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# Residential Schedules and Child Support: Non-Parent Custody Cases

Forms and Instructions



Northwest Justice Project



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## Part 1. Important Info

### A. Is this for me?

Any party to a non-parent custody case can use this to fill out

- Child Support Worksheets
- Financial Declarations
- Sealed Financial Records Cover Sheet to go with private financial records
- Child Support Orders
- Proposed, Temporary, and/or Final Residential Schedules

**This has only some of the forms for a non-parent custody case. You should also use [File a Non-Parent Custody Case](#) (for petitioners), OR [Respond to a Non-Parent Custody Petition](#) (for respondents), OR [Finalize a Non-Parent Custody Case](#).**

This has no forms or instructions for filing and serving papers or for preparing for or going to hearings. The packets listed above have info on these issues.

The Northwest Justice Project has a new program that helps people fill out family law forms online. We are adding new forms throughout 2019-2020. Some of the forms you need for divorce and other family law cases are available now. Check out [washingtonlawhelp.org/resource/washington-forms-online](http://washingtonlawhelp.org/resource/washington-forms-online)

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❖ Do not use this for divorce or parentage cases.

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This has no legal info about the standards for:

- getting legal custody
- writing a Residential Schedule
- calculating child support

**Talk with a lawyer.** [Non-Parent Custody: Frequently Asked Questions and Answers](#) has very basic info.



Try to talk with a lawyer. Even if you do not hire one to represent you, a one-time meeting can give you important info. If you have a low income, see the next section.

## **B. What if I have questions that this packet does not answer?**

Talk to a lawyer familiar with family law before filing anything with the court. Many counties have family law facilitators who can help fill out forms or free legal clinics where you can get legal advice.

- **Do you live in King County? Call 211**, open weekdays 8:00 a.m. - 6:00 p.m. From a pay or public phone, call 1-800-621-4636. They will refer you to a legal aid provider.
- **Apply online with [CLEAR\\*Online](https://nwjustice.org/get-legal-help)** - [nwjustice.org/get-legal-help](https://nwjustice.org/get-legal-help)
- **Call the CLEAR Legal Hotline at 1-888-201-1014.**



## Part 2. Court forms in this packet

Court Form Name	Court Form Number
Child Support Worksheets and Instructions	
Financial Declaration of:	FL All Family 131
Sealed Financial Records Cover Sheet	FL All Family 011
Child Support Order	FL All Family 130
Residential Schedule (Non-Parent Custody)	FL Non-Parent 405

Instead of filling out the Financial Declaration form in this packet, you can use our do-it-yourself interview program, Washington Forms Online, to complete it at [WashingtonLawHelp.org](http://WashingtonLawHelp.org).



## Part 3. Using the Forms

Use the child support worksheets:

- at the start of the case
- if the judge enters temporary family law orders placing the child with petitioner and orders one or both parents to pay temporary child support
- at the end of the case, if the nonparent wins custody and the parent(s) will pay child support

The judge will set child support according to the Washington State Child Support Schedule, based mostly on the parent's incomes. Each party needs to fill out, file, and serve child support worksheets. If the court orders child support, it will approve one set of worksheets (one that a party has filled out or one the court directs a party to prepare).

If an administrative proceeding or parentage action has already set child support, a non-parent custody petitioner may not need to fill out worksheets. Get advice from a lawyer.

Attach a **sealed financial records cover sheet** to your financial documents:

- To keep personal financial info you file with the court out of the public file.
- When filing private financial info listed on the form.

The **financial declaration** goes with the child support worksheets. You also use it when a party asks for financial relief, such as attorney fees or Guardian ad Litem fees.

The **child support order** sets the amount of support the parent(s) will pay if the nonparent gets temporary or permanent custody.

The **residential schedule** is a detailed plan for when the children will spend time with each party. Many local courts require it.<sup>1</sup> Even where not locally required, you may find it

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<sup>1</sup> The parties must use mandatory court forms. [RCW 26.10.015](#).

useful, especially where the nonparent will have custody but one or both parents will have substantial contact with the child.

**Petitioner:** If you do not use the residential schedule, you must explain custody and the exact visitation between parent(s) and child in detail in your petition and, if you win custody, in the relevant court orders. These include the temporary non-parent custody order and/or, at the end of the case, the findings and conclusions and non-parent final custody order.

**Respondent:** If you do not use the residential schedule, you should detail your requests for time with the child in Response and, for any temporary orders, in motions, responses, and declarations.

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❖ **Parents:** The Residential Schedule assumes the nonparent will have custody. If this is not your wish, make it clear in writing that you do not agree Petitioner should get custody, and you want the schedule only if Petitioner wins custody despite your objection. Instructions with the form suggest language for making this objection.

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You can use the same blank form for the residential schedule as proposed, temporary or final.

Try to find out how your court uses the residential schedule. Some counties do not always use it. Others may expect its use. If you think you might finalize your case by default against a respondent, and you want the court to enter a Residential Schedule as part of your final orders, you should serve a proposed Residential Schedule with your petition (even if your county does not require it). Then the respondents are less likely to challenge any default orders you later get for lack of proper notice.

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❖ You should serve child support worksheets with the petition if you want the court to set child support.

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## Part 4. How to fill out each form

Use the general instructions in [File a Non-Parent Custody Case](#), [Respond to a Non-Parent Custody Petition](#), or [Finalize a Non-Parent Custody Case](#) for info on filling out the caption and forms in general.

