

Respond to a Motion to Adjust Your Child Support Court Order

Forms and Instructions



Northwest Justice Project

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Part 1. Important Information

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- ❖ Use this *only* if you are involved in a family law case in a Superior Court in Washington State.
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A. What is a Motion to Adjust Child Support Order?

It asks a judge to change how much child support a party pays. If the party making the motion gives enough evidence to show a change is needed, the judge will issue an Order on Motion to Adjust Child Support Order.

You can only file a Motion to Adjust Child Support Order in a few situations. To learn more about whether you should file this motion, talk to a lawyer or read [If You Want to Modify \(Change\) Your Child Support Court Order](#) to learn more.

B. When should I use this?

Use this **only** if you have gotten papers asking the court to adjust (change) your child support court order by *motion in superior court*.

This will help you file your response to that motion, ask the court for what you want, and get ready for your hearing.

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- ❖ **How can I tell this is a Motion?** Look at the title on the first page of each court paper you got. You should have one that says, “Motion to Adjust Child Support Order.” If it says, “Petition to Modify Child Support Order,” do not use this. Use our [Respond to a Petition to Modify Your Child Support Order](#) packet instead.
 - ❖ **How can I tell if my case is in Superior Court?** Look at the top of the first page of the court papers you received. It should say “Superior Court of Washington, County of [County Where the Case was Filed].”
-

C. You must respond on time!

When served with legal papers, you **must act fast** to figure out how to respond.

If you do not respond on time, the person who filed this motion (called the **moving party**) may automatically win. **You may have as few as 4 business days after getting the papers to file your response.**

It may take time to find legal resources and read this. Start as soon as you get the papers. If you cannot respond in time, file a *Notice of Appearance*, and ask for a *continuance* (see below). Meanwhile, be as ready as you can and go to your hearing on the originally scheduled date.

Unless you think Washington should not have authority (jurisdiction) over you, filing some kind of response is better than not filing anything or appearing at all. **If you do not file a response in time or go to any hearing, the moving party may get a "default" order giving them everything they ask for.**

D. What if I am in the military or a military dependent?

You may have special legal protections.

Before filing anything with the court and well before your deadline for filing, see your JAG office or a private attorney familiar with the Service Members Civil Relief Acts for legal advice about protections under these laws.

E. Try Using Washington Forms Online

Washington Forms Online helps people fill out family law forms on a computer. Answer interview questions on LawHelp Interactive to create completed forms and instructions that are ready for your use.

Visit [WashingtonLawHelp.org/resource/Washington-forms-online](https://www.washingtonlawhelp.org/resource/washington-forms-online) to see what forms are available. Other packets we recommend here may also be available.

F. 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 about your case.

If you have a low income, you can contact legal aid:

- **Do you live in King County? Call 2-1-1**, open weekdays 8:00 a.m. - 6:00 p.m. From a 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

Call the CLEAR Legal Hotline at 1-888-201-1014.



Part 2. Checklist of Steps

This checklist should help you keep track of the different steps to take to prepare for your hearing.

We explain many of the steps listed below in more detail later.

1. Figure out how much time you have to respond

The hearing date is _____.

The deadline to respond to the Motion is _____.

I do do not need to deliver working papers to the judge.

Put other deadlines here: _____

2. Read the papers you have been given

The **moving party** must give you these:

- Notice of Hearing
- Motion to Adjust Child Support Order
- Child Support Worksheets

They should also have given you:

- Financial Declaration (of Requesting Party)
- Federal income tax returns (usually last 2 years)
- Pay stubs (at least one month; some counties require more)
- Proof of any expenses being claimed
- Other Financial Information Required by your County. (**Example:** some counties require bank statements for last six months.)
- Proposed Order on Motion to Adjust Child Support



- Proposed Child Support Order

-
- ❖ If the moving party did not give you all the legal papers that they should have, ask the judge not to grant their motion.
 - ❖ First, write the moving party (or their lawyer) a letter. List the legal papers or financial information you believe you should have gotten, but did not.
 - ❖ If you get the legal papers late or still do not get them, put in your responsive declaration that you did not get all of the required papers. Attach a copy of your letter.
-

3. Check for special local rules and forms.

Check local court rules, or ask the court clerk or family law facilitator:

If the county has its own packet for responding to a Motion to Adjust Child Support Order. If so, use that one instead of ours.

If you use this, get any other local forms you will need.

If there are special local deadlines for filing and serving motions and responses to motions.

If your county requires you to prepare proposed orders with any Motions you file or respond to.

If there are local requirements for you to take part in settlement conferences or mediation.

- 4. Gather your evidence and any forms not in this packet, if needed.**
- 5. Decide if you agree with the moving party's requests, or which parts you deny or disagree with.**
- 6. Follow the General Instructions. Fill out the captions of all of the forms.**
- 7. Fill out all forms you are using.**



- 8. Make the needed copies of the completed forms and documents you plan to use.**
- 9. File your papers with the court clerk's office.**
- 10. Deliver the papers to the other parties.**
- 11. Deliver a set of working papers to the judge, if needed.**
- 12. Fill out and file the Proof of Mailing or Hand Delivery.**
- 13. Review any reply filed by the moving party.**
- 14. Get ready for your hearing.**
- 15. Go to your hearing.**
- 16. Get copies of the orders the judge signs at the hearing.**
- 17. See a lawyer if you disagree with the court's order.**



Part 3. Court forms in this packet

The forms marked with ❖ are available to fill out online using our do-it-yourself interview program, [Washington Forms Online](#), at WashingtonLawHelp.org. This free program will help you fill out court forms.

The interview asks questions and uses your answers to complete your forms. When you finish the interview, you can save, edit, email, download or print your completed forms.

