules.*

1. Who is completing this form? *(Name):* _____

2. Is there a current restraining or protection order involving the parties or children? ☐ Yes ☐ No
   If *Yes,* who does the order protect? *(Name/s):* _____

3. Does your address information need to be confidential to protect your or your children's health, safety, or liberty? *(Check one):* ☐ Yes ☐ No
   If *Yes*, explain why? _____

4. Your Information

Full name (first, middle, last):		Date of birth (MM/DD/YYYY):	Sex: ☐ M ☐ F
Driver's license/Identicard *(#, state):*	Race:	Relationship to children in this case:	
Mailing address *(This address will not be kept private.) (street address or PO box, city, state zip):*			

☐ If your case is **only** about a protection order, the information below is **not** required. Skip to 5.

Home address *(check one):* ☐ same as mailing address ☐ listed below *(street, city, state, zip):*		
Phone:	Email:	Social Sec. #:
Employer's name:		Employer's phone:
Employer's address:		

5. Other Party's Information – This person is a *(check one):* ☐ Petitioner ☐ Respondent

Full name (*first, middle, last*):		Date of birth (MM/DD/YYYY):	Sex: ☐ M ☐ F
Driver's license/Identicard (#, state):	Race:	Relationship to children in this case:	
Mailing address (*This address will* **not** *be kept private.) (street address or PO box, city, state zip*):			

☐ If your case is **only** about a protection order, the information below is **not** required. Skip to 6.

Home address *(check one):* ☐ same as mailing address ☐ listed below *(street, city, state, zip):*		
Phone:	Email:	Social Sec. #:
Employer's name:		Employer's phone:
Employer's address:		

Skip sections** 6 – 9 **if your case does not involve children. Sign at the end.

6. **Children's Information** *(You do not have to fill out the children's Social Security numbers if your case is only about a protection order.)*

Child's full name (*first, middle, last*)	Date of birth (*MM/DD/YYYY*)	Race	Sex	Soc. Sec. #	Current location: lives with
1.			☐ M ☐ F		☐ Petitioner ☐ Respondent ☐ other: _____
2.			☐ M ☐ F		☐ Petitioner ☐ Respondent ☐ other: _____
3.			☐ M ☐ F		☐ Petitioner ☐ Respondent ☐ other: _____
4.			☐ M ☐ F		☐ Petitioner ☐ Respondent ☐ other: _____
5.			☐ M ☐ F		☐ Petitioner ☐ Respondent ☐ other: _____
6.			☐ M ☐ F		☐ Petitioner ☐ Respondent ☐ other: _____

7. **Have the children lived with anyone other than Petitioner or Respondent during the last five years? *(Check one):*** ☐ **No** ☐ **Yes** **If *Yes*, fill out below:**

Children lived with *(name)*	That person's current address
1.	
2.	

8. **Do other people (not parents) have custody or visitation rights to the children?** *(Check one):* ☐ No ☐ Yes If *Yes*, fill out below:

Person with rights *(name)*	That person's current address
1.	
2.	

9. **If you are asking for custody and are not the parent, list all other adults living in your home:**

1. (*Name):*	Date of birth *(MM/DD/YYYY):*
2. (*Name):*	Date of birth *(MM/DD/YYYY):*

I declare under penalty of perjury under Washington State law that the information on this form about me is true. The information about the other party is the best information I have or is unavailable because *(explain):*

_____

☐ Check here if you need more space to list other Petitioners, Respondents, or children. Put that information on the *Attachment to Confidential Information*, form FL All Family 002, and attach it to this form.

Signed at *(city and state):* _____ Date: _____

▶ _____ _____

Petitioner/Respondent signs here *Print name here*

Attachment to Confidential Information (Additional Parties or Children) (AT) **Clerk: Do not file in a public access file**	County: _____ Case No.: _____

Use this form if there are more parties or children in your case than you can list on the Confidential Information form.