### A. Child Support Worksheets, Schedule and Instructions

When child support is an issue, each party should fill out a set of child support worksheets. Use the instructions and schedule that come with the worksheets. You will usually file and serve the completed worksheets with the petition or Response, and new worksheets with motions involving child support if needed to update info. **FILL OUT THE WORKSHEETS BEFORE FILLING OUT ANY PROPOSED CHILD SUPPORT ORDER.**

The judge will sign a set of worksheets the judge approves when entering a child support order. The judge may sign worksheets one party has already prepared, or may ask a party to fill out a new set of worksheets with the specific income, expense, and child support amounts the judge announced at hearing or trial.

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❖ The instructions in this packet only cover a few special issues.

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The instructions and worksheets in this packet are current as of January 2019. Use these instructions with the Washington State Child Support Schedule published by the Administrative Office of the Courts. Also, read [How is Child Support Set?](#)

The instructions are for filling out the worksheets based on the income, child support amounts, and expense figures you propose at the start of the case and/or before a hearing or trial.

If the parties all agree on the income, child support amounts, and expense figures, you must fill out the worksheets using figures you agree to. You may still need to show the judge that those amounts are correct.

If you are filling out these worksheets after the judge has announced a decision, you must use the income, child support amounts, expenses, and other info the judge announced, even if you disagree with them and/or they are different from what you proposed.



Use the Division of Child Support's (DCS) **online** Child Support Estimator, <https://fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator> for help

- estimating the amount of support the judge might order in your case
- preparing proposed child support worksheets
- filling out your Worksheets online

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❖ **The Estimator may not work if you are asking for a “deviation”** from the standard child support calculation. (**Examples:** the parents spend a lot of residential time with the children; there are children from other relationships; each parent has custody of one child.)

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To fill out the worksheets, follow the instructions in the Washington State Child Support Schedule (WSCSS). They explain:

- the meaning of gross and net income
- how to list your income
- how and when to impute income to the other party
- how to fill out the rest of the financial info

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❖ Put info about the parents' incomes in the two columns. There is one for each parent.

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### **Our instructions address gaps in the WSCSS instructions:**

- 1. Above the caption,** check the box to show if these worksheets are proposed or an order signed by the judge. If they are proposed, check the box showing who is proposing them and put your name.
- 2. Caption your worksheets:** At the top of worksheet page 1, put the county, case number, parents' and children's names, and children's ages where requested. Each parent gets their own column for their info.
- 3. If you are a parent, put your own info on the Worksheet. Give yourself Column 1.** If any party gets SSI, TANF, or Food Stamps, list that income on line 22(f), “Income from Assistance Programs,” and not line 1, “Gross Monthly Income.” You should list income from other common programs such as social security, worker's



compensation, unemployment benefits, and pension or retirement benefits on line 1(e), "Other Income."

4. **If you are the petitioner, put info for the parent/s if you know or can estimate their income and expenses.** Put if you have used estimates. If you have any income info for the parents, even an estimate, use that information. Explain in the "Other Factors for Consideration" at Line 26 any income information or estimates you listed which you did not base on wage stubs or tax returns. The parents will have a chance to correct any incorrect information.
5. **If you are the petitioner and you cannot get accurate income info** about the parents or estimate their income based on what you know, or if you believe a parent is voluntarily unemployed or underemployed, follow the instructions for *imputing* income to the parent. See the WSCSS Definitions and Standards, INCOME STANDARD #6, on page 2.
6. **Health Care Expenses (Part III):** You should only list expenses you pay regularly, such as a monthly health insurance premium. Do not include doctor bills that may change over time. If you are listing health care expenses for a parent on lines 10a and 10b, you should also list monthly payments that parent actually made for those expenses on line 16a, Monthly Health Care Expenses Credit.
7. **You can Include Daycare, Education & Travel Expenses:** In section 11, put your daycare, tuition or other special childcare expense if you want that amount included in the transfer payment. Then mark the first box in section 21 of the Child Support Order under **Other shared expenses:** "Does not apply. The monthly amount covers all expenses, except health care expenses." If you are listing day care or other special expenses in part III of the Worksheets, you must also list monthly payments that parent actually made for those expenses on line **16b, Day Care and Special Expenses Credit.**

In most cases, you should **not** list your daycare, education and travel expenses here. Instead, you should list them in section 21 of the Child Support Order under **Other shared expenses**, after checking **the parents will share the cost for the expenses listed below.** This allows for future changes in these expenses. Then you may not need to change your support order. The downside of putting these expenses in the Order instead of the Worksheets is that it may be harder to collect from the other parent for these expenses. DCS will help compute and collect day care and other special expenses.

- 8. The “Other Factors for Consideration” part of the Worksheet.** You explain here how you calculated income and expenses, and show factors that may allow “deviation” from the “standard calculation.” You should list any special circumstances here. See the “Limitation Standards” and the “Deviation Standards” on pages 3 - 4 of the Definitions and Standards of the Support Schedule to decide what to put.

You can also explain how you calculated the support amount. State how you calculated each parent’s income. If the income you put for a parent is imputed or estimated, put how you figured out the income amount. If you believe support should be less than the standard calculation, state how much it should be and why.

If a parent gets disability benefits like Social Security and the child is eligible for them on the parent’s account, you must report both parent’s and child’s shares under “net income.” You should then explain in the “Other factors for Consideration” box the child’s share of the benefit, who is currently getting the child’s benefit, and that the parent should get credit against their support obligation as long as the child’s benefit continues.

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❖ **Fill out the Worksheet Completely.** It takes time and patience. The judge decides the support amount based on this worksheet.

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- 9. Signature:** Sign where it says on the last page. Put the date and place (city) you signed.

## **B. Financial Declaration of: – FL All Family 131**

You must fill this out if you are:

- A respondent/**parent**. (You must also fill out child support worksheets.)
- A **petitioner** asking for GAL fees or attorney fees.

