



Northwest Justice Project

Self-Help Guide to Following Washington's Relocation Law

Instructions and Forms
March 2014

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Section 1: Introduction

A. Who is this packet for?

If you have legal **custody of your child**¹, and you wish to move (“relocate”) and take the child with you, state law says you may have to do certain things first. This packet has forms and instructions to help you do those things.

If you are planning to relocate with your child², and an existing court order allows the other parent or a third party (like a grandparent) visitation with the child, you must give that person advance notice of your plan to move. Once you have done so, if the other parent objects to the relocation of the child, s/he must file an objection with the court within thirty days.

◆ The laws on relocation are complicated. Talk to a lawyer before deciding whether to relocate.

If there is no existing court order, or the court order does not give anyone else visitation rights, the relocation law does not apply to you. You may move. You do not need to read further. Be aware of custodial interference laws and UCCJA (jurisdiction) laws.

◆ The law is complicated. Read this packet step-by-step.

B. I have an older parenting plan. Does the relocation law to us?

If your parenting plan or court order was entered **after** June 8, 2000: the law fully applies.

If the court entered your parenting plan **before** June 8, 2000, and does not include any specific provisions about relocation, yes, the law applies to you. Go to Section “D” to begin reading what you need to do.

If the court entered your parenting plan³ **before** June 8, 2000, and the order specifically addresses relocation, the law may apply in part. If any part of your current court order issued before June 8, 2000 directly conflicts with the law, the law does not apply to the issues the order covers.

◆ You should follow what is written in your parenting plan. If you are not sure whether the relocation law applies, talk to a lawyer.

¹ This packet uses the terms “custodial parent” and “noncustodial parent” to make things simpler. The legal terms are longer and sometimes confusing. The custodial parent is “the parent with whom the child resides the majority of the time.” The noncustodial parent is “the parent who has residential time or visitation.”

² Your case may be about more than one child. In this packet, we say “child” instead of “children” for short.

³ We will use the term “parenting plan” in this packet for short to refer to your parenting plan OR your residential schedule OR your custody order.

C. I do not have a parenting plan. Can I move with the child?

If there is no existing order regarding residential time or visitation with your child, **the statute does not apply**. You may move. Just be aware of custodial interference laws and UCCJA (jurisdiction) laws.

Custodial interference laws make it a crime to take or hide a child from the other parent with the intent to deny that parent access to the child for a long time, even if there are no parenting plans in place. It is a more serious crime if the child is moved from the state where s/he usually lives.

Let the other parent know where you are going, and how to reach you to arrange contact with the child. That should minimize the risk of you facing criminal custodial interference charges.

◆ If, you feel that safety reasons keep you from telling the other parent where you are going, talk to a lawyer before taking action.

The **UCCJEA** is the law controlling which court has jurisdiction to make custody and visitation decisions about your child. It says that, in most cases, if a parent moves a child out of state, the old state continues to be the child’s “home state” for six months after the move as long as one parent still lives there. Any court action within the first six months after relocation will probably need to take place in the old state. If you have no custody or visitation order, and the other parent stays in Washington and files a court case, you will need to respond and be ready to return to Washington.

D. The law applies to me. What do I do?

1. How Do I Relocate within the Same School District?

If you plan to move within the same school district in which the child currently lives, you must provide actual notice to every person entitled to visitation with your child of:

- your new address
- your phone number
- any new daycare provider or school

The notice may be in any form. You can tell the other parent on the phone, in person, by email, or hand them a note. It is best to write the other parent a letter about the move. Keep a copy for your records. Send the letter by certified mail or any form of mail that provides proof of delivery.

◆ No one may object to this type of relocation.

2. How Do I Relocate Outside of Our School District?

If you are the custodial parent under the parenting plan or custody order and you want to move with your child outside of the school district you currently live in, you must give notice of your

intent to relocate to the noncustodial parent and to every other person entitled to visitation with the child. The Notice form is in this packet.

Generally, you must give notice **at least 60 days** before the date of your intended move in one of the following ways:

- through personal service (by a third party who signs a statement that s/he delivered the notice to the other parent) OR
- by any form of mail that requires a return receipt. Our packet [Service by Certified Mail or Publication](#) has more information and forms.

◆ **Example 1:** 60-day Notice - if you plan to move on September 1st, then you must give notice to the other parent on or before July 2nd.