Forms you need in this packet:

Court Form Title	Court Form Number
Confidential Information Form	FL All Family 001
❖ Sealed Financial Source Documents Form (Cover Sheet)	FL All Family 011
Sealed Personal Health Care Records (Cover Sheet)	FL All Family 012
Proof of Mailing or Hand Delivery	FL All Family 112
Notice of Appearance	FL All Family 118
❖ Child Support Order	FL All Family 130
❖ Financial Declaration of:	FL All Family 131
Declaration of:	FL All Family 135
Order on Motion to Adjust Child Support Order	FL Modify 522
Washington State Child Support Schedule with Instructions	No Form Number
❖ Child Support Worksheets	No Form Number



Part 4. Other court forms and documents you may need to get

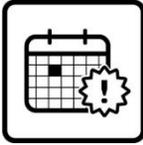
Read the list below. Check off the boxes next to what else you will need. Get those documents or packets before filling everything out. Download our other packets online at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).

- Declaration about Public Assistance (FL All Family 132):** We do not include this optional form in our packets. You may need the form if your county requires it, or to verify that no child in the case has gotten public assistance or been in foster care or an out-of-home placement. You can get this form at courts.wa.gov/forms.
- Declaration about Public Assistance (FL All Family 132):** This optional form is not in our packets. You may need the form if your county requires it, or to verify that no child in the case has gotten public assistance or been in foster care or out-of-home placement. You can get this form at courts.wa.gov/forms.
- Serving Papers on the State:** If any of the children has gotten public assistance, medical coupons, or Medicaid, or is in foster care or out of home placement. You must include the state as a party and serve them with papers you file.
- Local County Court Forms and Rules.** Some counties have other special forms you will need. Most counties have “local rules” you will need to know about. Ask the court clerk’s office or family law facilitator in your county for more info.

❖ **Some county clerks’ forms and local rules available online** at bit.ly/3Ak5jTz.

- Financial Information.** See details below.
- Sealed Confidential Court Reports Cover Sheet:** If you need this, the form and instructions are in [Ask for Temporary Family Law Orders in a Divorce Case](#) or get the form from courts.wa.gov/forms.
- What are Working Copies?** If court rules require serve these. You may want to do this even if your county does not require them.





Part 5. Getting ready to Respond

A. Figure out how much time you have to respond and whether the motion is filed in the right place.

When you get the papers, look at the Notice of Hearing (also called Note for Motion, Note for Calendar Hearing, or Note for Motion Docket). You must file your response by the date stated in the notice.

If the notice does not state a deadline, immediately check local court rules, or ask the clerk or facilitator what the deadline is.

In most counties, you must respond (the other parties and the court clerk and judge must get your papers) no later than 4:30 p.m. the *court* day before the hearing. Court days are business days (not weekends or federal and state holidays). **Some counties have an earlier response deadline.**

1. Make sure you receive enough notice

The person who files the motion (in most cases, the other parent or their lawyer) must give you enough notice of the hearing.

You must get the papers as many days before the hearing as local rules require. In most counties, you must get the papers for a motion at least five court days before the hearing, not including the date you get the papers. You may be entitled to more notice.

If the other person mails you the papers, you should get an extra three days to respond after the date the papers were mailed.

2. If you need more time

-
- ❖ If you did not get enough notice, the judge should not enter an order against you on the hearing date. **But do not ignore the hearing date.** The judge will not always know you did not get enough notice.
-

If you did not get enough notice, try to ask for a continuance (delay) before the hearing. You can also ask for a continuance where you did get enough notice

according to the rules, but you simply do not have enough time to respond, or you need more time to try to get legal help.

Make sure you have filed and served a Notice of Appearance.

As soon as you know you want a continuance, contact the moving party, or their lawyer, if they have one, by email or fax if you can. State that you need more time to respond to the papers. Ask them for a new hearing date. Depending on your reasons for asking, you could ask for a week or longer.

-
- ❖ You must ask the moving party for a continuance **before** the hearing if you know you need one. If you just show up for the hearing, the judge may make you pay the moving party for wasting their time, especially if the moving party has a lawyer.
-

If the other person agrees to the continuance, ask for written confirmation that they have rescheduled the hearing.

If you do not get this, you should assume the hearing is still taking place, and get ready for and go to it. The court might need to approve any continuance.

If the other person will not agree to the continuance, you can:

Respond as best you can anyway. Get ready for the hearing. Use a declaration form. First, put that you want a continuance. If you did not get enough notice, put that.

If you did, but you need more time, put that, and describe how you tried to get the other person to agree to the continuance. File a Notice of Appearance, too.

Make a Motion for Continuance. You may not have enough time to give the moving party the notice required for a motion for continuance. In that case, you may need to get an Order Shortening Time (letting you bring your motion in less than the required time). Talk to the facilitator or clerk.

Ask for a Continuance at the Hearing. Go to the hearing. When they call your case, stand up. State your name. State that you would like a continuance.

The judge may ask your reasons why and the moving party why they do not want it. If you tried to get the moving party to agree before the hearing, let the judge know that.

-
- ❖ The court may not allow a continuance. Be as ready as you can be to have the hearing on the original date.
-

3. If the Hearing Already Happened

If you find out a hearing already happened, but you did not get any notice in advance, **talk with a lawyer as soon as possible**. Try to ask the court to vacate (cancel) the orders.

Act fast. The longer you wait, the harder it may be for you to vacate the orders. Court orders that are over one year old can be very hard to vacate.

B. Read the papers you have been given

Carefully read each paper you got. Highlight the main points (and those you disagree with) with yellow highlighter, or make notes on a separate piece of paper.

Look for:

- The hearing date, time, and place
- Your deadline to respond
- How much child support the moving party wants
- If the moving party also wants other things

Examples: A judgment for back support or relief from back support or interest, daycare, uninsured medical expenses, insurance, educational expenses, long distance transportation, claiming the children as a federal income tax exemption, and so on.