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❖ Instead of filling out the form here, you can use our do-it-yourself interview program, Washington Forms Online, to complete it at WashingtonLawHelp.org.

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**Caption.** Fill out the caption, including your name.

**1. Your personal information.** Give the info requested. Check **yes** if you are working and put your hire date. Check **no** if you are **not** working and give the info provided.



**2. Summary of your financial information.** Skip this section. Come back to it after filling out the rest of the form.

### 3. Income.

- 
- ❖ If you do not know how much a party's income is, give your best estimate, or use the support schedule's instructions for imputing income.
- 

Use the **You** column for your information. Use the column titled **other party** for the other parent. **Put the income information and income deduction information requested.** Make sure you use the correct column for each party.

**Income from Benefits:** If a parent gets Social Security Disability (SSDI) or workers' compensation (L&I, or other disability benefits from an employer), put that amount in "Other Income."

**Work-Related Disability Benefits:** If a parent gets SSDI, L&I and some employer-paid disability benefits or Social Security retirement, and the children get dependent benefits as a result, the payments they get directly count as income to that parent even if the money actually goes to the other parent or custodian. You should add those amounts under 3A to income of the parent getting benefits. **Those benefits should be credited as child support paid by the parent.** The paying parent's support should go down dollar for dollar by the amount of dependent benefits their children get directly for current child support. See RCW 26.18.190; In re Marriage of Maples, 78 Wash. App. 696 (1995).

**Deductions from Income:** If you include any deductions from income other than income tax, FICA, and L&I payments, you must provide proof of each deduction. [RCW 26.19.071\(5\)](#). Paystubs may show union and pension plan deductions. You must have extra proof (such as pages from a collective bargaining agreement or employee handbook, or a letter from the employer) that these deductions are required. If pension deductions are voluntary, show proof that you have had the deduction taken for at least two years, or the court may not allow it. If the other parent disputes your claims, be ready with business records and receipts showing any business expenses you are claiming. Follow the instructions at the end of the Financial Declaration Form. Attach private financial information to the Financial Source Documents Cover Sheet.

### 4. Other Income and Household Income.

- Other income. In the blanks, put the name and amount of any other income (including TANF, SSI, and/or food stamps) a parent gets regularly.



- B. **Household Income.** List the gross monthly income of other adults in the household. That income is not included in calculating the basic child support obligation. The court might consider it if someone asks for a deviation from the standard child support amount.

**5. Disputed income.** If you think anyone will dispute a parent's income, state what you believe is the correct amount of that parent's income. Explain why you believe that is the true amount.

**6. Available Assets.** List your cash and things you own that you could easily sell for cash. (**Examples:** stocks, bonds, and so on.)

**7. Monthly Expenses after Separation.** Put your monthly household expenses. Put your best estimate of each expense. Many expenses are not monthly. For those, take the actual amount you pay. Calculate the monthly average. **Example:** If you pay your car insurance every six months, take the amount you pay, divide it by 6, and put that amount in the blank under 7F.

Your total monthly expenses may end up being more than your net monthly household income. This is especially common for people who have low incomes. You may put off paying a certain bill or make other cutbacks in your expenses. Your monthly expenses do not need to be equal to or less than your income. But if your expenses are far more than your income, the court might ask how you are meeting your expenses. Be ready to show how you are doing it.

**8. & 9.** Section 8 is for giving more details about expenses you already listed in 7.

**11. Attorney Fees.** If you hire a lawyer for this case, put those expenses here.

**Signed at:** Put the city or town and state where you are signing this form, and the date. Sign and print where it says.

### C. **Sealed Financial Source Documents (Cover Sheet) – FL All Family 011**

You must use this form when filing private financial documents with the court. Keep a blank copy of this in case you file more financial documents later. You may attach one form to a stack of documents.

**Caption.** Fill out the caption.



**Check the boxes next to each type of paper you are filing.** If you are submitting child support worksheets, the instructions to the child support worksheets say which documents you must file.

If you are afraid for your safety or the children's safety, you may block out information identifying your location on the copies you file with the court and deliver to the other parties.

**Submitted by:** Check the box showing which party you are. Sign and print your name.

#### **D. Child Support Order - FL All Family 130**

This form sets the amount of child support the parents will pay if the nonparent custodian gets temporary or permanent custody.

- 
- ❖ The judge will sign child support order(s) **only** if the nonparent wins temporary or permanent custody.
- 

**You must prepare a separate order for each parent.** If you are filling this out after the judge has made a decision, attach the support worksheets the judge has approved. If this is a proposed order, attach the worksheets you want the judge to approve.

If you want a Default Order, or already have one against the parent this order covers, use the worksheets filed and served with the petition. If you are filling out this form after trial, use the income figures and child support amount the judge ordered.

- 
- ❖ If any child gets or has gotten public assistance, or is in foster care or out-of-home placement, the attorney for the State of Washington (usually the prosecuting attorney's office) also must sign the child support order(s) and worksheets before the judge will sign them.
- 

**Caption.** Fill out the caption. Mark whether this order is temporary (entered before your case is over) or final (entered with other final orders at the end of the case). Check **clerk's action required** on the right-hand side if there will be a money judgment (if the judge will award someone a judgment for money) or if child support payments must be made to the state support registry (see section 14).

**1. Judgment Summary.** Check the first box and skip to 2 if you do not want a judgment for back child support or attorney's fees,<sup>2</sup> or the judge did not award a judgment for back support or attorney fees after hearing.

Check the second box and come back to fill out the table after finishing section 22 if one of these is true:

You will use this as a final order with your Non-Parent Final Custody Order.