◆ **Example 2:** You give relocation notice on July 1 that you plan to move to another city. You do not have the exact new address at the time of notice, so you do not include it. On July 15, you get a new address. You must write the court and everyone else entitled to residential time or visitation a letter giving your new address. This shows the court you are following the statute in “good faith.” This will help when the court is deciding whether to allow the relocation.

◆ See below for exceptions to this 60-day notice requirement.

3. Are There Any Exceptions to the 60-day Notice Requirement? I have an emergency. I need to move quickly.

If you would like to move with the child but you do not have 60 days in which to give notice before moving, you **must give notice within five days** after you actually know you are moving. Be ready to show;

- you could not reasonably have known about the relocation in time to give 60 days’ notice
- and you cannot reasonably delay the relocation

◆ **Example:** On November 1, you get a notice that the military is transferring you to a new location on November 30. You must give notice by November 6.

Here are some situations where it is okay to give less or different Notice:

- If you are relocating because you are entering a domestic violence shelter, you may delay notice for 21 days. The shelter is not required to disclose any confidential information about itself.

Example: If you enter a DV shelter on July 1, you do not have to give notice until July 27 (21 days plus the five days we explain above). You do not need to include the confidential address.

- If you are taking part in the Address Confidentiality Program or have a court order permitting you to withhold specific information, do not include that information in your notice.
- If you are moving to avoid a clear, immediate, and unreasonable risk to your health or safety or the health or safety of the child, you may delay notice for 21 days (plus the five days explained above). This is the same as if you were moving to a DV shelter.

If you believe that your health or safety or your child’s health or safety would be at risk by the release of information required in the notice, you may request an *ex parte* hearing with the court⁴ to have that part of the notice waived. An *ex parte* hearing is a hearing without giving the other person any notice of that hearing. Usually this hearing is the same day you request it. Our packet called [Self-Help Guide for Getting an Ex Parte \(Emergency\) Order to Move with Your Children](#) has more information.

After this hearing, the court may waive some or all of the required notice information. You may not have to give notice. You may not have to give all the details normally required. Or the court may provide some other type of relief that meets your needs and your child’s.

E. Where do I file my notice?

You should file your notice in the same county where you were divorced, or where the court entered the parenting plan, if possible. If you file your notice in a different county, your current custody order will first have to be registered as a foreign order in that county, and then assigned a new case number for that county.

F. What happens if I do not give notice?

Failure to give the proper notice of relocation is grounds for sanctions by the court, including, in some cases, contempt. The court may put a penalty on you. Such penalties could include:

- ordering the child returned to your old location in Washington (or to the other parent’s home)
- ordering you to pay the other person’s attorney’s fees and costs
- jail time
- fines
- some other type of punishment

⁴ When we say “the court” in this packet, we mean the judge or family court commissioner who hears your case when it gets to court.

◆ If you are found in contempt more than once in a three-year period, the court may grant custody to the other parent.

G. I have given notice. When may I move?

Usually you should wait until sixty days have passed after giving notice. You do not have to if you fall under one of the exceptions above.

In general:

- You may not move the child during the first thirty days without a court order, unless you can prove that the other parent will not object.
- If no objection is filed within thirty days, the law permits the relocation. You may then go ahead and move.
- If an objection IS filed, wait until the judge has made a final decision about that objection, or until you get an order from the court allowing you to relocate on a temporary basis (see discussion below on Temporary Orders).

The person who objects to the relocation must schedule a hearing within fifteen days, using a motion to keep you from moving if s/he wants to stop your move temporarily before the court makes its final decision. Even if the objecting person does not ask for a restraining order to stop you, think carefully about moving before the court makes a final decision. If you are unable to follow the existing parenting plan after you move, then the court will likely find you in contempt. (See above.) Even if you could follow the parenting plan, the judge may think it was in “bad faith” to move after the other parent objected. You may also have to move your child twice if the court’s final order does not allow you to permanently relocate the child.

H. I am the noncustodial parent. I have gotten a notice of intended relocation. I do not want my child to move. How do I object?

◆ If you have been given notice of a proposed relocation within the same school district, you may not object. You may still modify the parenting plan if the relocation makes it necessary to make minor changes to visitation or to other provisions of the parenting plan. (**Examples:** who provides transportation, or where you meet to transfer the child.)