- If the moving party provided all the proof of their income court rules require
- Claims the moving party has made about you or the case

You must understand what the papers say so you can write a good response and get ready for your hearing.

C. Gather Your Evidence

Try to get the evidence you will need first, for use while filling out your forms. Think carefully about what information can help show that you are correct or the moving party is wrong.

Examples include:

- **Declarations** by you or other people who have personal knowledge about you, the moving party, and/or your children. See the instructions for the Declaration form, below.
- **Financial Information.** Provide the court and the moving party with financial documents that prove how much your income is. In general, you should provide:
 - Your federal income tax returns from the last two years.

-
- ❖ If you do not have copies of your tax returns, ask the IRS for copies. (There is a fee.) Contact your local IRS office for the request form. Or ask them to give you a computer printout of your tax returns. These are not as good as photocopies, but better than not having your returns. They may be free.
 - ❖ If you did not file tax returns, explain that in your declaration. Give the court other papers proving your income.
-

- Your pay stubs. (Provide them for at least the previous month. It is best to give the last six months, or back to January 1, whichever is longer.)
- If you get any benefits, you need official letters from Social Security, L&I, Employment Security, or DSHS showing how much you get in benefits.
- If you are self-employed, or do not have pay stubs or tax returns, get papers proving your income.

Examples:

- Bank account statements and check registers

- Business tax returns or records, or 1099 forms
- Any other information required by your Child Support Order periodic adjustment section (section 13), if the moving party is filing this motion on that basis.
- Any other information needed to support your request for financial relief (**Examples:** Copies of children’s medical bills not covered by insurance, daycare payments, tuition for the children, and so on.)
- Local court rules may require you to you provide more financial information. Read local court rules, or ask the clerk or facilitator.

It is your responsibility to prove your income, and how much support should be (if the amount should change it at all).

If you do not give enough financial information, the judge can impute (estimate) income to you, or may set your income according to the moving party’s claim.



Part 6. General instructions for filling out forms

Read these before you start filling out any forms.

The Caption. The caption is the name of your case. It is a section appearing at the top of the first page of every form. It includes the case name and number, court’s name, title of the court paper, and, sometimes, type of case. A sample is below.

<p style="text-align: center;">Superior Court of Washington, County of _____</p> <p>In re <u>the marriage of:</u></p> <p>Petitioner (<i>person who started this case</i>):</p> <p style="padding-left: 40px;"><u>Jane Brown</u></p> <p>And Respondent (<i>other spouse</i>):</p> <p style="padding-left: 40px;"><u>John Brown</u></p>	<p>No. _____</p> <p>Notice of Hearing (NTHG)</p> <p><input checked="" type="checkbox"/> Clerk’s action required: 1</p>
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This **case type** is for a divorce.

Put the **county** where you are filing this form.

Put the **case number**. The court clerk assigns this number when the

This is the form’s **title**.

Name of Court. Put the name of the county where your case was filed after "Superior Court of Washington County of ."

Case name. Copy the names of the parties from the left side of page 1 of the motion.

Case number. When Petitioner starts the case by filing the initial papers, the court clerk assigns a case number. You must put that number on every paper you file with the court and serve on other parties. Put it near the top on the right-hand section of the first page of every form after "No." (abbreviation for "number").

-
- ❖ You can print the case number **or** the court clerk’s counter may have a special stamp you can use. If you do not put the case number on the first page of everything you file and your copies, your papers may be lost, or the clerk may return them to you. Some courts will fine you for filing incorrect forms.
-

Title. Each form has a title directly under the case caption. You might have to add to it. (**Example:** On a declaration, you put the name of the person filling out the declaration.)

-
- ❖ **Format:** Pleadings (legal forms) you file with the court and attachments to pleadings must follow court rules about size and margins. You must use regular size (8 ½ x 11”) white paper. You may write on only one side of the paper. The first page of each paper you file must have a three-inch margin (three inches of space) at the top. The other margins (left, right and bottom, and the top from the second page on) must be at least one-inch wide. Use black or dark blue ink. If your forms do not follow these rules, the court clerk may refuse to file them or may make you pay a fine.
-

The contents. Fill out each form according to its instructions. In most counties, you may print or type. It must be readable. Use **black or dark blue ink**. After filling out each form, re-read it. Make sure you have correctly filled in all blanks you need to. Any corrections must be neat and readable.

Do not write in the margins of any page. The clerk may reject your form.

Dates. The last page of most forms (not including orders) has a space for the person who filled it out to put the date they signed it. The judge puts dates in orders when signing the order.

Signatures.

Your Signature: After you fill out a form, look for the place(s) to sign your name:

Some forms have one signature line for “petitioner” or “respondent.” After you fill out a form, sign at the place that applies to you. **Look carefully.** You may have to sign in more than one place. You may have to put the date and the place (city, state) you signed the form.

When you prepare an order and plan to present it for the judge to sign, look for the place at the end for your signature. Check **is presented by me**.

Judge's Signature: Leave the judge's signature line and the date blank.

Other party's signature: Some forms have a place for other parties to sign. You cannot force another party to sign a court paper. If you have prepared an order after a hearing, the moving party may be willing to sign it if they agree it accurately states the judge's decisions, or the judge may require the moving party to sign.

- *Agreed orders.* If the moving party agrees with the orders you have written, they should sign in the right place on each court order they agree to.
- *May be signed by the court without notice to me.* If you are the respondent or nonmoving party, or you did not prepare the order, the moving party may ask you to check this box and sign underneath. If you do, you are agreeing the judge should sign the order as written **and** the moving party can give the order to the judge to sign without letting you know when they are going to do it.

Other signatures: A witness or person serving papers who must sign a form must fill out all information correctly and sign in the right space.