One or both parents owes back child support or attorney fees for temporary or final orders.

**Other:** Use this blank if you are asking for attorney fees or the court awards them at your hearing or trial,<sup>3</sup> or any costs of your legal case (filing fee, service fees, and so on).

### Findings and Order.

2. Check the box showing if this is a temporary or final order.

3 & 4. Read these. Do not make any changes to either section.

**5. Parents' Income.** Put all the info you can. Each parent gets their own column. Use the same numbers as the Child Support Worksheets.

- 
- ❖ If a parent has no income, or you do not know it, you must *impute* it, unless there is a reason not to. **Examples:** do not impute income to a parent who is in prison or a long-term drug treatment. Check **imputed to this parent** and skip to 6 if you impute income. Section 6 explains more about imputing income.
  - ❖ **If this order is based on the judge's decision at your trial or hearing:** Put the income info the judge announced for each parent. Check the box showing if the judge found this amount was imputed or actual income.
- 

**6. Imputed Income.** Read the explanation so you understand what imputing income is.

Check the first box for a parent and skip to 7 if you are **not** imputing income.

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<sup>2</sup> [Filing for Attorney Fees in a Divorce Case](#) has more info, forms and instructions.

<sup>3</sup> [Filing for Attorney Fees in a Divorce Case](#) has more information, forms and instructions.



Check **This parent's monthly net income is imputed because** and then the boxes below that show why you are imputing income. The Child Support Schedule Definitions and Standards has more about imputing income.

**7. Limits affecting the monthly child support amount.** Check the first box and skip to **8** if all these are true:

The child support amount will be 45% of the paying parent's income or less.

The paying parent's monthly income is more than 125% of the federal poverty guidelines.

The parents' combined net income is less than \$12,000.

Check the second box and then:

**low-income limits** if in any of lines 8 of the worksheets, you put that a parent will pay \$50 monthly.

**the 45% net income limit** if the child support amount is more than 45% of the paying parent's net income.

- **Combined Monthly Net Income over \$12,000** if that is true. Check the box immediately under if the paying parent will pay the advisory amount. Fill out the blank if it is more than the amount the economic table advises.

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❖ There are special rules for setting child support when the parents' combined monthly net income is over \$12,000. See the Support Schedule at page 3.

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**8. Standard Calculation. If this is a proposed order,** put the amount listed at line 17 of the worksheets you propose, even if that is not the amount of the transfer payment. **If this is an order after hearing/trial,** put in the blank who the judge awarded custody. Then put the figure on line 17 of the worksheets the judge approved.

**Residential split:** You will not check this box in non-parent custody cases.

**9. Deviation from standard calculation.** Check **No** if there will not be a deviation. Then check underneath why. Fill out any blanks as needed.

Check **yes** if you want a deviation or the judge ordered one. Check underneath all the reasons for a deviation. If you check **A parent or parents in this case has** or **The children in this case,** you must also check the appropriate indent boxes underneath.



- 
- ❖ You might check **other reasons** in the case of, for example, a parent's temporary unemployment to get schooling or training.
- 

### 10. Monthly child support amount (transfer payment).

Most people will check the first box and put the paying parent's name in the first blank and the party with the children in the second. You then list the children's names and ages. If you can calculate the amount of support for each child, list those amounts and the total at the bottom. Otherwise, just put the **Total Monthly Transfer Amount** on the last line.

- 
- ❖ If support will be the standard calculation child support amount (not a deviation), the total support amount will be the amount listed at line 17 of the child support worksheets for the party or parties this order covers.
  - ❖ If there are no special expenses or credits in lines 10-16 of the Worksheets, you can figure out the support for each child. Multiply the basic support obligation for each child (in the left-hand box at line 5 on the child support worksheets) by the paying person's share of income (line 6 of the worksheets). The amounts for each child must add up to the Total Monthly Transfer Amount on the last line.
- 

If there are special expenses or credits in lines 10-16 of the Worksheets, you may not be able to figure out the amount per child.

- 
- ❖ **If you are agreeing to a deviation or the judge ordered one after hearing**, put in the blank how much a parent will pay, after applying the deviation.
- 

**11. Starting date and payment schedule.** In the blank, put when child support under this order will start. Usually, the earliest that a new Support Order can become effective is the date the petition was filed and served. Check the box showing the schedule. Fill out the blanks where needed.

**12. Step Increase.** Most people will check **Does not apply**. Check **Approved** and fill out the blanks if:

this order changes an earlier support order AND

the child support payment will go up by more than 30% AND

you want the payments to go up gradually or agree to this or the judge ordered it

Check **Denied** if you do not want a gradual increase, or the judge denied the request for a gradual increase.



**13. Periodic Adjustment.** Most people will check the first box. Then you may adjust or modify this order according to Washington law.

Check the second box if you want the support amount adjusted periodically, such as every year due to small changes in income, or the judge ordered this. Then check the boxes underneath showing when adjustments should take place. **You must still go back to court to get the adjustment. It will not automatically happen.**

**14. Payment Method.** Check **registry** if one of these is true:

The child has ever gotten public assistance.

You want the DCS to help collect support.

Having DCS collect can be good. If DCS collects for you, it must help you if the parent paying support pays late or stops paying. DCS will have documented proof of the dates and amounts of all payments.

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❖ For more about the differences between enforcement and payment processing services, contact your local DCS office.

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**DCS Enforcement:** Check the boxes that apply.

**Direct pay:** Check this if this is what you want or what the judge ordered. Check the first box if you want payment made by mail, and put the address where the paying parent should mail payment. Check the second box if you do not want payment by mail, and put in the blank how you want payments made.