If you have gotten notice of a proposed relocation **outside of the current school district** and you do not want your child to move, you **must** file an objection **within 30 days** of receiving that notice. Our packet called [Self-Help Guide for Objecting When the Other Parent Wants to Move with the Child](#) has information, forms and instructions.

You can also object by filing:

- a petition for modification of the parenting plan pursuant to relocation OR

- some other court action, such as a motion for a temporary order, that would provide adequate grounds for relief

- ◆ A letter to the judge or to the relocating parent will not satisfy the law. Use one of the methods in this paragraph.
- ◆ **The court cannot stop the adult from moving.** If you file an objection to stop the child from moving, be ready to have the child live with you, and to prove to the court that it would be in the child’s best interest for that to happen.

I. I am the noncustodial parent. The custodial parent moved outside the school district without giving me proper notice. Can I object?

Yes. You can file an objection as described in section H. Or you can file a petition or other court action as described in that section.

J. I am a grandparent/other relative. May I file an objection and try to stop the move?

A court **may not** stop relocation when the only objection is from a nonparent UNLESS:

- that nonparent has visitation rights under court order AND
- the nonparent has served as custodian of the child for a substantial period of time during the past three years

K. Can I get a court order before the hearing on relocation happens?

If you have objected to relocation:

and you are waiting for a hearing, ask the court for a temporary order restraining relocation of the child, or ordering the return of a child if the move has already happened. Our packet called [Self-Help Guide for Objecting When the Other Parent Wants to Move with the Child](#) has more information, forms and instructions.

If you have given notice of intended relocation:

You may ask the court to grant a temporary order approving the intended move. Use the blank forms at the end of this packet. The court will grant the order, before a final hearing, if it finds:

- the required notice was issued in a timely manner OR there is enough reason to enter a temporary order in the absence of compliance with notice requirements AND
- after examining evidence presented by both parties, it is likely the court would approve the intended relocation of the child

◆ In a very few cases, a relocating parent may be able to get an **ex parte** order allowing relocation before the thirty days have passed. This will depend on the facts of your case. Our packet [Self-Help Guide for Getting an Ex Parte \(Emergency\) Order to Move with Your Children](#) has more information and the forms you need. Or get the forms at <http://www.courts.wa.gov/forms/>. (The form numbers are WPF DRPSCU.07.0800 and 07.0830.)

Section 2: What Forms are in This Packet?

This packet has many of the forms you will need to move outside your current school district.

The Washington Administrative Office of the Courts has Microsoft Word versions of these forms available on their web site for download if you would rather fill them out on your computer at <http://www.courts.wa.gov/forms/>. You will need to have Microsoft Word on the computer you are using.

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

◆ Some counties have their own do-it-yourself packets. These are available from your local Family Law Facilitator or court clerk. It may be easier for you to use a local packet. They will include the rules and forms for your county.

This packet has these blank forms:

Form Name	Form Number
Notice of Intended Relocation of Children	WPF DRPSCU 07.0500
Return of Service (Notice of Intended Relocation of Children)	WPF DRPSCU 07.0600
Response (Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule)	WPF DRPSCU 07.0730
Motion/Declaration for Temporary Order Permitting Relocation of Children	WPF DRPSCU 07.0870
Temporary Order Re: Relocation of Children	WPF DRPSCU 07.0890
Attachment A: Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child	WPF DRPSCU 07.1000

Section 3: What Else Do I Need?

A. Other forms you may need that are not in this packet:

Form Name	Form Number
Motion/Declaration for Ex Parte Order to Waive Requirements for Notice of Intended Relocation of Children	WPF DRPSCU 07.0550
Motion/Declaration for an Ex Parte Order Allowing Change of Children’s Principal Residence (Relocation)	WPF DRPSCU 07.0800
Ex Parte Order Re: Change of Children’s Principal Residence (Relocation)	WPF DRPSCU 07.0830
Motion/Declaration for Ex Parte Order Modifying Parenting Plan/Residential Schedule (Relocation)	WPF DRPSCU 07.0950
Ex Parte Order Modifying Parenting Plan/Residential Schedule (Relocation)	WPF DRPSCU 07.0955

B. Other packets you may need:

- [Self-Help Guide for Getting an Ex Parte \(Emergency\) Order to Move with Your Children](#) – use these forms only in limited circumstances.
- [Parenting Plans and Child Support](#) - Use this packet to ask the court to enter a new parenting plan.

