

I Was Served with Parentage (or Petition for Parenting Plan or Child Support) Papers

Section 1: Summary of Steps

1. Figure out which county the case is in.
2. Read about jurisdiction. Talk to a lawyer right away if you think the Washington court does not have jurisdiction.
3. Figure out what type of Petition you were served with.
4. Figure out if you are responding to a Motion for Temporary Orders or Immediate Restraining Order.
5. Figure out your deadline for responding.
6. If you can prove the Petitioner raped you and the child was born as a result, talk to a lawyer and/or a sexual assault advocate. Read [My Legal Rights: I Was Raped and Got Pregnant](#). Get our packet called [Parentage Cases: If You Were Raped and Got Pregnant](#). Both are available at washingtonlawhelp.org.
7. Figure out if you want to ask for temporary, restraining, or protective orders, genetic testing, and/or a guardian ad litem.
8. Get the forms and packets you need.

Section 2: What to do first

A. Figure out what county your case is in.

The papers you were served with should say “Superior Court of the State of Washington, County of _____” at the top. Make sure the other party filed your case in the right county. It should be where you live or where the child lives.

B. Decide if you think a Washington court has the authority (jurisdiction) to hear this case.

The court may not have jurisdiction if, for example, you have never lived in Washington, or the child has not lived here for a very long time. Jurisdiction can be complicated. Read [Which Court Can Enter Custody Orders? Frequently Asked Questions about Jurisdiction](#). Talk to a lawyer before doing anything else if you think the court does not have jurisdiction.

C. Figure out what you are responding to.

Look carefully at the title of your papers in the upper right section of the first page, under the case number.

- If the papers include forms called a *Summons* and *Petition*, the first page of the *Petition* tells you what type of parentage case you have. You need forms and instructions for responding to the particular *Petition* you received. **Examples:** You got a *Petition to Decide Parentage*, with form number FL Parentage 301. Get [Responding to a Petition to Decide Parentage](#). You got a *Petition for a Parenting Plan/Residential Schedule or Child Support*, FL Parentage 331. Get [Responding to a Petition for Parenting Plan, Residential Schedule and/or Child Support: Parentage Cases](#). The Table at the end lists petition types and response forms.
- If you were served with a Notice for Hearing or Note for Calendar Motion, and a Motion for Temporary Family Law Order, get [Responding to Motions for Temporary Family Law Orders or Immediate Restraining Orders: Parentage Cases](#).
- If you were served with an Immediate Restraining Order and Hearing Notice, get [Responding to Motions for Temporary Family Law Orders or Immediate Restraining Orders: Parentage Cases](#).
- If you were served with a Motion for Parenting Plan or Residential Schedule and a proposed Parenting Plan or Residential Schedule, and a court entered a Final Parentage Order in the past 24 months, talk to a lawyer.

❖ You must obey an Immediate Restraining Order until there is a hearing.

D. Respond on time!

You must figure out right away how to respond. If you do not respond on time, the other party may automatically win. **You may have as few as four business days to file a response.** If you cannot respond in time, you must at least file a *Notice of Appearance* and ask for a *continuance* (delay). Get the Notice of Appearance form, FL All Family 118, at www.courts.wa.gov/forms. [Family Law: How to get a Continuance of Your Hearing](#) has more info.

Section 3: Questions and Answers

A. Should I talk with a lawyer?

Even if you cannot afford to hire a lawyer to file your response, talk at least once with one for advice. If you have a very low-income and live outside King County, call CLEAR. In King County, call the King County Bar Association for referrals to low or no-cost legal advice clinics for family law cases.

B. Can I ask for temporary orders?

If you want the court to enter orders before you finalize your case, you can ask for *temporary family law orders*. A judge enters these quickly. They can last until trial OR the end of your case.

You can ask for temporary family law orders any time between the filing of the Summons and Petition and the day your case is final. You must file a Motion and give the other parties notice and a chance to respond. A judge will decide your motion at a hearing within about one to three weeks later.

If you need to change your temporary order after it has been entered, you can ask the court to change a Temporary Family Law Order any time before your case is final. [RCW 26.09.060\(10\)\(b\)](#). You do this by filing another Motion for Temporary Family Law Orders.

C. Why should I ask for temporary orders?

- Are you happy with how things are going right now, without a court order? Do you need the court to order the other party to do or stop doing something?
- You can ask for such things as:
 - A parenting plan saying how much time the children will spend with each parent until the case is final. **Example:** a parenting plan can give you scheduled visits if the other parent is denying you visitation.
 - Restraining orders keeping one party from harassing or coming near the other.
 - Restraining orders ordering a parent not to take the children out of state.
 - Orders for temporary child support or attorney's fees.
 - Appointment of a guardian ad litem (GAL) to make recommendations to the court about what is in the child's best interests.