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❖ If you are concerned about your home address being in a public record, use one where you can get mail even after the case is over. If you change your address for legal mail, **notify DCS, the other party and court as soon as possible.** File and serve a Notice of Address Change (available at [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)). If you do not, you could be served with papers at your old address. The court could enter orders without notice to you.

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**15. Enforcement through income withholding (garnishment).** The usual rule is that child support is deducted from the paying parent's wages and sent to the support registry. Most people will check the first box.

Check the second box and the boxes after it that apply if you want (or the court orders) a special exception. **The court must find good cause not to order wage withholding.**



- 
- ❖ You should not be fired because your paycheck is being garnished for child support. [RCW 26.18.110\(8\)](#). If your employer threatens to fire you if you are garnished, contact DCS, a lawyer, your local legal services office, or CLEAR at 1-888-201-1014.
- 

**16. End date for support.** Check the first box if this is a temporary order.

**If this is a final order:** Most people will check the second box if the children are not yet in high school and do not have a disability, unless the judge has ordered otherwise.

Check the third box if you also checked **Reserved** or **Granted** in 17, or the judge ordered one of those after hearing.

Check the fourth box if a child has a disability and will need support even after age 18. In the blank, put the child's name. Check the box immediately underneath showing when support should end. Fill out the blanks as appropriate.

- 
- ❖ Child support usually ends when the child turns 18 or completes high school, whichever happens later. Check other if you want support to end at some other time, or the court orders this. Put when support will end.
- 

### **17. Post-secondary educational support (for college or vocational school).**

Check **Reserved** if you want the court to decide later, but before the child support obligation ends, if a parent should pay post-secondary support, or the judge reserved this decision. You might want to do this if, for example, the child is too young for you to know what her needs after high school will be, or the child's plans are not yet certain.

Check **Granted** if you want a parent to pay post-secondary support, or the judge ordered this. Check the first box immediately underneath if you want the judge to decide the amount later, or the judge decided to do this later. (**Example:** You want the judge to order both parents to pay for college but the child is not going to college soon.)

Check the second box immediately underneath if you want the court to decide the amount now. In the blank, put the amount you want or that the judge ordered.

Check **Denied** if someone asked for post-secondary support but you do not want the court to order it, OR the court denied the request.

Check **Other** to describe any agreement you and the other parent have made about post-secondary support, or to add specifics from the judge's ruling.

**18. Claiming children as dependents on tax forms.** If you are the non-parent custodian, you should ask for and expect to get the tax exemption for the children, unless you want to make other arrangements. Check the second box, and the first box immediately underneath. In the first blank, put your name. In the second, put the children's names.

If you want a noncustodial parent to claim the exemptions part of the time, you should still check the second box. Then check the boxes showing your arrangement. Check **other**. In the blank, put "a parent may claim an exemption at the times stated above only if they have fully paid all support, daycare, and uninsured medical expenses that are owed as of December 31 of the relevant tax year." If they do not pay support on time, they cannot take the exemption.

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❖ **Parents:** If you do not have custody, you must sign an IRS form 8332 saying who gets the tax exemptions.

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**19. Medical support.** Check the first box and skip to 20 if you do not want an order about health insurance coverage for the children, or the judge did not make such an order. .

Check **private health insurance ordered** if that is what you want or what the judge ordered. Put who you want to pay the premium or who the judge ordered will. Then check the boxes underneath and fill in blanks where needed showing what the other parent's insurance obligation is.

Check **public health care coverage** if that is what you want or what the judge ordered. Put who you want to enroll the children or who the judge ordered will. Then check the boxes underneath and fill in blanks where needed showing what the other parent's obligation is.

Check the third box and fill in its blank only if true in your case.

**20. Health care coverage if circumstances change or court has not ordered.** Do not make any changes to this section.

**21. Children's expenses not included in the monthly child support amount.**

**Uninsured medical expenses:** In each blank at the top of the chart, put a parent's name. Then check **proportional share** and put that parent's share of uninsured expenses from the worksheets at line 6 in the blank, unless the court orders a different amount. If that happens, check the box under proportional share and put what the judge ordered.

**Other shared expenses:** Check **does not apply** if that is what you want, or what the judge ordered. Otherwise, check the second box. In the chart, check the children's expenses for



whatever you want the order to cover or whatever the judge ordered. Then follow the instructions in uninsured medical expenses above for filling out the chart.

**22. Past due child support, medical support and other expenses.** Check the first box and skip to 23 if you do not want the judge to decide about past child support or interest.

Check the second box if you want an order stating that neither parent owes anything, or the judge ordered this. Then put the date the judge will sign this order, and check all the boxes that apply.

---

❖ **Check the second box only if you know a paying parent owes no back support, or the judge ordered this. If you check the first box, a paying parent could be excused from paying any back support owed.**

---

Check **money judgments** if you want the judge to award back support OR the judge did this after hearing. Then fill out the chart with the info requested.

---

❖ In **from** and **to**, put the dates support is owed for.

---

**23. Overpayment caused by change.** Check **does not apply** and skip to 24 if this is true in your case, or the judge ordered this.

Check the second box if you are asking for a custody order that would cause someone to have overpaid child support, or the judge made an order that did this. Fill out the rest of the section with the info requested.

**24. Other Orders.** The judge may use this.

**Ordered.** LEAVE THIS FOR THE JUDGE.

**Petitioner and Respondent or their lawyers fill out below:** You should check **presented by me** in the column for you (Petitioner or Respondent). You should also check whichever other boxes in your column apply to you. You should sign and print your name and the date where it says.