Section 4: Follow These General Instructions before Beginning to Fill Out Any Forms

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.

Write in the name of the county where you are filing your case in the blank space where the form reads "Superior Court of Washington County of _____."

Case name. On the blank under "In re" write your name. In the next blank below "and," write the other parent's name.

Case number. If you already have a parenting plan, use the same case number as appears on its front page. It is in the top right-hand corner. You will write the case number near the top on the right hand section of the first page of every form after "No." (abbreviation for "number.")

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. Use BLACK OR DARK BLUE INK. Your county might require that you type all documents. After filling out each form, re-read it. Be sure you have correctly filled in all the blanks you need to. If you have to make corrections, be sure the correction is neat and readable. Do not write in the margins of any page. The clerk may reject your form.

Section 5: Instructions for Each Form

A. Notice of Intended Relocation - WPF DRPSCU 07.0500

Paragraph I: Notice

- 1.1 List the names and ages of all the children who are both the subject of the parenting plan⁵ and whom you want to relocate. (Do not list any children not covered by your custody order.)
- 1.2 Check the box that applies to your situation.

Paragraph II: Reasons for Relocation

Print neatly all your reasons for moving. Put the most important reasons first. (**Example:** you have remarried. Your new spouse has gotten a job in a different town.) If you have an emergency reason for moving, write that first.

- 3.2 Fill in the address where the other parent can serve you with any notice of objection.

Paragraph IV: Information regarding proposed relocation

Fill in 4.1 – 4.4 to the best of your ability, unless you have good reason for not doing so. (See above: “Are There Exceptions to the 60-Day Notice Requirement”).

- 4.5 Check the first box if the relocation will require a new parenting plan. Check the second box if you are attaching a proposed parenting plan.

If you do not know that information at the time of notice, you must update the information to all parties as you get it.

Sign, date and fill in the place you signed.

B. Response to Objection of Relocation - WPF DRPSCU 07.0730

The “Response,” for short, is your chance to answer what the other parent says in his/her Objection to your Notice of Relocation. Look at the Objection you got from the other parent when filling out the Response form.

⁵ In these instructions, we say “parenting plan” for short for either a parenting plan or a residential schedule.

Fill in the caption. Check the appropriate box on the right if you are also attaching a petition for an Order for Protection or an anti-harassment order.

I. Response:

Admissions & Denials.

While filling out this part of the Response, read each corresponding paragraph of the Objection. If you agree with the statement in the Objection, check the box to the left of "Admitted." If you disagree, check the "Denied" box. If you do not know, check "Lacks Information." Do this for each paragraph of the Objection.

If you disagree with ANY PART of the information in a paragraph, check the "Denied" box for the whole paragraph. Whenever you do that, explain why you are denying in the space provided at the end of part 1.1.

Listed below are some specific instructions for some (not all) paragraphs of the Objection that you are responding to.

- 1.1** You should deny this if the other parent's name is wrong.
- 1.2** You should deny this if the other parent incorrectly listed your name.
- 1.3** If the other parent lists any names, you should deny this if the names are wrong, or if you disagree that anyone else is entitled to time with the child. If the other parents has listed no names but you believe there should be, deny this.
- 1.4** Deny this if the other parent has listed any child's names and/or ages wrong.
- 2.1** Deny this if the other parent wrote anything wrong in, such as the date of your Notice Relocation.
- 2.2** Deny this if the other parent wrote anything wrong in, such as the date of your Notice Relocation.
- 3.1** Deny this if the other parent wrote anything wrong in.
- 3.2** You should deny this if you think the other parent should show "adequate cause" to get court permission to move.
- 3.3** If the other parent has asked for a child support order and you do not want the court to enter one, check the second box.
- 3.4** You should deny this if the other parent filled out any of this paragraph incorrectly.
- 3.5** Deny this paragraph if there is anything the other parent checked that you disagree with.
- 3.6** Deny this paragraph if you think the other parent has put the wrong information here.
- 3.7.1** Deny this if you disagree with anything other parent wrote in this paragraph.
- 3.7.2** Deny this if you disagree with anything other parent wrote in this paragraph.
- 3.7.3** Deny this if you disagree with anything other parent wrote in this paragraph.

3.7.4a Deny this if you disagree with anything other parent wrote in this paragraph.

3.7.4b Deny this if you disagree with anything other parent wrote in this paragraph.

