



# Parenting Plans: General Info

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- ❖ Read this *only* if you live in the state of Washington.
  - ❖ You can find all the fact sheets we link to here at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).
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## What is a Parenting Plan?

It is a court order a judge enters in one of these legal matters:

- Divorce
- Legal Separation
- Parentage (Petition to Decide Parentage)
- Motion or Petition for a Parenting Plan
- A case where non-parents have asked for custody of a child that is not their own. Before 2021, this was non-parent custody. Now it is minor guardianship.

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- ❖ “Judge” here refers to judges and court commissioners.
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## What does the Parenting Plan say?

- Which parent the child will live with most of the time (custody)
- How much time the child will spend with each parent
- Which parent will make major decisions about the child
- How the parents will work out major disagreements

## How do I get a Parenting Plan?

You can get a Parenting Plan when you are a party to any of the court matters listed above.

You can also file a proposed Parenting Plan if one of the above matters has already been filed, but the judge has not yet ordered a Parenting Plan. You should file the Parenting Plan with your other papers--petition, motion, or response.

You must also have it delivered to (served on) every other party in the case. You must give the other party a copy of all your case papers. Call CLEAR at 1-888-201-1014 or ask the court clerk or family law facilitator (if there is one) about rules for serving court papers.

## Will the judge approve my Parenting Plan?

**If you and the other parent agree on a proposed Parenting Plan:** the judge will usually approve it.

**If you disagree:** the judge will decide on a Parenting Plan after hearing or trial. The judge looks at many things when deciding, but most importantly what is in the child's best interests.

## Can I ask for a Parenting Plan giving us joint custody?

Probably not. Washington judges rarely enter a final Parenting Plan that splits custody 50/50.

## How does the court make sure we follow the Parenting Plan?

Once the judge signs a Parenting Plan, it becomes a binding court order. Both parents must follow it.

**Example:** you may not refuse to allow the other parent to see the child just because that parent has not paid child support.

If the other parent does not let you see the child when you have the right to, the judge may find the other parent in "**contempt**". The judge could order make-up visitation time, jail time, fines, or some other type of punishment.

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- ❖ **Beware:** If you have custody, and a judge finds you in contempt more than once in a three-year period, the judge might give the other parent custody.
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## Can I change a Final Parenting Plan?

**Maybe, but** it can be hard to do. Usually, the judge will change it if both parents agree to the change. If you do not agree, the judge may make major changes such as custody **only** if a major change has taken place in the child's or other parent's life since the judge signed the original Parenting Plan. It is not enough that the parent wanting the change thinks their life has gotten better and should now have custody.

If you do not agree on the change, one of these things must have happened for the judge to order a change in custody:

- The child has gone to live with one parent for a long time with the other parent's permission.
- The parent who does not want the change has been held in contempt of court at least twice in three years, or has been convicted of interfering with the other parent's custody or visitation.
- The present custody situation is physically or emotionally harmful to the child.

The judge can make smaller (minor) changes more easily.

**Example:** a judge can make minor changes to the amount of time or certain days the child spends with either parent if it is in the child's best interests.

If you cannot afford to hire a lawyer, you can ask on your own to change your Parenting Plan. [File a Petition to Change Your Parenting Plan, Residential Schedule, or Custody Order](#) has forms and instructions.

You can also get the court forms at [courts.wa.gov/forms](https://courts.wa.gov/forms) or ask the family law facilitator, if your county has one. (Facilitators help people with no lawyer find and file the right forms in custody and divorce cases.) Alternatively, you could ask the Superior Court Clerk for the forms.

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- ❖ If you do not have internet access or a courthouse, call the CLEAR hotline at 1-888-201-1014 to ask them to mail forms to you.
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## **I lost custody of my children a few years ago to other relatives. Can I change the parenting plan and get them back?**

Yes. Read [Change a Nonparent Custody Order to Get Your Children Back](#) to learn more. Our [Instructions for Filing to End a Guardianship or Nonparent Custody Order to Get Your Children Back](#) has the forms and instructions you will need.

## **What if I want to move with the child?**

All parenting plans must state what will happen if you or the other parent wants to move with the child. The parent who wants to move must give the other parent written notice before moving. The notice gives the other parent a chance to:

1. object to the move
2. ask the court to change the existing Parenting Plan

To learn more, read [Questions and Answers about Washington's Relocation Law](#) and [Changing a Parenting Plan/Child Custody Order](#).

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- ❖ If you have custody of the children, and you plan to move, you **must** know and understand the laws and follow the requirements before moving.
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## **Can I file my parenting plan in Washington State?**

It depends. Washington may not have the legal authority (jurisdiction) to enter a Parenting Plan if:

- Your child lives in a different state
- The child has not been living in Washington for at least six months
- Another state has already entered an order about the child

Talk to a lawyer.

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- ❖ Read [Which Court can Enter Custody Orders? Questions and Answers about Jurisdiction](#) to learn more.
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## Get Legal Help

- **Apply online** with [CLEAR\\*Online](#) - [nwjustice.org/apply-online](#)
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at [nwjustice.org/apply-online](#).
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR\*Sr at 1-888-387-7111.
- **Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

CLEAR and 2-1-1 will provide interpreters.

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