**If any parent or child received government assistance:** You must have an assistant prosecutor who handles support cases in this county fill out and sign this section.<sup>4</sup>

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<sup>4</sup> If the child has ever gotten public assistance or Medicaid, or is in foster care or out-of-home placement, and the lawyer for DCS will not sign the child support order, you must schedule a court hearing to present the order to the judge for signature. Give the other parties advance notice of the hearing. We do not explain how to do that.



**Parent or Non-Parent Custodian applies for DCS enforcement services:** Check this, and sign and print your name and the date if you want this. Having DCS collect can be good. If DCS collects for you, it must help you if the parent paying support pays late or stops paying. DCS will have proof of dates and amounts of all payments.

- 
- ❖ For more about the differences between enforcement and payment processing services, contact your local DCS office.
- 

## E. Residential Schedule – FL Non-Parent 405

Re-read the intro to Section 3 about when to use a residential schedule, and the warning to respondents.

Before you start, make extra copies of the Residential Schedule form. You may need three or more versions of your residential schedule. You may need:

- a proposed final residential schedule to file with your petition or your Response
- a proposed temporary residential schedule to file with a motion for temporary or immediate restraining orders or with your response to the motion
- a final residential schedule to file with other final documents to finish the case

If you plan to ask for the same residential schedule as a proposed temporary residential schedule and a proposed final residential schedule, save yourself some work. Make copies of the form after filling most of it out. Fill out the entire residential schedule, **except** for section 1. Do not sign the residential schedule until you have made copies and added the missing information. Make several copies. Then check the appropriate boxes under the title and caption.

If this is a **proposed** residential schedule (either temporary or final), fill out the schedule the way **you want** the judge to order it. Your proposed residential schedule may not become a court order. It depends how the case goes. You may agree to a different residential schedule in order to reach an agreement with the other parties. The case may go to trial and the court may order a different residential schedule.



Read the instructions carefully. Take your time. If you need hands-on help, your county may have a family law facilitator who can give more information or help with problem spots in the forms.

**Caption.** Fill out the caption.

---

❖ Read the instructions. Use only those that apply to you.

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**1. This Residential Schedule is.** Check **Proposal** if you are filing this residential schedule with your Petition or Response. In the blank, put your name.

Check **Court order** if this is an order the court will sign. Then check the box showing whether it is a temporary or final residential schedule.

**2. Custody.** Put the name(s) and age(s) of the minor children whose custody the court is deciding.

**3. Reasons for limiting a parent's visitation.** If you are a Petitioner: Use this section to show if the judge should limit a parent's time with the children, and why.

In (a), at (*parent's name*), put one parent's name.

Check the first box and skip to 3b if neither that parent nor a person living with them has any of the problems listed in (a). This shows there is no reason to restrict or prohibit that parent's time with the children.

Check the second box if that parent or someone living with them has done any of the behavior listed in (a), and you believe that behavior is harmful to the children (or the court found it was). Check all the boxes underneath that apply. If you check **other**, put the other reasons that parent's contact with the children should be limited.

Use (b) to put the info about the other parent.

If you are a parent, use (a) for yourself and (b) for the other parent. At (*parent's name*), put your name. Check the first box if there is no reason to restrict or prohibit your contact with the children. Use (b) for the other parent.

**4. Limitations on visitation.**

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❖ You may find this section confusing. Try to talk to a lawyer or facilitator for help.

---



If you checked boxes in section 3 showing why the court should limit a parent's time with the children, the residential schedule usually should show those restrictions for that parent. This is where you will put any specific conditions or limitations on a parent's time with the children needed for the children's safety. This part of the schedule is very specific. You do not have to be that specific, but a specific schedule helps stability and planning.

a. Put the name of the same parent as 3a. Check the first box and skip to 4b if you did not check anything in 3a for this parent.

Check the second box if you checked anything in 3a. Then check the boxes underneath that apply.

- If you **check limited visitation as shown in the parents' visitation schedule (5 - 8) below**, you must fill out 5 - 8, too.
- If you check **limited visitation as follows**, fill out the blank and then skip 5 - 8.
- Check **supervised visitation** if you want it (or the judge ordered this). In the blank, put who will pay supervision costs. Usually this will be one or both of the parties getting the supervised visits. Check the box showing if it will be a professional or non-professional supervisor. In either case, in the blank following, put the supervisor's name. The supervisor must be someone who will protect the children's safety. **Examples:** a trusted adult, or a professional visitation supervisor.

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❖ The court will not appoint someone who does not want to supervise.

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- Under **the dates and times of supervised contact will be**, check the first box and then fill out 5 - 8 if you want a detailed visitation schedule, or the judge has ordered one. Otherwise, check the second box and put the times and length of visitations. Those times and lengths must be consistent with availability of a supervisor. (**Example:** a visit that lasts an entire weekend is hard to supervise.) Check **other limitations** if you want a respondent to follow certain rules for the visit to happen, or if the judge ordered this. See our section called **some suggested restrictions** below.
- **Evaluation or treatment required.** Check the box next to this if it applies. Then check all the boxes immediately underneath that apply. See the "some suggestions for restrictions" section below.
- **No limitations despite reasons.** Check this if you want it or the judge ordered it. Then underneath check why you do not want it or the judge ordered it.



If a problem must be addressed before a respondent can have visitation or no restrictions, explain what is needed to prove the need for the restriction has ended and who makes that decision. **Example:** The judge limits visitation because of a mental health problem affecting parenting. Respondent has supervised visits until addressing the problem. What if Respondent gives Petitioner a letter from her provider stating she has successfully completed treatment? If the custodian believes the problem still exists, or is not sure, who decides if the reason for the limit has ended?