3.7.5 Deny this if you disagree with anything other parent wrote in this paragraph.

3.7.6 Deny this if you disagree with anything other parent wrote in this paragraph.

3.7.7 Deny this if you disagree with anything other parent wrote in this paragraph.

3.7.8 Deny this if you disagree with anything other parent wrote in this paragraph.

3.7.9 Deny this if you disagree with anything other parent wrote in this paragraph.

3.7.10 Deny this if you disagree with anything other parent wrote in this paragraph.

3.8 If the other parent has proposed a parenting plan or residential schedule and you disagree with it, check the second box. Then write in your reasons. Otherwise, check the first box.

3.9 If the other parent did not propose a modification to your current parenting plan or residential schedule, check the first box. If the other parent has mischaracterized their modification in this paragraph, then you should deny this paragraph.

3.10 Deny this paragraph if you disagree with the information the other parent put in this paragraph about the two of you and any protection orders.

3.11 Deny this paragraph if you disagree with the information the other parent provided in this paragraph.

Page 2:

This is where you write the reasons for denying each numbered paragraph. You should write or type out the number of each paragraph before giving the reason.

◇ **Example:** You could write something like “3.7.3. I deny that this paragraph is true. It is not more harmful to the child that s/he has less contact with their father because of this move. As it is, s/he only sees her father every other month. She will be able to keep seeing him that often after the move.”

1.3 Reasons for the Relocation of the Children & 1.3 Notice of Further Proceedings:

Read these paragraphs.

1.4 Other

Write in any special requests unique to your situation.

II. Requests

2.1 Check the first box if you want to go to court for a new parenting plan, even if you disagree with the other parent’s objection. Check the second box if you want the court to dismiss the objection and the case.

2.2 If you are asking for dismissal in 2.1, and you do not need a parenting plan, check “does not apply.”

If you want court permission to move **and** a new parenting plan, check the second box.

If all you need is a new parenting plan, check the third box.

If there is a protection order between you and the other parent, check the fourth box. Fill in the information about the protection order.

If you want a new protection order, check the fifth box. Check the appropriate boxes after and fill in the information.

◆ The main benefit of combining protection orders with family law cases is that a judge in a family law case can enter an Order for Protection that restrains a person from contact with his/her minor children for more than one year.⁶ Orders for Protection issued outside a family law case can only restrain contact between a parent and his/her minor child for one year at a time, although the court can renew those orders.

Sign, date and fill in the place you signed.

C. Motion/Declaration for Temporary Order (relocating children) - WPF DRPSCU 07.0870

Fill in the caption.

I. Motion

Date, sign and print your name where it says.

II Declaration

If you served the other parent with notice of your intended relocation, check the first box.

If you did not serve the other parent, check the second box. Explain in the blank space below why you should not have to give notice before moving.

⁶ [RCW 26.50.060\(2\)](#).

- 2.2** Write in why you need a temporary order before your final hearing. (**Example:** “My new job in another state starts before I can schedule a final hearing.”)
- 2.3** If the other parent is in the service or is the spouse or child of a service member, check the box. Write in the blank below why your case should go forward even if the other parent cannot make it.
- 2.4** Use this space to make any other requests specific to your situation.
- Date, sign and print your name where it says to at the bottom of the third page.

D. Temporary Order - WPF DRPCU 07.0890

Fill in the caption.

I. Basis

Check the first box if the motion was to restrain or return the child. Check the appropriate box in the sentence.

Check the second box if the motion was to get permission to move.

II. Findings

2.1: Check the first box if timely notice was provided.

Check the second box if timely notice was not provided, but this did not affect the non-moving parent’s ability to respond to the case. Check the third box if there was no timely notice, but it does not matter. Check the first box if the child have not moved yet. Check the second box if the children moved without permission of the other parent or the court.

Check the first box if you believe the court will not permit the relocation at the final hearing. Check the second and third boxes if you want a temporary order granting relocation.

Check the box if you want the court to grant the temporary order, and the nonmoving parent is absent from court due to active military duty. Otherwise, skip this line.

2.2: Check the first box if you have not yet moved with the children. Check the second box if you have already moved with the children without agreement of the other parent or a court order.

2.3: Check the third box if you are seeking temporary permission to move before your final hearing is scheduled.

2.4: Check the box if the other parent is in the military or a military dependent and is absent from court because of that, but the court should still let you move with the children.

