

How Do I Register an Out-of-State Custody Order in Washington?

Is this packet for me?

Yes, if:

- You have a custody order from another state AND
- You want it to have full effect in Washington

Why should I register an out-of-state custody order in Washington?

If you, the other party, or the children live in Washington, it will make it easier to enforce the order, if you ever need to do that.

❖ [RCW 26.27.441](#) explains the process for registering an order. RCW stands for [Revised Code of Washington](#). Those are our state's laws.

Will it cost me?

There may be a filing fee to register this order. If you think you cannot afford it, you may file a Motion for Filing Fee Waiver. Our publication called [Filing for Fee Waiver](#) has more information. Our packet called [Filing a Motion for Waiver of Your Filing Fee](#) has instructions and forms.

You must file two copies of your out-of-state custody order. One must be certified. Get a certified copy from the clerk of the court where the order came from. **You will probably have to pay for this, too.**

Do I have to let the other party know I am doing this?

Under state law, the court must notify the other party. [RCW 26.27.441\(2\)\(b\)](#) reads:

*On receipt of the documents required by subsection (1) of this section, **the registering court shall... Serve notice upon the persons named ... and provide them with an opportunity to contest the registration in accordance with this section.***

Our instructions, below, explain how to give Court Administration your papers and have them notify the other party.

Can the other party try to stop me from registering the order in Washington?

Yes. S/he can file a Motion to Dismiss Out-of-State Registration of Out-of-State Custody Order and schedule a hearing. But s/he can only stop you from registering the order in Washington if s/he can prove one of these:

- The out-of-state court did not have jurisdiction (see shaded box below) to enter the order in the first place.

- Another court has changed, vacated (canceled), or stayed (delayed) the order you want to register.
- The other person did not get proper notice in the out-of-state case under Washington state law ([RCW 26.27.081](#)).

❖ Our publication called [Which Court Has the Right to Enter Custody Orders? Frequently Asked Questions about Jurisdiction](#) explains jurisdiction.

There will be a hearing on registering my out-of-state order. What are the hearing rules?

It depends on the county. Check your county's local rules. They may be online here: http://www.courts.wa.gov/court_rules/?fa=court_rules.local&group=local. Or ask the court clerk, family law facilitator (if your county has one), or assistant to the judge who will hear your motion.

Summary of Steps

- STEP 1. Gather the Forms and Documents You Need
- STEP 2. Fill Out the Forms
- STEP 3. Talk to a Lawyer, if You Can
- STEP 4. Make Three Extra Copies of Each Document
- STEP 5. File / Deliver Working Papers
- STEP 6. Optional: Have the Other Party Served. Provide working copies if required.
- STEP 7. Go to Hearing (if there is one)

STEP 1: Get the forms and documents you may need.

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- ❖ This packet has forms A - F.
 - ❖ Our packet called [Filing a Motion for Waiver of Your Filing Fee](#) has forms G – I.
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- FORM A:** Request to Register Out-of-State Order (*FL UCCJEA 801*)
- FORM B:** Notice of Confirmation of Child Custody Determination Registration under UCCJEA (*FL UCCJEA 802*)
- FORM C:** Court’s Proof of Mailing (*FL UCCJEA 803*)
- FORM D:** Notice: Out-of-State Custody Order Confirmed without Hearing (*UCCJEA 806*)
- FORM E:** Cover letter to Court Administration
- FORM F:** Order of Confirmation of Registered Child Custody Determination (*FL UCCJEA 805*)

- FORM G:** Motion for Filing Fee Waiver
- FORM H:** Financial Statement
- FORM I:** Order re Waiver of Filing Fee

STEP 2: Fill out the forms.

On all forms, fill out the caption (the top portion of each form naming the county, parties involved, and case number).

FORM A: Request to Register Out-of-State Custody Order

To fill out the caption, look at the top of the first page of the custody order you want to register. Copy its caption. At the top, put the county where you are registering this custody order.

Person requesting registration fills out below: Date the form and sign where it says to. Print or type your name in the next blank.

Check the second box. Put your name and address. If you do not want the other party to know where you live, put a P.O. box number if you have one OR the address of a friend or relative you trust to tell you immediately if you receive any legal papers.

FORM B: Notice of Registration of Out-of-State Custody Order

Fill out the caption.

FORM C: Court's Proof of Mailing

Fill out the caption.

1. Leave this for Court Administration to fill out. (See below.)

2. Put the last known mailing address you have for the other party.

Leave the rest for Court Administration to fill out after you have filed your completed forms with the Clerk's Office. State law requires the Court to send the other party this notice. See [RCW 26.27.441\(2\)\(b\)](#): *"...On receipt of the documents... **the registering court** shall... serve notice upon the persons named... and provide them with an opportunity to contest the registration in accordance with this section."*

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- ❖ You can call Court Administration to make sure they have sent the other party this form. Check this directory for the right phone number:
https://www.courts.wa.gov/court_dir/?fa=court_dir.county.
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FORM D: Notice: Out-of-State Custody Order Confirmed Without Hearing

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- ❖ Court Administration will file this form only if the other party does not object and schedule a hearing by the deadline. If the other party does object, you must fill out form E.
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Fill out the caption.

1. In the blank, put your name.

2. Do not make any changes to this paragraph.

3. In the first blank, put the other party's name. Leave the second blank for the clerk to fill out.

4 & 5. Do not make any changes to these paragraphs.