Place signed. Declarations and Proofs of Service must include the place you signed them and the date. (**Example:** Signed this 10th day of October 2014 at Seattle, WA.)

Identifying Information. Court rules try to protect privacy but also allow public access to some information in court files. The next three boxes discuss these rules.

Box #1- Things to *not* put in most court papers:

Court rules try to protect privacy in family law cases. Almost all pleadings, orders and other papers filed with the court are available to the public. They may also be publicly available online.

Except where instructions about a specific form tell you otherwise (**example:** the forms in Box #3), use these rules for papers you file with the court.

Address (Where you Live) and Phone Number: Put an address where you can get mail from the court. It does not have to be your home address. Give the court a phone number where they can reach you.

Social Security/Driver's License, ID Numbers of Adults and Children: Put only the last four digits.

Bank Account, Credit Card Numbers: Put the bank name, type of account (savings, checking, and so on), and last four digits of the account number.



Box #2 - Private information you should file with sealed cover sheets:

If you use a sealed cover sheet, this information is usually available to the moving party and the court. It is **not** available to the public.

Financial Information: You must attach any paystubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders you file to a Sealed Financial Source Documents form. Then the public cannot access them.

Medical or Mental Health Records or Information: You must attach anything you file with health or mental health info about someone's past, present, or future physical or mental health, including insurance or payment records to a Sealed Personal Health Care Records form.

Confidential Reports: Reports intended for court use must have public and private sections. Attach the private section to a Sealed Confidential Reports Cover Sheet.

Retirement Plan Orders: Certain retirement information belongs in the public file. "Retirement Plan Orders" do not. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See a lawyer if this affects your case.

Other Kinds of Confidential or Embarrassing Information Not Mentioned Above. If the paper you want kept confidential is not in the above list, you may need to file a motion to have that paper, or part of it, sealed. Talk to a lawyer.

Box #3 - When to put private info in court forms:

These forms are not in the public file. Info in them is **usually** not available to the moving party.

You must fill out your personal info completely (including your home address, social security number, and so on):

Confidential Information Form

Vital Statistics Form





Part 7. How to fill out each form

A. Notice of Appearance – FL All Family 118

This tells the court and other party that you are going to take part in the case and you want to get notice of what is happening.

Caption. Fill out the caption.

1. Put your name.
2. Read this.
3. Put your mailing address. If you are afraid to give the other parties your address, use an address where you will **reliably and immediately** learn about mail that arrives for you.
4. If you want, you can list an email address here. But make sure it is for an account you check regularly, like every day.
5. You should only agree to get legal papers at the email address of an account you check at least every day.

Sign and date where it says.

-
- ❖ If the mailing address you use in the Response or Notice of Appearance later changes, you must fill out, file, and serve the moving party with a [Notice of Address Change](#), FL All Family 120, available at courts.wa.gov/forms.
-

B. Child Support Worksheets

Fill out the Child Support Worksheets first. It will take time, but will give you an idea how much your support will change. You also need the information when filling other forms.

-
- ❖ **WARNING:** If your current Child Support Order does not already include payment for health care, daycare, or other special costs, you may not be able to add them as part of an adjustment. No specific law stops the court from changing or adding these special expenses. Ask the facilitator or clerk what

your county's policy is. If you want to add payment for health care or daycare expenses to your support order, you may need to file a petition to modify the child support order.

The judge will sign a set of worksheets the judge approves when entering a support order. The judge may sign worksheets you prepared.

Or the judge may ask you to prepare a new set of worksheets with the specific income, expense, and support amounts the judge announced at hearing or trial.

❖ The instructions here only cover a few special issues.

The instructions and worksheets here are current as of January 2019. Use them with the Washington State Child Support Schedule published by the Administrative Office of the Courts. Get it from courts.wa.gov/forms, or call (360) 705-5328. Read [How is Child Support Set?](#) to learn more.

-
- ❖ These instructions are for filling out the worksheets based on the income, support amounts, and expense figures you propose at the start of the case and/or before a hearing.
 - ❖ If the parties all agree on the income, support amounts, and expense figures, you must fill out the worksheets using your agreed figures. You may need to show the judge that those amounts are correct.
 - ❖ If you are filling in these worksheets after the judge has announced a decision, you must use the income, support amounts, expenses, and other info the judge announced.
-

Use the Division of Child Support's (DCS) **online** Child Support Estimator, bit.ly/3PYV8bm, for help:

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

-
- ❖ **The Estimator may not work if you are asking for a “deviation”** from the standard 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 a child.)
-

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 moving party
- how to fill out the rest of the financial info

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 your county, the case number, the parents’ and children’s names, and the children’s ages in the appropriate spaces.
- 3. List your info on the Worksheet in Column 1 and the other parent’s in Column 2.**
- 4. Put info for the other parent only if you know or can estimate their income and expenses.** You should put on the form if you have used estimates. If you have any income information for the other parent, even an estimate, use it. Explain in **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 other parent will have a chance to correct any incorrect information.
- 5. 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.”

- 6. If you cannot get accurate income information about the other parent or estimate their income** based on what you know, **or you believe they are voluntarily unemployed or underemployed**, follow the instructions for *imputing* income to that parent. (See the WSCSS Definitions and Standards, INCOME STANDARD #6, on page 1.)
- 7. Health Care Expenses (Part III):** You should include here only expenses you pay regularly (**example:** monthly health insurance premium). Do not include doctor bills that may change over time. If you are listing health care expenses on lines **10a** and **10b**, you should also list monthly payments you actually made for those expenses on line **16a, Monthly Health Care Expenses Credit.**
- 8. Including Daycare, Education & Travel Expenses:** In **section 11**, put your daycare, tuition or other special childcare expense, IF that amount was previously 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 daycare, education, and travel expenses here. Instead, you 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 any changes in these expenses over time. Then you may not need to change your support order in the future.