D. Do I need an immediate restraining order?

Only if you need protection right away. The court can enter this order without advance notice to the other party. There will still eventually be a hearing where the judge will decide whether to continue the order.

You should ask for an immediate restraining order if you cannot wait one to three weeks for a hearing. Examples: the other party is harassing or harming you, has harmed the children or is a danger to them, or has threatened to take them.

If you file a Motion for an Immediate Restraining Order, you can ask for the same types of orders you can get in a Motion for Temporary Family Law Orders. You do not need to file both.

E. What if the other parent has hurt me?

If you are afraid the other party may threaten or hurt you or your children, the court can issue special orders to help protect you. If you have been a domestic violence victim, or someone has threatened to hurt you, you can ask for a Protection Order. You can also ask for a permanent protection order as part of the final orders in your case.

❖ **“Domestic violence” means** acts of violence or threats of harm by a family or household member against another family or household member or their children. [RCW 26.50.010\(1\)](#).

A Protection Order can:

- Give you custody.
- Set up a visitation schedule, or stop the other parent from seeing the children.
- Keep the other parent away from your home, work, or school.
- Order the other parent not to threaten, assault, harass, or stalk you.
- Order the other parent to attend treatment for domestic violence and/or alcohol or drug treatment.

For more info, contact your court’s protection order advocates, your local domestic violence program, or call the National Domestic Violence Hotline at 1.800.799.7233.

F. Can I ask for genetic testing?

Yes. If the courthouse facilitator does not have a packet, use [Parentage Cases: Filing a Motion for Genetic Testing](#).

G. What is a Guardian ad Litem?

You can ask the judge to appoint someone to make recommendations about parenting arrangements. Read [Guardian ad Litem in Family Law Cases](#) and [How to Work with GALs and Parenting Evaluators](#).

❖ The GAL must get notice of all hearings and be served with any legal documents in the case.

A GAL can investigate parents and child. The GAL looks at the parenting history, all parties’ abilities, and child’s situation. Then the GAL recommends to the court what type of custody and visitation would be in the child's best interests.

❖ A GAL will not just tell the court what your child wants.

The GAL may charge by the hour. The parties usually share payment of a GAL's fees. If you cannot afford to pay, ask if there is a volunteer family law GAL program called Court Appointed Special Advocates (CASA) the court can appoint free. You can also use [Your Family Law Case: If You Cannot Afford the GAL Fee](#) to ask the court to waive (forgive) all or part of the fee.

H. When should I ask for a GAL?

- There has been any physical or sexual abuse of you or the children.
- A parent is seriously mentally ill.
- A parent has an alcohol or drug addiction.

The judge may appoint a GAL even if you do not ask for one. The judge usually accepts a GAL's recommendations.

Guardian ad Litem are "Mandated Reporters." A GAL must report a family to law enforcement or CPS when the GAL believes a child whose family they are investigating is an abuse or neglect victim.

I. The Petitioner sexually assaulted me. The child who is the subject of this court case was born as a result. What can I do?

If you can prove by clear and convincing evidence that the Petitioner raped you and the child was born as a result, talk to a lawyer and/or a sexual assault advocate. Read [My Legal Rights: I Was Raped and Got Pregnant](#). Get our packet called [Parentage Cases: If You Were Raped and Got Pregnant](#). Both are available at washingtonlawhelp.org.

You can file a Sexual Assault Allegation and ask the judge to hold a hearing on this allegation. If the judge agrees that the Petitioner raped you, the judge can refuse to make the Petitioner a legal parent, or limit the Petitioner's rights to the child.

Section 4: Get the forms and packets you need

The list below should help you decide what you need to respond to the case you were served with. Read the list carefully.

Papers You Got:	You Should Use:
Summons and Petition to Decide Parentage, FL Parentage 301	Use Responding to a Petition to Decide Parentage
<ul style="list-style-type: none"> ▫ If you also received a Proposed Parenting Plan or Residential Schedule ▫ If you also received child support papers: Child Support Worksheets, a Financial Declaration, Sealed Financial Source Documents Cover Sheet with attachments 	<p>File your own Proposed Parenting Plan, FL All Family 140 or Residential Schedule, FL Parentage 304</p> <p>File your own Washington State Child Support Worksheets, Financial Declaration (FL All Family 131), and attach your financial papers to a Sealed Financial Source Documents Cover Sheet (FL All Family 011)</p>
If the Petitioner raped you and the child who is the subject of this parentage case was born as a result	Sexual Assault Allegation, FL Parentage 383
Summons and Petition for Residential Schedule/Parenting Plan or Child Support, FL Parentage 331	Use Responding to a Petition for a Parenting Plan, Residential Schedule and/or Child Support: Parentage Cases

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