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- ❖ **After filing this form, you may enforce your order in Washington state.** Skip the steps below. Go to the section called "I got my Order registered. Do I need to do anything else to enforce the Order?"
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Form E: Cover letter to Court Administration

Fill out the info requested.

FORM F: Order About Registering Out-of-State Custody Order

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- ❖ If the other party has filed a Motion to Dismiss and scheduled a hearing by the deadline, you should fill this out as a proposed order to ask the judge to sign at the close of the hearing.
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Fill out the caption.

1. In the blank, put your hearing date.
2. Check **Petitioner** and put your name in the blank next to it. Leave the rest for the judge to fill out after the hearing.
3. Check **The Court confirms**.

Ordered. LEAVE THIS FOR THE JUDGE.

Petitioner and Respondent or their lawyers fill out below.

There are two columns of boxes to check, one column for each party. You should at least check “is presented by me” and whichever other boxes in the column that applies to you. You should sign and print your name and the date where it says to.

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- ❖ If you must file a motion for fee waiver, our packet called [Filing a Motion for Waiver of Your Filing Fee](#) has forms and instructions.
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STEP 3: Talk to a lawyer, if possible.

These instructions are not legal advice. Try to talk to a lawyer about your problem before filing your Request. If you cannot afford to hire a lawyer to represent you, you may be able to pay one to advise you and review your paperwork. If you are very low-income, call CLEAR. (The end of this packet has contact info.)

STEP 4: Make four extra copies of each document.

Make at least four copies of each document (or more if there is more than one other party in the case):

- One copy for you
- One for the other party’s lawyer (or the other party if s/he does not have a lawyer)
- One for copy for Court Administration
- One copy for the judge, in case there is a hearing

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- ❖ Step 6 has more on working papers.
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STEP 5: File / Deliver Copies

❖ Keep reading **only** if the other party scheduled a hearing about this.

You should file the originals of these with the Clerk's office:

- Forms A – D: mark D in the upper right-hand corner as **PROPOSED**
- Forms G – I **only** if you asked for a fee waiver

Court Administration: Take two sets of copies of forms A – D and your cover letter (make a copy of your cover letter in the set for your own records) to Court Administration. Leave one set with that office. Have them date-stamp the other set. This will be your copy.

Step 6: Optional. Do these only if there will be a hearing: Serve the other party with a copy of your papers . Give the judge working copies.

You must have the other party served with a copy of your papers the proper amount of time before the hearing. Each county has its own rule about this. **Ask the family law facilitator or court clerk how many days' beforehand you must give the other party your papers. Add days if you are serving by mail.** Bring the remaining copy of your packet to your hearing. It is your copy.

Working Copies (also called Working Papers): Ask the family law facilitator or court clerk if your county requires you to deliver working copies to the judge before the hearing. If so, our publication called [What are Working Copies?](#) explains what to do.

STEP 7: Confirm and go to the hearing.

❖ The other party must schedule a hearing if s/he objects to you registering the out-of-state order.

If the other party schedules a hearing: You must go and tell the judge your side of the case. You cannot present any new facts that are not already in the documents you filed.

Bring a copy of your packet of forms with you. Everything you want to say about the Request to Register Out-of-State Custody Order must already be in your forms. If the judge allows you to speak at all, you will get only a few minutes.

YOU MAY HAVE TO WAIT AS LONG AS THREE HOURS FOR YOUR HEARING. DO NOT BRING CHILDREN WITH YOU. Arrive a half-hour early for your hearing to check in.

If the other party shows up at the hearing, each of you will have a chance to tell your side of the case. Stand while speaking. Tell the judge briefly what you want and why. Try to keep your argument short. Just outline your main points. You may have only a few minutes to speak. In

most cases, the judge will have read your papers before the hearing. Do not repeat everything in your papers. Try to make notes to use at the hearing.

❖ **DO NOT INTERRUPT THE JUDGE.**

After the judge has heard both sides, s/he will make a decision. Listen carefully. Usually the judge will sign your Order the day of your hearing. Some counties require the judge to sign them before the parties leave the courthouse. Find out beforehand what the local practice is in the county where you have filed.

After the Hearing: The judge may have one of you file the Order with the clerk. **Do not leave the courthouse with or destroy the original signed order.** If you do not know what to do with the originals, ask the clerk's office for help.

I got my Order registered. Do I need to do anything else to enforce it?

If the other party is not following the Order, you may need to file a motion for contempt. Our publication called [Contempt of Court in Family Law Cases: The Basics](#) explains the law. Our packet called [Filing a Motion for Contempt: Family Law Cases](#) has forms and instructions.

❖ **The laws and court rules are complex.** Following these instructions will not guarantee a good result. Try to talk to a lawyer about your problem before filing your action. (You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem, but not represent you in court.)

What if I need legal help?

- **Apply online with CLEAR*Online** - <https://nwjustice.org/get-legal-help>
or
- **Call CLEAR at 1-888-201-1014**

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m.
- **King County:** Call 211 for information and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. You may also call (206) 461-3200, or the toll-free number, 1-877-211-WASH (9274). You can also get information on legal service providers in King County through 211's website at www.resourcehouse.com/win211/.
- **Persons 60 and Over:** Persons 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of their choice.

211 and CLEAR will conference in interpreters when needed at no cost to callers.

Free legal education publications, videos and self-help packets covering many legal issues are available at www.washingtonlawhelp.org.

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 2016.

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