2.5: Leave this blank for the judge to write in anything unique to your situation.

III. Order

Check the box showing what you want the court to order.

If you want the parties to continue to follow the old parenting plan, check the seventh box. Fill in the date that the court entered that parenting plan.

If you are asking for a new, temporary parenting plan, check the eighth box. Fill in the date of your temporary hearing.

At the bottom: Date, then sign under “Presented By.” Print your name in the space provided. Do not sign over “Judge/Commissioner.” That space is for the judge.

Section 6: Instructions for personal service in Washington

You must follow the rules when you are having the other parent personally served. Do not serve the documents on the other parent yourself. Find a person who is over age 18 to serve the papers for you.

Hiring a professional process server: You may want to hire the sheriff or a professional process server 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 parent (who may not be at home when the sheriff tries to serve him/her). Look in the yellow pages of the phone book for process servers.

Ask an adult friend to be your process server. If you cannot afford a process server or the sheriff, any adult over age 18 may serve the papers from you if s/he:

- is not a parent in the case AND
- is mentally competent

Your server must understand how to serve the papers and fill out the return of service form correctly. **If you do not serve the other parent properly, then your court orders could be set aside, even years later.**

Give your server the following:

- the envelope of papers you prepared for service on the other parent
- the other parent's home and work address
- a physical description of the other parent
- any other information that will help the server locate the other parent for service

Give your server the blank Return of Service form to fill out and return to you once service is complete. (Some process servers have their own Return of Service form they will fill out and give to you instead.)

**Superior Court of Washington
County of**

In re:

Child(ren)

Petitioner(s),

and

Respondent(s).

No.

**Notice of Intended Relocation
of Children
(NTRELOC)**

Clerk's Action Required

This document will be filed in a restricted access court file.

I. Notice

1.1 On _____ (Date), I intend to relocate the following children:

Name (first/last) _____ Age _____

1.2 Notification to other parties:

This notice is being served 60 days before the date of the intended relocation of the children.

This notice is being served no more than five days after the date I learned the information below and I did not know nor could I have reasonably known the information in enough time to give the 60 days' notice and it is not reasonable to delay the move.

This notice was delayed 21 days because I entered a domestic violence shelter I am relocating to avoid a clear, immediate and unreasonable risk to the health and safety of myself or the children.

II. Reasons for the Intended Relocation of the Children

I intend to move the children for the following reasons:

III. Objection to Relocation or Proposed Residential Schedule

- 3.1 An objection to the intended move of the children, or to the proposed revised residential schedule filed with this notice, must be filed with the court and served within 30 days after you receive this notice.

The relocation of the children will be permitted and the proposed revised residential schedule may be confirmed unless, within 30 days, you file a petition and motion with the court to block the relocation or object to the proposed revised residential schedule and serve the petition and motion on the person proposing relocation and all other persons entitled by court order to residential time or visitation with the children.

- 3.2 **Your objection must be served on the relocating person at the following address:**

(Street Address, Apartment Number) _____

(City, State, Zip Code) _____

(Serve all other persons entitled to time with the children under court order at their mailing addresses.)

IV. Information Regarding Proposed Relocation if known

4.1 New Residential Address (street address, city, county, state, zip code):	4.2 New Mailing Address (if different from the new residential address):
4.3 New Home Telephone Number ()	
4.4 Name and Address of the Child's New School and Day Care Facility	

(Some or all of this information may be withheld if the relocating person is a participant in the Washington State Address Confidentiality Program or if there is an existing court order that allows some or all of this information to be kept confidential. A relocating person also may seek an ex parte court order allowing information to be withheld upon a showing that providing the information would create unreasonable risk to a person's or a child's health and safety. RCW 26.09.460.)

4.5 Parenting Plan or Residential Schedule

- The parenting plan/residential schedule should not be changed.
- The relocating person's proposed parenting plan or residential schedule is attached. (Use Washington State mandatory pattern forms.)

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

Print or Type Name

**Superior Court of Washington
County of**

In re:

and

Child(ren),
Petitioner(s),

Respondent(s).

No.

**Return of Service
(Notice of Intended Relocation
of Children)
(RTS)**

I Declare:

1. I am over the age of 18 years, and I am not a party to this action.
2. I served (name) _____ with the following documents:

- Notice of Intended Relocation of Children.
- Parenting Plan.
- Residential Schedule.
- Other:

3. The date, time and place of service were:

Date: _____. Time of service or time of mailing _____ a.m./p.m.