The downside of putting these expenses in the Order (instead of the Worksheets) is that it may be harder to collect payment from the other parent for these expenses.

- 9. In the “Other Factors for Consideration” part of the Worksheet**, you explain how you calculated income and expenses, and show factors that may allow “deviation” from the “standard calculation.” You should list any special circumstances on the worksheet. See the “Limitation Standards” and the

"Deviation Standards" on pages 3 - 4 of the Definitions and Standards section of the Child 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 you imputed or estimated someone's income, put how you figured it. 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.

❖ **Fill out the Worksheet *completely*.** It takes time and patience. The judge decides support based on the worksheets.

Signature. Sign where it says on the last page. Show the date and city you signed.

C. Financial Declaration of: – FL All Family 131

Both parties must file a Financial Declaration.

Caption. Fill out the caption, including your name.

1. Your personal information. Give the info requested. Check **yes** if you are currently working and put your hire date. Check **no** if you are **not** currently 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 the other parent's income is, give your best estimate, or use the support schedule's instructions for imputing income.

Use the column titled “You” 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 the 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 also 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.

Deductions from Income. If you include any deductions from income other than income tax, FICA, and L&I payments, you must have proof of each deduction. 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, you must have proof that you have had them taken for at least two years. If the other parent disputes your claims, have 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.

A. 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. The court does not include that income in calculating the basic support obligation. The court might consider it if someone asks for a deviation from the standard support amount.

5. Disputed income. If you think anyone will dispute a parent’s income, state what you believe the correct amount is and why 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. For expenses that are not monthly, 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. 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.

D. Confidential Information Form and Attachment - FL All Family 001

In family law cases, you must give the court certain personal information. You must also give as much of this information as you can about the other people involved in the case.

You will fill out this form, file it with the court clerk, and keep a copy for yourself. **Do not serve this form on the other parties.**

The Confidential Information Form is normally not available to the other parties or the other parties' lawyers. Information in this form could go to Washington State Department of Social and Health Services (DSHS). DSHS may release information in this form to another party. Another party could get access to this form by following certain court procedures.

❖ When your address changes, you must update the court by filing a Notice of Address Change, even after your case is final. If you do not, legal papers may go to you at your old address. The court may enter orders against you without actual notice to you.

1. **Put your name.** Put the county where the case is filed and the case number. If you do not have a case number yet, put it when the clerk gives it to you.
2. **Check “yes” if restraining order protection orders are currently in place.** In the blank, put who the orders protect. If the orders go into effect later, file a revised and updated form. Check **no** and skip to 3 if there is no current restraining order or protection order in place.
3. **Check the first box if you believe the safety of an adult or child would be at risk by listing your home address.** In the blank, explain why.
4. **Your Information:** In the first table, put as much of the information requested as you have.

❖ If you need an interpreter, check yes and put which language.

5. **Other Party’s Information.** In the first table, put as much of the information requested as you can.
6. **Children’s Information.** Put as much of the information requested as you can.
7. **Have the children lived with anyone other than...** Check **no** if the children have only lived with you or a respondent in the past five years. Skip to 8. Check **yes** if the children have lived with someone besides you or Respondent/s in the past five years. Put the information requested.
8. **Do other children (not parents) ...** Check **no** and skip to 9 if only you and Respondents have custody or visitation rights. Check **yes** if other people besides you and Respondents have custody or visitation rights. Put as much the information requested as you know.

Sign and date the form and put the place you signed it.

E. Declaration of: - FL All Family 135

Put the caption on this form. Make several copies of it *before* filling out the rest.

The declaration is your chance to help the court understand your financial situation and why you want (or do not want) a support adjustment. **In most support adjustments, you do not testify.** The judge mainly uses the written information each party filed. Use the declaration to tell the judge what you believe they need to know.

If the moving party has said things in their papers that you disagree with, explain why. Give the court the correct version of what happened.

If you want the judge to adjust (change) support, but you think the amount should be different from what the moving party wants, explain what you want and why.

It can help the judge if you use headings at the top of each paragraph.

Examples: *Why Child Support should not Change, My Financial Situation, The Other Parent's Financial Situation*, and so on.

If you want to attach supporting evidence to your declarations, see the instructions below, and the General Instructions section of this packet.

Other Witnesses: Try to get other people to write declarations for you. They should be people who know important facts about your case, such as your income, your ability to work, and the other parent's financial status.

- **Example 1:** You work a 33-hour week. Your company considers that full-time. Try to get a declaration from your employer or supervisor explaining that.
- **Example 2:** You cannot work full time based upon your doctor's recommendation. Try to get a declaration from your doctor explaining that recommendation.
- **Example 3:** if the other parent is asking that support go down, but a friend of yours recently saw the other parent driving a new, expensive car, try to get a declaration from that friend.



Use declarations also to ask doctors or counselors to state why the children have special needs for certain expenses, or from your daycare provider about how much daycare costs.

1. Some brief rules about witness Declarations

-
- ❖ The person making the declaration is the **Declarant**.
-

Put the most important points at the start. Less important points should come later.

The declarant should base their statement on their own personal knowledge (what they saw or experienced firsthand), not what someone else told the declarant.

Exception: the declarant may talk about what one of the other parties has said.

The declarant should explain how well they know you or the people they are writing about, how often they see the people, and in what situations. **Example:** “Mr. Jones has worked for me at Acme Plumbing for 15 years. I see him almost every day at the office. Because our sons are on competing soccer teams, I have seen him coaching his son’s games three or four times this season. He has invited me into his home two or three times for dinner with his family over the years I have known him.”

The person must type the declaration or print it neatly in **black or dark blue ink**. (A few courts require all declarations typed.) If the declaration is hard to read, the judge may not try.