1. **Other Party's Information (if any)** – This person is a *(check one):* ☐ Petitioner ☐ Respondent

Full name *(first, middle, last):*		Date of birth *(MM/DD/YYYY):*	Sex: ☐ M ☐ F
Driver's license/Identicard *(#, state):*	Race:	Relationship to children in this case:	
Mailing address *(This address will **not** be kept private.) (street address or PO box, city, state zip):*			

☐ If your case is **only** about a protection order, the information below is **not** required. Skip to *2.*

Home address *(check one):* ☐ same as mailing address ☐ listed below *(street, city, state, zip):*		
Phone:	Email:	Social Sec. #:
Employer's name:		Employer's phone:
Employer's address:		

2. **Other Party's Information (if any)** – This person is a *(check one):* ☐ Petitioner ☐ Respondent

Full name *(first, middle, last):*		Date of birth *(MM/DD/YYYY):*	Sex: ☐ M ☐ F
Driver's license/Identicard *(#, state):*	Race:	Relationship to children in this case:	
Mailing address *(This address will **not** be kept private.) (street address or PO box, city, state zip):*			

☐ If your case is **only** about a protection order, the information below is **not** required. Skip to *3.*

Home address *(check one):* ☐ same as mailing address ☐ listed below *(street, city, state, zip):*		
Phone:	Email:	Social Sec. #:
Employer's name:		Employer's phone:
Employer's address:		

3. **Other Children's Information (if any)** *(You do not have to fill out the children's Social Security numbers if your case is only about a protection order.)*

Child's full name *(first, middle, last)*	Date of birth *(MM/DD/YYYY)*	Race	Sex	Soc. Sec. #	Current location: lives with
7.			☐ M ☐ F		☐ Petitioner ☐ Respondent ☐ other: _____
8.			☐ M ☐ F		☐ Petitioner ☐ Respondent ☐ other: _____

Superior Court of Washington, County of _____

In re: Petitioner/s *(person/s who started this case)*: _____ And Respondent/s *(other party/parties)*: _____	No. _____ Notice Re Military Dependent (NTDMP)

Notice Re Military Dependent

*(For qualified Reservist or National Guard member dependents only – **not** regular U.S. Armed Service member dependents. Military service members have other legal protections that are not described in this Notice.)*

You qualify for special legal protections in this case **if** you are a military dependent **and:**

- Your spouse (or parent, if you are under 18) is a Washington resident who is a member of the National Guard or Reserves called to active military duty for more than 30 days in a row, **or**
- For the last 6 months or longer, 50% or more of your income was from a Washington resident who is a member of the National Guard or Reserves called to active military duty for more than 30 days in a row.

If you qualify…

You should tell me *in writing* that you qualify within **20 days** of the date you get this *Notice.* After you notify me, the Court will not approve final orders without first assigning a lawyer to help you. You will not lose any rights in this case by notifying me about your status. Notifying me about your status is not the same as appearing or responding to the *Petition*.

If you **do not** notify me…

The Court will assume you are not a protected military dependent, and may approve final orders without hearing your side.

This is a summary of the notice described in RCW 38.42.050(3)(a). The full text is on page 2.

_____	_____	_____
Person who filed Petition or lawyer signs here	*Print name and WSBA # if lawyer*	*Date*

NOTICE:

State and federal law provide protections to defendants who are in the military service, and to their dependents. Dependents of a service member are the service member's spouse, the service member's minor child, or an individual for whom the service member provided more than one-half of the individual's support for one hundred eighty days immediately preceding an application for relief.

One protection provided is the protection against the entry of a default judgment in certain circumstances. This notice pertains only to a defendant who is a dependent of a member of the national guard or a military reserve component under a call to active service, or a national guard member under a call to service authorized by the governor of the state of Washington, for a period of more than thirty consecutive days. Other defendants in military service also have protections against default judgments not covered by this notice.

If you are the dependent of a member of the national guard or a military reserve component under a call to active service, or a national guard member under a call to service authorized by the governor of the state of Washington, for a period of more than thirty consecutive days, you should notify the plaintiff or the plaintiff's attorneys in writing of your status as such within twenty days of the receipt of this notice. If you fail to do so, then a court or an administrative tribunal may presume that you are not a dependent of an active duty member of the national guard or reserves, or a national guard member under a call to service authorized by the governor of the state of Washington, and proceed with the entry of an order of default and/or a default judgment without further proof of your status. Your response to the plaintiff or plaintiff's attorneys about your status does not constitute an appearance for jurisdictional purposes in any pending litigation nor a waiver of your rights.

Superior Court of Washington
County of

In re: Petitioner, and Respondent.	**No**. **Declaration re: Service Members Civil Relief Act (Optional Use) (AFSCR)**

I (name) _____ , ***Declare*** that:

1. Service member status ---

(Name of nonmoving party)_____:

☐ is not a service member.
☐ is a service member (fill out below):

Military Branch	State of Residence	Duty Status	Protection of Rights
☐ U.S. Armed Forces ☐ National Guard or Reserves	☐ Washington ☐ **Not** Washington	☐ On active military duty ☐ **Not** on active military duty	*In this case, the service member:* ☐ has his/her own lawyer. ☐ has a lawyer appointed by the court. *The court:* ☐ has suspended or delayed this case. ☐ has **not** suspended or delayed this case.