Address: _____

4. Service was made pursuant to RCW 26.09.440(1)(a):
- by delivery to the person named in paragraph 2.
 - by delivery to (name) _____, a person of suitable age and discretion residing at the usual abode of the person named in paragraph 2.
 - by mailing a copy to the person named in paragraph 2, by any form of mail requiring a return receipt. (Tape return receipt below.)
5. Other:

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 Server

Print or Type Name

Fees:

Service	_____
Mileage	_____
Total	_____

(Tape Return Receipt here, if service was by mail)

File the original Return of Service with the clerk. Provide a copy to the law enforcement agency where protected person resides if the documents served include a restraining order signed by the court.

**Superior Court of Washington
County of**

In re:

No.

Child(ren),

**Response (Objection to
Relocation/Petition for
Modification of Custody
Decree/Parenting Plan/ Residential
Schedule)
(RSP)**

and

Petitioner,

**Check box if petition is attached for:
 Order for protection DV (PTORPRT)
 Order for protection UH (PTORAH)**

Respondent.

To:

I. Response

1.1 Admissions and Denials

The allegations of the objection/petition in this matter are **admitted** or **denied** as follows (check only one for each paragraph):

Paragraph of the Petition

1.1	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.2	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.3	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.4	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.1	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
2.2	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.1	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.2	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.3	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.4	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information

3.5	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.6	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7.1	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7.2	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7.3	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7.4a	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7.4b	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7.5	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7.6	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7.7	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7.8	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7.9	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.7.10	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.8	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.9	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.10	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
3.11	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information

Each allegation of the petition that is denied, is denied for the following reasons (list separately):

1.2 Reasons for the Relocation of the Children

Reasons for the relocation of the children are stated in the Notice of Intended Relocation of Children filed with the court.

1.3 Notice of Further Proceedings

Notice of all further proceedings in this matter should be sent to the address below.

1.4 Other

II. Requests

2.1 Request for Dismissal

- Does not apply.
- The nonmoving party requests that the objection/petition be dismissed.

2.2 Request for Relief

- Does not apply.
- The relocating party requests that the court enter an order permitting the relocation and approving the proposed parenting plan/residential schedule, which is filed with the Notice of Intended Relocation of Children or attached to this response.
- The nonmoving party requests that the court enter an order modifying the custody decree/parenting plan/residential schedule in this matter and approving the proposed parenting plan/residential schedule, which is filed with or attached to this response.

Protection Order:

- There is a protection order between the parties filed in case number _____, court _____, which expires on (date) _____.
- The court should grant the domestic violence antiharassment petition for order for protection:
 - attached to this response.
 - filed separately under this case number case number _____.

If you need immediate protection, contact the clerk/court for RCW 26.50 Domestic Violence forms or RCW 10.14 Antiharassment forms.

[] Other:

Dated: _____

Notice to party: you may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Signature of Nonmoving Party or Lawyer/WSBA No.

Print or Type Name

(Address)

**Superior Court of Washington
County of**

In re:

Child(ren),

Petitioner(s),

and

Respondent(s).

No.

**Motion/Declaration for
Temporary Order Permitting
Relocation of Children
(MTAF)**

I. Motion

Based upon the declaration below and pursuant to RCW 26.09.510(2), the undersigned moves the court for a temporary order authorizing the intended relocation of the children pending final hearing.

Dated: _____

Signature of Moving Party or Lawyer/WSBA No.

Print or Type Name

II. Declaration

2.1 The Notice of Intended Relocation of Children.

The required Notice of Intended Relocation of Children was provided in a timely manner. Proof of Service of the Notice of Intent to Relocate has been filed or is being filed with this motion.

Based upon the following circumstances, the court should permit the intended relocation and issue a revised parenting plan/residential schedule in the absence of compliance with the notice requirements:

2.2 I request a temporary order permitting the intended relocation pending final hearing because:

2.3 Service member or dependent of service member:

If the nonmoving party is not present and:

- a) is on active duty and is a National Guard member or Reservist residing in Washington, or
 - b) is a dependent of a National Guard member or Reservist residing in Washington on active duty,
- list the reasons why this temporary order should be granted despite the absence of the other party:

2.4 Other:

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 Moving Party

Print or Type Name

**Superior Court of Washington
County of**

In re:

and

Child(ren),
Petitioner(s),

Respondent(s).