-
- ❖ Do not make the declaration too long.
-

Stick to issues the judge will be deciding. Be specific on those issues.

Attach extra pages to the declaration if you need more space. Any extra pages should also have margins of at least one inch. You should number all the pages at the bottom.

-
- ❖ Some courts limit how many pages you can file with a motion. Check the local rules, or ask the clerk or facilitator.
-

You must refer in any declaration to any documents you attach to it, such as printouts of bills, school records, medical or treatment records, police records, and so on, as exhibits and number them Exhibit Number 1, Exhibit Number 2, and so on.

If the papers you are attaching do not require a sealed cover sheet (see the General Instructions section), staple them to the declaration.

If the papers you are attaching have personal medical or mental health information, or financial records, or confidential court reports, put an exhibit number or letter on each paper you are attaching.

When the declarant mentions that paper, they should use that exhibit number or letter and put it is “filed with the Sealed Personal Health Care Records cover sheet on _____ (date).”

Do not staple the paper to the declaration. Attach it to the appropriate Sealed Cover Sheet form before filing and serving it. We describe the sealed cover sheet forms elsewhere here. (See the General Instructions section about what to keep out of the public file.)

2. Filling out the Declaration form

Caption. Fill out the caption and make as many copies of this form as you will need before adding more information. This way, you will have blank forms with just the caption on them. You can give a copy to each witness to fill out and have one for you to use, where needed.

On the right side of the caption, after the words “declaration of...,” put the witness’s name.

Declaration of: The witness puts their name here.

1. In the first blank, the witness puts their name again. Then they put their age and check the box showing what they are.

2. This is where the witness tells their story.

Signed at (city and state): The witness must sign, date, and print their name where it says.

F. Sealed Personal Health Care Records (Cover Sheet) – FL All Family 012

Unless a local procedure requires otherwise, you must use this form whenever filing anything that mention any kind of mental or physical health care, health insurance, or medical bills to make sure the records are not available to the public.

Some of the papers you should use this cover sheet for are:

- Medical/mental health records and bills
- Letters/declarations from doctors and counselors
- medical bills and statements of medical coverage (or denial)
- cost estimates for medical care
- social security and L&I and other disability program letters and records
- medical evaluations
- medical insurance records
- dental records
- records of alternative health care practitioners such as massage therapists, acupuncturists, or chiropractors
- genetic parentage testing

Keep a blank copy of this form. You might need to file more health care records later.

Attach the confidential personal health care records to this form.

Fill out the caption. Check the boxes showing what type of records you are attaching.

Submitted by: Check the box that applies to you. Sign and print your name.

G. Order on Motion to Adjust Child Support Order – FL Modify 522

You will ask the judge to sign this at the end of your hearing.

If you fill this out before your hearing, mark it as a proposed order. Show what you want the judge to decide.

If you fill it out after the hearing, show what the judge ordered.

Caption. Fill out the caption.

1. Put your name.

2. **Jurisdiction.** Do not change this section.

3. **Findings.** Check the first box (denying the motion) if this is what you want, or if the judge denies the motion at your hearing. In the blank, explain the reasons.

Otherwise, mark the second box (granting the motion) if you want an adjustment OR the judge ordered this after hearing. Then check the same boxes underneath that you checked in sections 3 and 4 of your motion.

❖ If you are filling this out after the hearing, check the boxes showing what the judge ordered.

4. Check **Denied** if this is what you want, or if the judge denies the motion at your hearing.

Check **Granted** if this is what you want, OR after the hearing if the judge grants the adjustment. Put the date the judge signs the new child support order, if different from the date the judge will sign this Order.

5. **Other orders (if any):** The judge may put something here.

Ordered: Leave this for the judge.

Petitioner or his/her lawyer fills out below: Date and sign where it says. Print or type your name in the blank below that.

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

H. Child Support Order – FL All Family 130

Our instructions for this form cover several different types of family law cases:

- If this is a **proposed order**, it must show what you want the judge to order.

If you have reached **agreement**, it must show your agreement.

If you are filling it out after the judge has announced a decision, it must show **what the judge decided**, even if you disagree.

After the judge signs your Child Support Order, get a conformed (date-stamped) copy from the court clerk. The main packets you are using have more about orders the judge has signed.

Caption. Fill out the caption. Check if this order is temporary (entered before your case is over) or final (entered with other final orders at the end of the case).

1. Money judgment summary. Check the first box and skip to 2 if you do **not** want a judgment for back support, 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 in the table after filling out section 23 **if one of these is true:**

This is a final order

One or both parents owe child support or attorney fees (for temporary or final orders)

Findings and Order

2. Check the appropriate box.

3. Do not change this section.

4. Parents' contact and employment information. Read this.

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* income to them (make a reasonable guess), unless there is reason not to.

Examples: do not impute income to a parent who is in prison or long-term drug treatment. Check "imputed to this parent" and skip to 6 if you impute 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 the parent's imputed or actual income.

6. Imputed Income. Check the first box for a parent and skip to 7 if you are NOT imputing income.

Check **This parent's monthly net income is imputed because** and then the boxes below showing why you are imputing income. Pages 2 and 6 of the Child Support Schedule Definitions and Standards have more about imputing income.

7. Limits affecting the monthly child support amount.

Check the first box and skip to 8 if any of these is true:

- The paying parent's monthly income is more than 125% of the federal poverty guidelines.
- The child support amount will be 45% of the paying parent's income or less.
- The parents' combined monthly net income is less than \$12,000.

Check the second box and then:

- **low-income limits** if in anywhere in line 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 in the blank if it is more than the amount the economic table advises.

❖ Read the Child Support Schedule at page 3 to learn more about setting support when the parents' combined monthly net income is over \$12,000.