☐ I am unable to determine whether the nonmoving party is or is not on active duty in the U.S. armed forces;
☐ I am unable to determine whether the nonmoving party is or is not on active duty as a National Guard member or a Reservist residing in Washington.

The information above is based on the following:

☐ See the attached Department of Defense Manpower Data Center Status Report Pursuant to Servicemembers Civil Relief Act (SCRA) obtained from https://www.dmdc.osd.mil/appj/scra/. (You must have the person's social security number to search in this site.)

☐ My personal knowledge (explain):

2. Dependent of a service member status ---

(Name of the nonmoving party) _____:

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

☐ is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist:

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

☐ I am unable to determine whether the nonmoving party is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist.

The information above is based on the following:

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

☐ My personal knowledge (explain):

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

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

_____
Signature of Petitioner or Lawyer/WSBA No.

_____
Print Name

CASE TYPES 3 - 6

_____ COUNTY SUPERIOR COURT

CASE INFORMATION COVER SHEET

Case Number _____ **Case Title** _____

Attorney Name _____ **Bar Membership Number** _____

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time in docketing new cases, but helps in forecasting needed judicial resources. Cause of action definitions are listed on the back of this form. Thank you for your cooperation.

DOMESTIC RELATIONS

___ Annulment/Invalidity (INV 3)
___ Child Custody (CUS 3)
___ Committed Intimate Relationship (CIR 3)
___ Dissolution with Children (DIC 3)
___ Dissolution with no Children (DIN 3)
___ Dissolution of Domestic Partnership with Children (DPC 3)
___ Dissolution of Domestic Partnership with No Children (DPN 3)
___ Foreign Judgment (FJU 3)
___ Invalidity-Domestic Partnership (INP 3)
___ Legal Separation (SEP 3)
___ Legal Separation-Domestic Partnership (SPD 3)
___ Mandatory Wage Assignment (MWA 3)
___ Modification (MOD 3)
___ Modification: Support Only (MDS 3)
___ Out-of-State Custody (OSC 3)
___ Parenting Plan/Child Support (PPS 3)
___ Reciprocal, Respondent in County (RIC 3)
___ Reciprocal, Respondent Out of County (ROC 3)

DOMESTIC VIOLENCE/ANTIHARASSMENT

___ Confidential Name Change (CHN 5)

MENTAL ILLNESS

___ Alcohol/Drug Treatment (ALT 6)
___ Mental Illness-Adult (MI 6)
___ Mental Illness-Juvenile (MIJ 6)
___ Mental Illness-Other Venue (MIO 6)
___ Mental Illness-Family Petition (MIF 6)

ADOPTION/PARENTAGE

___ Adoption (ADP 5)
___ Confidential Intermediary (MSC 5)
___ Initial Pre-Placement Report (PPR 5)
___ Modification (MOD 5)
___ Parentage (PAT 5)
___ Parentage/URESA/UIFSA (PUR 5)
___ Relinquishment (REL 5)
___ (Title 26)Termination of Parent-Child Relationship (TER 5)

PROBATE/GUARDIANSHIP

___ Absentee (ABS 4)
___ Disclaimer (DSC 4)
___ Estate (EST 4)
___ Foreign Will (FNW 4)
___ Guardianship (GDN 4)
___ Guardianship/Estate (G/E 4)
___ Guardianship of the Estate (GDE 4)
___ Guardianship of the Person (GDP 4)
___ Limited Guardianship (LGD 4)
___ Limited Guardianship of the Estate (LGE 4)
___ Limited Guardianship of the Person (LGP 4)
___ Minor Guardianship (MGD 4)
___ Minor Settlement (With guardianship) (MST 4)
___ Non-Probate Notice to Creditors (NNC 4)
___ Sealed Will Repository (SWR 4)
___ Trust/Estate Dispute Resolution (TDR 4)
___ Trust (TRS 4)
___ Will Only (WLL 4)

If you cannot determine the appropriate category, please describe the cause of action below.

_____

Please Note: Public information in court files and pleadings may be posted on a public Web site.

DOMESTIC RELATIONS

Annulment--Invalidity--Petition claiming an illegal or invalid marriage.

Child Custody--Petition involving the immediate charge and control of a child.

Committed Intimate Relationship-

Petition for distribution of property from a committed intimate relationship (i.e., a stable, marital-like relationship where both parties cohabit with knowledge that a lawful marriage between them does not exist).

Dissolution with Children--Petition to terminate a marriage other than annulment, with children of that marriage.

Dissolution with no Children--Petition to terminate a marriage other than annulment, with no children of that marriage.

Dissolution of Domestic Partnership–With Children--Petition to terminate a domestic partnership, other than annulment, with children of that domestic partnership.

Dissolution of Domestic Partnership–With No Children--Petition to terminate a domestic partnership, other than annulment, with no children of that domestic partnership.

Foreign Judgment--A judgment, decree, or order of a court of the United States, or any state or territory, which is entitled to full faith and credit in this state.

Invalidity–Domestic Partnership--Petition to invalidate a domestic partnership.

Legal Separation--Petition to live separate and apart.

Legal Separation-Domestic Partnership -- Petition to live separate and apart in a domestic partnership.

Mandatory Wage Assignment--Petition for wage assignment.

Modification--Petition seeking amendment of a previous order or decree.

Modification: Support Only--Petition seeking amendment of a previous order or decree regarding support.

Out-of-State Custody--Recording custody established out-of-state.

Parenting Plan/Child Support—Petition for Residential Schedule/Parenting Plan/Child Support in circumstances set forth in RCW 26.26.375.

Reciprocal, Respondent-in-County-Petition to enforce orders between states under URESA for respondents in the county.

Reciprocal, Respondent-Out-of-County-Petition to enforce orders between states under URESA for respondents out of the county.

DOMESTIC VIOLENCE/ ANTIHARASSMENT

Confidential Name Change--Petition for name change, when domestic violence/antiharassment issues require confidentiality.

MENTAL ILLNESS

Alcohol/Drug Treatment--Petition for involuntary treatment for one who is incapacitated by alcohol or drugs.

Mental Illness--Adult--Petition for involuntary treatment for an adult who is incapacitated by mental illness.

Mental Illness--Juvenile--Petition for involuntary treatment for a juvenile who is incapacitated by mental illness.

Mental Illness–Other Venue--Petition to modify or revoke a Less Restrictive Alternative originally issued in another county.

Mental Illness-Family Petition-- Petition for review of a DMHP decision to not detain a person for evaluation and treatment involuntary treatment under the Involuntary Treatment Act. Petition filed by family member, guardian, or conservator of the person named in the petition.

ADOPTION/PARENTAGE

Adoption--Petition to establish a new, permanent relationship of parent and child not having that relationship.

Confidential Intermediary--Petition to appoint a confidential intermediary to contact the adopted person(s), birth parent(s), or other relative(s).

Initial Pre-Placement --An initial pre-placement report filed on a child by the DSHS prior to the filing of adoption papers.

Modification--Petition seeking amendment of a previous order or decree.

Parentage --Petition to determine the legal status of a parent.

Paternity/URESA/UIFSA --Petition to determine the legal status of a parent which is filed in conjunction with the reciprocal report entered under the URESA or UIFSA acts.

Relinquishment--Petition to relinquish a child to DSHS, an agency, or a prospective adoptive parent.

(Title 26) Termination of Parent-Child Relationship--Petition to terminate a parent-child relationship when parent has not executed a written consent.

PROBATE/GUARDIANSHIP

Absentee--Petition to determine the location of absent owner of real or personal property.

Disclaimer--Recording a written instrument disclaiming an interest by beneficiaries.

Estate--Petition seeking court settlement of a deceased person's property.

Foreign Will--Filing of a will for probate that has been proved in another state, territory, or foreign country.

Guardianship--Petition to appoint a guardian over a person and estate to manage the affairs of an incompetent or non-resident person.

Guardianship/Estate--Petition seeking court settlement for the property of a deceased person who was the ward of a guardian.

Guardianship of the Estate – Petition to appoint a guardian over the estate to manage the affairs of an incompetent or non-resident person.

Guardianship of the Person – Petition to appoint a guardian over a person to manage the affairs of an incompetent or non-resident person.

Limited Guardianship--Petition to appoint a limited guardian with only partial responsibility for the ward's person and property, where the ward is not fully incompetent.

Limited Guardianship of the Estate--Petition to appoint a limited guardian with only partial responsibility for the person's property, where the ward is not fully incompetent.

Limited Guardianship of the Person--Petition to appoint a limited guardian with only partial responsibility for the person, where the ward is not fully incompetent.