***Some suggested restrictions:*** Here are some areas of possible restrictions on visitation. **This list is not complete.** You can change or add to items here based on the children's needs and the parties' circumstances.

***Drug and Alcohol Abuse:*** The judge may require a parent to successfully complete drug and alcohol treatment to address a substance abuse problem before unsupervised – or **any** - visits happen. You could specify the nature of the treatment program required, such as “approved and certified by the State of Washington,” or name a specific treatment program. You could just put “a drug or alcohol treatment program approved by the court.” The court might make a parent show continuing regular participation in a twelve-step program a condition of visitation. The court could require a parent to have random urinalyses or other appropriate drug tests. You could end or make visitation supervised if a parent tests positive for drug or alcohol use. The court could order a parent not to consume alcohol or non-prescription drugs within 24 hours before a visit, and/or at any time during a visit. The court could order other restrictions, such as prohibiting that parent from driving with the children.

***Neglect:*** You could ask for supervised visits until a parent has successfully completed a parenting skills program before asking the court to lift the supervision requirement. You could specify a certain parenting program, or make the parent get advance court approval for a program. You could require a professional visitation supervisor to report to the court after a certain number of visits have taken place, so the court can determine if unsupervised visits can begin.

***Domestic Violence:*** The judge could order a parent to have supervised or no visits unless they are appropriately evaluated for and, if recommended, successfully completes a state-certified batterer's treatment program. The judge could require the parent to follow the program recommendations and provide the custodian and court written updates of progress. The judge may order the immediate suspension of any unsupervised visits if a parent commits further acts or threats of domestic violence.

***Mental health issues:*** The judge could order that, as a condition to visitation, a parent must continue mental health treatment, and that the parent's counselor send Petitioner a letter every six months stating if the parent is keeping up treatment.

***Conditions to Lift Restrictions:*** After stating restrictions, you can explain conditions for reducing or ending the restrictions. Here are some alternatives:

1. The restrictions are in place until a parent provides Petitioner sufficient written proof of successful completion of the requirements in the residential schedule (**examples:** certified batterer's treatment program, drug treatment program).
2. A parent who wants to go back to court to ask for changes in visitation or fewer restrictions must have completed the required treatment and provided the custodian and court verification of completion. They must also show the judge the requested changes are in the children's best interests.
3. The judge could order that a parent's counseling or mental health treatment provider or a counselor chosen by petitioner recommend what visitation is in the children's best interests.

***Criminal charges:*** The judge could order that a parent convicted of domestic violence or substance abuse complete all terms and conditions of any sentence or pre-release conditions before asking for changes in visitation. A court could order the suspension of visits for a parent who violates parole or probation conditions.

***Removal of Children from the State:*** You could put in section 4 that a respondent may not remove the children from the State of Washington without written the nonparent custodian's consent. **Example** of an exception: the parties already agree that respondent will be taking the child to another state for an annual family reunion.

***Abusive Use of Conflict:*** You could prohibit a parent from discussing the case with the children, questioning the children about the other parties or their activities, or trying to get information to find another party (if that address is confidential).

***Phone Visitation:*** In cases where in-person visitation is not safe (even when supervised) or where a parent lives too far away for regular travel, you could schedule phone visits. Put why phone visitation is more appropriate than in-person. Put the phone schedule and who will make the calls. If in-person visits would be unsafe, put that only phone visitation is permitted between parent and children. For phone visits, make sure any times you list in section 4 are consistent with the reasonable length of phone conversations.



### ***Parents' Visitation Schedule***

Check the first box under this title and skip to 10 if the parents will not have visitation. Otherwise, check the second box.

#### **5. School Schedule.**

**(a) Children under School Age:** Check the first box and skip to “b” if all the children are in school already.

Check the second box if any of the children are not yet in school (usually age birth through five years) AND you want it to be the same as the schedule in “b” for school-age children.

Check the third box if any of the children are not yet in school AND you want a different schedule for them than the schedule in “b” for school-age children. Fill out this section. Put the first parent’s name in the first **Parent (name)** blank. Then check all the boxes underneath that apply and fill out blanks where needed. Fill out the second section that starts with **Parent (name)** for the other parent.

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❖ “Every other week” is **not** the same as the “first and third week.” There are sometimes five weeks in a month.

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If you do not know exact days and times of visitation yet because of circumstances imposed by restrictions listed in section 4, check the “other” box. Write in, “as provided in Section 4. **Example:** you put in section 4 a set length for visits, but also that visits will be supervised and take place at times a professional supervisor is available.

#### **(b) School-Age Children:**

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❖ You must fill out this section even if none of the children is yet in school. You will use it when they are school age.

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Check the boxes showing when the school schedule will start. Then follow the instructions for (a) for showing what visitation each parent will have.

#### **6. Summer Schedule:**

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❖ This section generally is for children who have started school. To apply it to younger children, check **The Summer Schedule is different than the School Schedule**. Then check the boxes showing when you want it to start.

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Check “The Summer Schedule is the **same** as the school schedule” to follow the same schedule in the summer as during the school year.

Check “The Summer Schedule is the **same** as the school schedule **except** that” if you do not want to put specific dates for the summer schedule in this order. You can use this section to propose that one or both respondents notify the Non-Parent custodian by a certain date of the time they request for that summer.

Check “The Summer Schedule is different than the School Schedule” if you will have a summer schedule that is different from school year visitation. Check the boxes showing when this schedule will start.

Fill out each section that starts with **Parent (name)** using the instructions for 5(a) for showing what visitation each parent will have.

**Other:** You can use this section to provide for phone contact with the custodian during long times with a respondent. **Example:** You can state that the children shall have phone contact with the custodian at least twice a week during vacations spent with the father.