8. Standard Calculation. List each party's name on the left-hand side of the first table. Put the amount listed on line 17 of the Worksheets for each party. Put the amounts from the Worksheets for both parents.

Check here if there is a Residential Split: check this only if you want or are agreeing to this, or the judge ordered it. Put which child is living with which parent. Put the amount a parent is paying support in this situation. Give the other info requested.

9. Deviation from standard calculation. Check **No** if you do not want a deviation or the judge denied a request for one. Check underneath why there will be no deviation. Fill in any blanks needed. If you check **there is no good reason to approve**, you must check the appropriate indented boxes underneath.

Check **Yes** if you agree to a deviation. Check underneath all your reasons. If you check **A parent or parents in this case has or the children in this case**, you must check the appropriate indented 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, put the paying person's name in the first blank, and the others 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 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 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 the amount a parent will pay, after applying the deviation.
-

Check **Residential Split** and fill this part out only if you want or are agreeing to this, or the judge ordered it.

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

12. Step Increase. Most people will check **Does not apply**. Check **Approved** and fill in the blanks if all these are true:

- This changes an earlier support order.
- The support payment will go up by more than 30%.
- You agree payments should go up gradually

Check **Denied** if you do not agree to a gradual increase.

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

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

14. Payment Method. Check the first box **if one of these is true:**

- the child has ever gotten public assistance
- you want DCS to help collect support

Having DCS collect can be good. DCS must help you if the parent paying support pays late or stops paying. They will have documented proof of all payment dates and amounts.

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

DCS Enforcement. Check the boxes that apply.

Direct Pay. Check this if you want this or the judge ordered this after hearing. Check the first box if you want payment by mail. Put the address where the paying parent should mail payments. Check the second box if you do not want payment by mail. Put how you want payments made.

-
- ❖ If you are concerned about your home address being in a public record, put an address where you can get your legal mail regularly even after the case is final. **If you change your address** for legal mail, give DCS, the moving party and the court your new address **as soon as possible** by filing a Notice of Address Change (available at courts.wa.gov). If you do not, orders could be entered without notice to you.
-

15. Enforcement through income withholding (garnishment). Usually, support is deducted from the paying parent's wages and sent to the registry. Most people check the first box.

Check the second box and the boxes after it that apply if you want or agree to a special exception, or the judge ordered this after hearing. **The judge must find good cause not to order wage withholding.**

-
- ❖ You should not be fired because your paycheck is being garnished for child support. 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. Temporary reduction if incarcerated: Read this section. Check the box only if the person who owes child support is in jail or prison for at least 6 months.

17. End date for support.

Most people will check the first box if the child is not yet in high school and does not have a disability, unless the judge has ordered otherwise.

Check the second box if you checked **Reserved** or **Granted** in 18, or the judge ordered one of those after hearing.

Check the third 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 in the blanks as appropriate.

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

18. Post-secondary educational support (for college or vocational school).

- **Check Reserved** if you want the court to decide later, but before the support obligation ends, if a parent should pay post-secondary support, or the judge reserved this decision after hearing. 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 agree the court should decide the amount later, or the judge decided to do this later. **Example:** You want the court to order both parents to pay for college but the child is not going soon.
- **Check the second box** immediately underneath if you want the judge to decide the amount now. In the blank, put how much you want or what 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.

19. Tax issues.

If you know how you want to divide the tax exemption, check the second box and fill in the rest of the section to show what you want.

For example, if you know you want the custodian to have the exemption, check the second box and the first box immediately underneath. In the first blank, put the custodian's name. In the second, put the children's names.

If you're not sure how you want to divide the tax exemption, check the first box. Then the IRS rules will apply.

The noncustodial parent can claim the children if the IRS' special rule for children of divorced or separated parents (or parents who live apart) applies.

This rule requires, among other things:

- The custodial parent must sign a [Form 8332, Release/Revocation of Release of Claim to Exemption for Child by Custodial Parent](#) or a substantially similar statement, and
- The noncustodial parent must attach the Form 8332 or a similar statement to their tax return

Read the IRS' [Publication 504, Divorced or Separated Individuals](#) to learn more.

-
- ❖ The court can order one of you to have the tax exemption even if the IRS rules say otherwise, if it would be a real benefit for that person to have the exemption.
-

20. Medical Support. Check the first box and skip to 20 if true in your case.

Otherwise, check either **Private health insurance ordered** and all the boxes underneath it that apply, or **Public health care coverage** and all the applicable boxes underneath it, depending on what you want or can afford, or what the judge ordered. Public health coverage means Medicaid programs, such as Apple Health.

21. Health insurance if circumstances change or court has not ordered. Do not make any changes to this section.

22. Children's expenses not included in the monthly child support payment

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.

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.

23. 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 support or interest or the judge did not do so.

Check the second box if you want an order stating neither parent owes back amounts, or the judge ordered this. Put the date the judge will sign this order. Check all boxes that apply.

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

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

Check the second box if you are asking for an order that would cause someone to have overpaid support, or the judge made an order that did this. Give the info requested.

25. Other Orders. The judge may use this.

Ordered: Leave this for the judge.

Petitioner and Respondent or their lawyers fill out below: Check **presented by me** in the column for you (Petitioner or Respondent). Sign and print your name and the date where it says.

If any parent or child received government assistance: An assistant prosecutor who handles support cases in this county fills out and signs this section.

-
- ❖ If the child has ever gotten public assistance (TANF) 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 and give the other parties advance notice of the hearing. This packet does 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 put the date if you want this. Having DCS collect can be good. DCS 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.

