



Change a Nonparent Custody Order to Get Your Children Back

Should I read this?

You should read this if you are a parent who lost custody of your child in a Nonparent Custody case filed in Washington State before July 1, 2019.

Who should not read this?

This does **not** apply to you if

- you lost custody in a dependency case
- you lost custody to the other parent
- a court has terminated your parental rights

What will I learn?

Why it is now easier to do this, **what** courts will be looking for now, and **how** to ask the court that issued the Nonparent Custody order to change that order and give the child back to you.

What has changed?

Before July 1, 2019, you had limited options for getting your child back from a nonparent who had gotten a custody order. You had to be able to prove to the court that there was a change in the child's or nonparent's situation. You also had to prove that giving the child back to you would be in the child's best interests. **The court would not look at whether your own situation had changed.**

On July 1, 2019, the Washington Court of Appeals in [In Re Custody of S.M. and A.M.](#) found that standard to be unconstitutional. The Court held that **a parent should have a chance to show a change in your own situation.** It also held that **you no longer have to prove that it is in the child's best interest to be returned to you.**

-
- ❖ You will also have to show that it will not harm the child’s growth and development to be returned to your custody.
-

I lost custody to my child’s grandmother last year. I was in a bad place then. My situation is much better now.

You can file a Petition to Terminate or Change Non-Parent Custody Order case to ask the court to return custody of your child to you. You can give the court evidence and declarations that prove the changes in your situation.

You can now use our [Instructions for Filing to End a Nonparent Custody Order to Get Your Children Back](#) packet. Get it at WashingtonLawHelp.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

© 2020 Northwest Justice Project — 1-888-201-1014.

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial purposes only.)