## 7. Holiday Schedule.

- 
- ❖ You do not need to give specific time on the holidays. You can if you want. **Examples:** Christmas Day often begins early in the morning. On July 4, you might watch the fireworks late at night with the child.
- 

Check the first box if the holiday schedule will be the same as the school schedule Skip to 8.

Check the second box if there will be a Holiday Schedule. Check the box showing which children it will apply to. Then fill out the table. Put each parent’s name in a **Children with (name)** column. Check the boxes showing which parent has the children for which holidays, when, for how long, and whatever else applies.

Use the last boxes, **Other occasion important to the family**, if there are special religious or cultural holidays you want to include.

- 
- ❖ You can rotate years (“even” or “odd”) or keep the same schedule for every year, depending on the case and the children’s needs, and any reason for limiting, restricting, or prohibiting contact.
  - ❖ You can be specific about times of day. You can also change this from holiday to holiday. **Example:** “New Year’s Day with Non-Parent custodian, except with mother from 10 a.m. until 4 p.m.”
- 



**8. Conflicts in Scheduling.** This governs what happens when parts of the residential schedule conflict, like when a holiday visit conflicts with a weekend visit. Check all the boxes showing what you want. Check **other** box to write your own priorities OR if the parents' visitation is so restricted that it does not conflict with the time that the children will be with the Non-Parent custodian.

**9. Transportation Arrangements.** In the first section, check the box showing where you will exchange the children for visits. In the second, check the box showing who will drive the children to and from visits with each respondent.

Use the **other** section to

- List anyone who **cannot** drive the children.
- Require any person providing transportation for visits to have a valid driver's license and current and adequate insurance, and to show the custodian proof of both if requested.
- Require that the children be transported using age-appropriate safety restraints in the vehicle as required by law.
- State a neutral place to drop the children off and pick them up. This is usually a public place, like a local McDonalds or park. Courts often order this in cases of conflict.

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❖ You should put any arrangements for the cost of transportation in the Child Support Order.

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**10. Moving with the Children (Relocation).** This section explains the laws that apply when a child's custodian wants to relocate (move) with the child. Do not make any changes to this section.

**11. Other.** Put any other rules here you would like but did not list earlier, or that the judge ordered. **Examples:** denying access to school or medical records, being able to go to or get notice of school or extra-curricular events (sports, church events, music recitals, and so on), or phone contact. Other items may include:

***Suspending visitation for lack of participation:*** The residential schedule could state that a parent who does not go to a certain number of visits in a row without reasonable explanation could lose visitation until further court order.



**Reintegration:** In cases of no or restricted visitation, the residential schedule could state that any increases in visitation or any reduction of restrictions would be gradually phased in over months, taking into effect the children’s needs and comfort level.

**Location of visits:** The residential schedule could require a parent to keep petitioner informed of the location of the visits.

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❖ **If you are a parent writing a proposed residential schedule and you object to Petitioner having custody,** put in this section, “I ask the court to deny Petitioner’s request for custody. I propose this Residential Schedule only if the court awards Petitioner custody over my objection.”

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Here is some sample language for other rules:

- **Phone Calls:** Each parent may call the children at reasonable times.
- **Address and Phone Numbers:** The parties will keep each other advised of their current addresses and phone numbers.
- **School and Activities:** All parties may attend school, sports, and other activities of the children, even if the event is not during that party’s usual residential time.
- **Canceling Visits or Scheduling Make-up Visits:** You may require a party to notify the other several hours in advance if a visit cannot take place. You may write in a plan for make-up visitation in the event of a legitimately missed visit. You may state how long the children and custodian need to wait if a parent does not arrive on time for a visit.
- **Ending the Non-Parent Final Custody Order:** The judge may order or the parties may agree that the child will return to a parent’s custody if certain events happen. Any such provision should go in this part of the residential schedule.

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❖ When you have finished filling out the residential schedule, **read it several times.** Make sure you understand it. If it is your proposed residential schedule, make sure it includes **everything you want** the court to order. If it is the residential schedule ordered by the court after a hearing or trial, make sure it includes **everything the judge ordered.**

---



**12. Proposal.** Check the first box and skip to 13 if you are writing this residential schedule as a court order.

Check the second box if this is a proposed residential schedule. Sign and put the date and place.

**13. Court Order.** Check the first box if this is a proposed order.

Check the second box if you are writing this residential schedule as a court order. LEAVE THE REST OF THIS S FOR THE JUDGE.

If this is a court order, the parties and/or their lawyers and any GAL sign below:

You should check **is presented by me** in the appropriate column (Petitioner on the left, Respondent on the right). Then you should sign and print your name, and put the date.

- 
- ❖ If you are a respondent, you would not normally fill out a **final** residential schedule (or a temporary residential schedule after hearing), because the schedule places the child with the non-parent custodian. If you resolve the case by agreement for petitioner to have custody, petitioner should prepare the final residential schedule. The only time you, a respondent, might prepare a final residential schedule is if there was a trial, the court awarded custody to the nonparent, and now you have a dispute with petitioner about what visitation, contact, or information the judge said you could have with the children. You would fill this out as an alternative to the nonparent custodian's proposed schedule for the judge.
  - ❖ If you go to trial and the judge denies the petition, you **do not** use the residential schedule in finalizing the case. See [Finalize a Non-Parent Custody Case](#).
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## Part 5. Blank Forms

This packet has blank forms for you to use using the instructions and sample form. Make a copy of each form so you have an extra in case your first draft needs many changes. You will need forms from other packets. You may not need everything here.

The Washington Administrative Office of the Courts also has Microsoft Word and PDF versions of many of these forms available at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms).