



Parents: You Lost a Non-Parent Custody Case. What now?

Should I read this?

You should read this if you are a parent who lost custody of your child in a Non-Parent 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 of your children to the State (in a Dependency Case)
- you lost custody to the child's other parent
- your parental rights have been terminated

Can I ever get custody back?

Maybe. The law recently changed to make it easier to do this.

What's changed?

Before July 1, 2019, a parent in your situation had limited options for winning back custody of your child from a non-parent who had gotten a custody order. You had to prove to the court that there was a change in the child or non-parent's situation. You also had to show 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.](#) held that standard unconstitutional. The court held that you as the 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.

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- ❖ You still have to show that it will not harm the child's growth and development to be back in your custody.
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I lost custody in a non-parent case last year. I was in a bad place then. My situation is much better now. What can I do?

You can file a Petition to Change Parenting Plan case to ask the court to return custody of your child to you. You can present evidence and declarations that prove the changes in your situation.

I lost custody recently. I have been doing better for the past month or two. What can I do?

You might want to hold off on filing to ask for custody back. Keep working on improving your situation. The Court of Appeals stated that you must show more than a “temporary period of stability.”

I have been stable for a long time and am ready to file. What forms do I use?

New forms should be ready by January 2020. For now, use our [Change a Parenting Plan/Child Custody Order](#) packet with help from a lawyer at a clinic. You will have to change some of the forms to show that your own change of circumstances is enough reason to get custody back. Watch [WashingtonLawHelp.org](#) for a new packet.

Get Legal Help

Outside King County: Call the CLEAR Hotline at 1-888-201-1014 weekdays from 9:15 a.m. - 12:15 p.m.

In King County: Call 211 for referral to a legal services provider weekdays from 8:00 am – 6:00 pm.

Persons 60 and Over can call CLEAR*Sr at 1-888-387-7111 (statewide).

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1-877-211-9274) using a relay service of their choice.

Apply online with [CLEAR*Online](#) - [nwjustice.org/get-legal-help](#).

CLEAR and 211 will provide a free interpreter.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of September 2019.

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