No.

**Temporary Order re:
Relocation of Children
(TMORELO)**

I. Basis

- A motion for a temporary order restraining relocation of children ordering the return of the children was filed pursuant to RCW 26.09.510(1).
- A motion for a temporary order authorizing the intended relocation of the child pending final hearing was filed pursuant to RCW 26.09.510(2).

II. Findings

2.1 Notice of intended relocation of the children.

- The required notice of intended relocation of the children was provided in a timely manner.
- The required notice of intended relocation of the children was not provided in a timely manner and the nonrelocating party was was not substantially prejudiced.
- The relocating party did not comply with the notice requirements. Circumstances warrant issuance of an order authorizing the relocation and issuing a revised parenting plan/residential schedule.

2.2 The relocation of the children:

- has not occurred.
- has occurred without agreement of the parties or a court order.

- 2.3 After examining the evidence presented at the hearing for temporary orders in which the parties had adequate opportunity to prepare and be heard:
- there is a likelihood that on final hearing the court will not approve the intended relocation of the children.
 - no circumstances exist sufficient to warrant a relocation of the children prior to a final determination at trial.
 - there is a likelihood that on final hearing the court will approve the intended relocation of the children.
- 2.4 Further, the court finds that the nonmoving party is absent and a) is on active duty as a National Guard member or Reservist residing in Washington, or b) is a dependent of a National Guard member or Reservist residing in Washington on active duty. Despite the service member's or dependent's absence, failure to enter the temporary orders below would result in manifest injustice to the other interested parties.
- 2.5 Other:

III. Order

It is Ordered:

- The motion for temporary order restraining relocation of the children is granted denied.
- The motion for temporary order ordering the return of the children is granted denied.
- The motion for temporary order permitting relocation of the children is granted denied.

It is Further Ordered:

- The relocating party is restrained from moving the children pending the final hearing.
- The relocating party is ordered to return the children.
- The relocating party is permitted to change the children's principal residence.
- The custody decree/parenting plan/residential schedule signed by the court and entered on _____ [Date] shall remain in effect.
- The parties shall comply with the temporary parenting plan/residential schedule signed by the court on _____ [Date].
- Other:

Dated: _____

Judge/Commissioner

Presented by:

Signature of Party or Lawyer/WSBA No.

Print or Type Name

Date

Case Name: _____ **Cause No:** _____

Attachment A: Summary of RCW 26.09.430 - .480, Regarding Relocation of a Child

This is a summary only. For the full text, please see RCW 26.09.430 through 26.09.480.

If the person with whom the child resides a majority of the time plans to move, that person shall give notice to every person entitled to court ordered time with the child.

If the move is outside the child's school district, the relocating person must give notice by personal service or by mail requiring a return receipt. This notice must be at least 60 days before the intended move. If the relocating person could not have known about the move in time to give 60 days' notice, that person must give notice within five days after learning of the move. The notice must contain the information required in RCW 26.09.440. See also form DRPSCU 07.0500, (Notice of Intended Relocation of Children).

If the move is within the same school district, the relocating person must provide actual notice by any reasonable means. A person entitled to time with the child may not object to the move but may ask for modification under RCW 26.09.260.

Notice may be delayed for 21 days if the relocating person is entering a domestic violence shelter or is moving to avoid a clear, immediate and unreasonable risk to health and safety.

If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.

A relocating person may ask the court to waive any notice requirements that may put the health and safety of a person or a child at risk.

Failure to give the required notice may be grounds for sanctions, including contempt.

If no objection is filed within 30 days after service of the notice of intended relocation, the relocation will be permitted and the proposed revised residential schedule may be confirmed.

A person entitled to time with a child under a court order can file an objection to the child's relocation whether or not he or she received proper notice.

An objection may be filed by using the mandatory pattern form WPF DRPSCU 07.0700, (Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule). The objection must be served on all persons entitled to time with the child.

The relocating person shall not move the child during the time for objection unless: (a) the delayed notice provisions apply; or (b) a court order allows the move.

If the objecting person schedules a hearing for a date within 15 days of timely service of the objection, the relocating person shall not move the child before the hearing unless there is a clear, immediate and unreasonable risk to the health or safety of a person or a child.