Minor Guardianship--Petition is based solely on the underage status of the Ward/Minor.

Minor Settlements--Petition for a court decision that an award to a minor is appropriate when letters of guardianship are required (e.g., net settlement value is greater than $25,000).

Non-Probate Notice to Creditors--The filing of a non-probate notice to creditors in a case in which no probate action is expected (e.g., an estate with a living trust which does not require probate, providing the heirs with an opportunity to start the time period for creditor filing of claims).

Sealed Will Repository – Filing a will under seal before a testator's death, as authorized by RCW 11.12.265.

Trust/Estate Dispute Resolution – The filing of a dispute in any estate, guardianship, or trust.

Trust-- A case filed, by order, separately from a guardianship or probate case.

Will Only--Filing a will when no further action shall be taken.

Superior Court of Washington, County of _____

In re: Petitioner/s *(person/s who started this case)*: _____ And Respondent/s *(other party/parties)*: _____	No. _____ Proof of Personal Service (AFSR)

Proof of Personal Service

Server declares:

1. My name is: _____. I am not a party to this case. I am 18 or older.

2. Personal Service

I served court documents for this case to *(name of party):* _____ by *(check one):*

☐ giving the documents directly to him/her.

☐ giving the documents to *(name):* _____, a person of suitable age and discretion who lives at the same address as the party.

3. Date, time, and address of service

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

Address:

_____

Number and street *city* *state* *zip*

4. List all documents you served *(check all that apply):*

(The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document you served that is not already listed.)

☐ Petition to/for _____	
☐ Summons *(Attach a copy.)*	☐ Notice of Hearing _____
☐ Order Setting Case Schedule	☐ Motion for Temporary Family Law Order ☐ and Restraining Order
☐ Notice Re Military Dependent	☐ Proposed Temporary Family Law Order
☐ Proposed Parenting Plan	☐ Motion for Immediate Restraining Order (Ex Parte)
☐ Proposed Child Support Order	☐ Immediate Restraining Order (Ex Parte) and Hearing Notice
☐ Proposed Child Support Worksheets	☐ Restraining Order
☐ Sealed Financial Documents	☐ Motion for Contempt Hearing
☐ Financial Declaration	☐ Order to Go to Court for Contempt Hearing
☐ Declaration of: _____	☐ Notice of Intent to Move with Children (Relocation)
☐ Declaration of: _____	☐ Objection about Moving with Children and Petition about Changing a Parenting/ Custody Order (Relocation)
☐ Other:_____	☐ Other:_____
☐ Other:_____	☐ Other:_____

5. Fees charged for service

☐ Does not apply.

☐ Fees: $ _____ + Mileage $ _____ = Total: $_____

6. Other Information (if any): _____

_____

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at *(city and state):* _____ Date: _____

▶ _____ _____

Signature of server *Print or type name of server*

To the party having these documents served:

- File the original *Proof of Personal Service* with the court clerk.
- If you served a *Restraining Order* signed by the court, you must also give a copy of this *Proof of Personal Service* and a *Law Enforcement Information Sheet* to law enforcement.

☐ **To the Server:** check here if you personally served the documents *outside* Washington state. Your signature must be notarized or sworn before a court clerk.

(For personal service in Washington state, your signature does not need to be notarized or sworn before a court clerk.)

Signed and sworn to before me on *(date):* _____.

▶ _____

Signature of notary or court clerk

_____

Print name of notary or court clerk

☐ I am a notary public in and for the state of:

_____

My commission expires: _____

☐ I am a court clerk in a court of record in

(county): _____

(state): _____

(Print seal above.)

Superior Court of Washington, County of _____

In re: Petitioner/s *(person/s who started this case)*: _____ And Respondent/s *(other party/parties)*: _____	No. _____ Service Accepted (ACSR)

Service Accepted

1. I am *(name):* _____. I accept service of the following documents *(check all that apply):*

(The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document served that is not already listed.)

☐ Petition to/for _____	
☐ Summons *(Attach a copy.)*	☐ Notice of Hearing _____
☐ Order Setting Case Schedule	☐ Motion for Temporary Family Law Order ☐ and Restraining Order
☐ Notice Re Military Dependents	☐ Proposed Temporary Family Law Order
☐ Proposed Parenting Plan	☐ Motion for Immediate Restraining Order (Ex Parte)
☐ Proposed Child Support Order	☐ Immediate Restraining Order (Ex Parte) and Hearing Notice
☐ Proposed Child Support Worksheets	☐ Restraining Order

☐ Sealed Financial Documents	☐ Motion for Contempt Hearing
☐ Financial Declaration	☐ Order to Go to Court for Contempt Hearing
☐ Declaration of: _____	☐ Other: _____
☐ Declaration of: _____	☐ Other: _____
☐ Declaration of: _____	☐ Other: _____
☐ Other: _____	☐ Other: _____
☐ Other: _____	☐ Other: _____
☐ Other: _____	☐ Other: _____

2. **Personal Jurisdiction** *(check one):*

☐ I **agree** this court has jurisdiction over me (or my client) for this case.

