



Changing a Parenting Plan/Child Custody Order

Should I read this?

Yes, if you want to change a final court order that sets out who has custody of your child and who she visits with. This order might be a Custody Decree or Order, Residential Schedule, or Parenting Plan. Here we will call all these orders “Parenting Plans.”

The Parenting Plan may be between you and an ex-spouse, ex-boyfriend or -girlfriend, or someone else who has been taking care of the child, such as another relative. To make things easier, we just refer to “the other parent.”

What can I ask for in a Petition to Change Parenting Plan?

You ask the court for a new Parenting Plan. The new Parenting Plan may be very different or just a little different from the current order.

Example 1: You do not have custody now. You can ask the judge to award you custody. **Example 2:** You have custody. You are worried about the other parent’s time with the child. You can ask the judge to change that. If the change to the parenting plan is major, you can also ask for a change to child support.

❖ “Judge” here refers to a judge **or** court commissioner.

What is the difference between a “major” and “minor” modification?

The word “modification” means a change. A major modification is a Petition to Change Parenting Plan asking for a big change to your current Parenting Plan. A minor modification asks for small changes.

Example 1: asking for a change in custody is a major modification. **Example 2:** Asking for a change in the dates of holiday visits is a minor modification.

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

If you file in the same county that entered your parenting plan, the court will charge you a \$30 - \$56 filing fee. If you file in a different county, or under a different case number, the filing fee will be between \$200 and \$205. There will also be copying costs and maybe fees for serving papers on the other parties. If you hire a lawyer, you must pay attorney's fees and costs.

If you cannot afford a lawyer and need to file a petition to change parenting plan on your own, download the packets you need from WashingtonLawHelp.org. You can also fill out some family law forms online using our Washington Forms Online program at WashingtonLawHelp.org. You can also call CLEAR at 1-888-201-1014 and ask them to mail you a copy.

What if I cannot afford the filing fee?

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

Will the court grant my petition automatically?

No. First, you must prove there is a good reason for the change. Before the judge will allow a change or even a trial, there will be a hearing called an **Adequate Cause** or **Threshold hearing**. If you cannot prove you have good reasons at that hearing, the judge will dismiss the case.

How do I prove we need a major modification?

If you prove there is a good reason at the first "Adequate Cause" hearing, the judge will schedule a trial date. If the other parent does not agree to the change, there will be a trial. At trial, the judge will decide whether to allow the modification.

At trial, you must prove there has been a big change (**substantial change of circumstances**) in the child's or other parent's life since the entry of the current Parenting Plan . That means one of these:

- The parents and any custodian agree to the modification

- The parent with custody under the current Parenting Plan has let the child live with the other parent for a substantial time
- The place where the child is supposed to live under the current Parenting Plan is not safe for the child physically, mentally or emotionally. It would be more harmful to leave the child where she is than to move her to the other parent's home
- A court has held the other parent in contempt at least twice in three years for not following the Parenting Plan, or criminally convicted the other parent of custodial interference in the first or second degree
- **Nonparent custody cases only:** you are the parent. You can file a major modification to show your situation has improved. You must also prove that it will not harm the child to be back in your custody. Read [Parents: You Lost a Non-Custody Case. Now What?](#)

❖ **MILITARY PARENTS:** If a parent involved in your case has been deployed, activated, or mobilized, special rules apply. Get advice from a family law attorney. Read [Military Service and Parenting Plan Modifications: Your Rights in Washington State.](#)

How do I prove we need a minor modification?

The judge may order this if both of these are true:

- there has been a substantial change of circumstances in either parent's life or the child's life
- the change is in the child's best interests

Some **examples:**

- A parent's work schedule has changed.
- A parent wants to take the child on a longer vacation than the current Parenting Plan allows. The child is older now. The child can spend a longer time away from the other parent.

❖ A minor modification can **only** change custody if one parent is moving with the child.

I do not want to change the Parenting Plan. I am having other problems with the other parent. What can I do?

If you are happy with the current order, but the other parent has not been following it, or you need the terms of the current order clarified, you should file for contempt or clarification. If you just want to change the amount of child support, file a Petition to Modify Child Support Order. Read [Change Your Child Support Court Order](#). Use our [File a Petition to Modify a Child Support Court Order](#) packet.

What if I do not have a final Parenting Plan?

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

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

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

Where is the law about changing a parenting plan?

Some of the law is at most public libraries or online at apps.leg.wa.gov/RCW/default.aspx. Some of the law is set out in the Revised Code of Washington ([RCW](#)) [26.09.260](#) and other parts of [RCW 26.09](#). Some of it comes from cases decided by courts. Ask your public library's reference section how to find court cases. If you cannot afford to hire a lawyer for your whole case, a lawyer might be able to help with some parts of your case for less pay. **Example:** You can hire a lawyer to research an issue for you or check over legal papers you filled out.

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