☐ I **do not agree** this court has jurisdiction over me (or my client) for this case because:

_____

_____

Signing this form means you agree that you have *received* the court papers for this case. It does not mean that you *agree* with the papers.

If you sign below, you must also list an address where you agree to accept legal papers for this case. This may be a lawyer's address or any other address.

▶ _____ _____ _____

Sign here *Print name (if lawyer, also provide WSBA #)* *Date*

_____

street address or P.O. box *city* *state* *zip*

(Optional) email: _____

*(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information form (FL All Family 001) if this case involves parentage or child support.)*

☐ I am the lawyer for *(name):* _____

Superior Court of Washington, County of _____

In re: Petitioner/s *(person/s who started this case)*: _____ And Respondent/s *(other party/parties)*: _____	No. _____ Declaration: Personal Service Could Not be Made in Washington (DCLR)

Declaration: Personal Service Could Not be Made in Washington

For personal service outside Washington to be valid, you must explain why you could not personally serve the other party inside Washington. RCW 4.28.185(4).

1. I am the *(check one):* ☐ Petitioner. ☐ Respondent.

2. **Th**e other party *(name):* _____ was personally served outside Washington state.

3. **This person could** not **be personally served inside Washington state because:**

_____

_____

_____

_____

_____

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at *(city and state):* _____ Date: _____

▶ _____ _____

Sign here *Print or type name*

Superior Court of Washington, County of _____

In re: Petitioner/s *(person/s who started this case)*: _____ And Respondent/s *(other party/parties)*: _____	No. _____ Waiver of Rights Under Servicemembers Civil Relief Act and Admission of Service (No Mandatory Form Available)

My name is _____. I am the respondent/nonrequesting party in the above-entitled action. The Other party has requested a determination of parentage and related relief, which may include a parenting plan/residential schedule and/or child support court orders. I am a member or the dependent of a member of the United States military and I am informed of my rights under the Servicemembers Civil Relief Act of March 4, 1918, as amended and the Military Servicemember Civil Relief Act, RCW Ch. 38.42. I waive my rights under the Servicemembers Civil Relief Act and the Military Servicemembers Civil Relief Act, RCW Ch. 38.42 and I request the court to determine whether to grant the relief requested by the petitioner/requesting party.

I received a copy of the Summons and Petition for Establishment of Parentage and Proposed Parenting Plan or Residential Schedule and Child Support Worksheets (if applicable) and other documents listed in the Proof of Personal Service or Acceptance of Service in this matter on _____.

Name of Servicemember: _____

Rank: _____

Serial No.: _____

Unit: _____

Signed at _____, on _____.
[Place] [Date]

_____
Signature of Nonrequesting Party

_____
Print or Type Name

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____.

_____
NOTARY PUBLIC in and for
the state of _____,
residing at _____.
My Commission Expires: _____.

3620EN – FILING A PETITION TO DECIDE PARENTAGE
EVALUATION FORM

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

LeeAnn Friedman
Northwest Justice Project
500 W. 8th, Suite 275
Vancouver, WA 98660
Or email to webmaster@nwjustice.org

1. Where did you get this packet?

   ☐ CLEAR ☐ washingtonlawhelp.org ☐ Court Clerk or Facilitator

   ☐ Other: _____

2. What is your primary language? _____

3. Are you low-income? ☐ yes ☐ no

4. What is the last grade you finished in school? _____

5. Did you read the instructions? ☐ yes ☐ no

6. Did you need the help of an agency, court facilitator, or advocate to complete your case? ☐ yes ☐ no

   If yes, what agency or individual helped you? _____

7. Did you find anything hard to understand? ☐ yes ☐ no

   If yes, please tell us what. _____

   _____

   _____

8. Did you find any mistakes? ☐ yes ☐ no

   Describe mistakes. Include the page #. _____

   _____

   _____

   _____

9. Additional Comments [use back if you need to]: _____

   _____

10. Today's Date: _____