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



Part 8. How to file forms with the court

1. Figure out how many copies of each form you will need. Make the copies.

You file the original of each form with the court clerk in the county where the case has been filed. Make copies as follows (except, if you have prepared the Confidential Information Form and any Attachment, make just make one copy, for yourself, of these three forms):

- _____ One copy of each form for yourself
- _____ One copy of each form for the moving party
- _____ **If** there are other individual parties one copy of each form for each of these parties (1 x ___ number of other parties)
- _____ One for the State (if you are serving the State)
- _____ **One** copy as working papers, if your local court requires you to give the judge “working papers” before a hearing and you have upcoming hearings
- _____ **Total.** This is how many copies to make of each document (**except** just make one copy, for yourself, of the Confidential Information Form and any Attachment. These forms are not served on any other party).

❖ The Confidential Information Sheet and Attachment are in our basic Responding packets. They are filed with your first court papers. You must update them when info in them, such as your address, changes.

2. Organize Your Papers.

Make a set of the papers for the court and for each party.

Put all original forms into the set for the court. Put the copy of the Confidential Information Form and any Attachment (if you are using them) into your own set. Compare each set to the checklists in this packet. Make sure you have what you need.

3. Put each of the other parties' sets of papers in an envelope addressed to that party at the legal address they have provided.

Add your return address for legal mail. (For your return address, use the address on your Response or Notice of Appearance.)

Take the originals and the copies to the superior court clerk's office. Give the clerk the originals for filing. The clerk does not put the Confidential Information form in the public file.

If you have any proposed orders for upcoming hearings, ask the clerk what to do with them.



Part 9. How to serve forms

After filing your papers with the court, you must have them properly served on (delivered to) the other parties. **Do not** serve the Confidential Information form and any Attachment.

A. Make sure service is completed before the deadline for your response.

Service is required. The other parties have the right to know your response to the papers you have received.

The court does not serve the other parties for you. You must arrange for service and make sure your server delivers the papers properly.

You can have most papers served on the moving party by mail or hand delivery. We explain below. Carefully follow the rules about service.

-
- ❖ If you prefer, you may have a party personally served and have a Proof of Personal Service prepared and filed. [How to Serve Papers on the Other Party in a Family Law Case](#) explains how.
-

After service is completed, file proof of service with the court, explained below.

B. Mail or deliver your papers to the other parties or their lawyers.

Since you are responding, you can have your papers served on the other parties by mail or by hand delivery.

If a party has given an address for service of legal papers (**examples:** in the Summons form, a Notice of Appearance, or a Response), serve them at there. If a party has a lawyer, have the papers delivered to the lawyer.

1. Service must be completed before your deadline.

Not all county courts allow you to do your own service. To be safe, **do not do it yourself**. Ask an adult friend or relative to do it for you.

When your friend has mailed or delivered the papers to a party, have them fill out the Proof of Mailing or Hand Delivery the same day. Your server should fill out a separate form for each person they mail or deliver papers to. You then file the original Proof of Mailing or Hand Delivery. Keep a conformed copy for your records.

- **Mailing.** If your friend mails the papers, make sure they add three days to the number of days' notice required for your response. When counting, do not count the day of service (or mailing), weekends, or court holidays.

Example: if a document is mailed on a Monday, it is considered served on Thursday. This is important when setting up or responding to hearings. There are deadlines by which papers must be served. If the third day is on a weekend or holiday, the document is not "served" until the next court day.

If a document is sent by regular mail, have an extra copy sent by certified mail, return receipt requested, for more proof of mailing. If you do not have the green receipt back when filing the Proof of Mailing or Hand Delivery, file the receipt later, attached to a page labeled with your case caption.

- Hand delivery.

The papers may be delivered to the moving party, instead of mailed. "Delivering" the papers to another party, or their lawyer, means one of these:

- A. handing it to the lawyer or party
- B. leaving it at his office with their clerk or other person in charge of the office

❖ You should only serve other parties at their offices if they have used that as their service address in a Notice of Appearance, Motion, or Notice of Address Change.

- C. if no one is in charge, leaving it in a place in the office where someone can easily find it (**example:** on top of the front desk)
- D. If the office is closed or the person has no office, leaving it at their home with an adult living there

C. Instructions for the Proof of Mailing or Hand Delivery - FL All Family 112

Make some blank copies of this form. You may need to fill it out and file it several times.

You will use this form to show that copies of papers you filed in court have been given delivered to the other parties.

Use a separate form for each party to whom papers were mailed or delivered.

Caption. Fill out the caption.

1. Have your server check the third box and put their name.
2. In the first blank, the server should put the date they served the papers. In the second blank, they should put who they served. Then they should check the boxes and fill out any blanks as needed to show how they served the moving party.
3. **List all documents you served:** Your server must check the box for **every form** they delivered to the moving party. If you they leave out a form, you will have no proof it was served.

I declare under penalty of perjury. Your server should sign and date the form, state the place signed (city and state), and print their name where it says.

D. Filing the Proof of Mailing or Hand Delivery

Make one copy of each completed Proof of Mailing or Hand Delivery.

Do not give the other parties copies of this form.

If you mailed a copy of the forms by certified mail, and have the green receipt back from the post office, attach it to the Proof of Mailing or Hand Delivery you file with the clerk.

Make a copy for your records. If you used certified mail but do not have the green receipt back when filing the Proof of Mailing or Hand Delivery, file the receipt later, attached to a page labeled with your case caption.



Part 10. Getting ready for and going to your hearing

A. Working Papers and Confirming Your Hearing

In many counties, you must:

- **Deliver an extra copy of all of papers** (including proposed orders) for your hearing for the judge to read. We call this set of copies Working Papers or Working Copies. Read your local rules or ask the clerk or facilitator if your county requires working copies. Read [What are Working Copies](#) to learn more.
- **Confirm the hearing** a few days before the hearing date. This means telling the court the hearing will take place as scheduled. Ask the facilitator or clerk how to confirm.

❖ If you do not give the judge working papers or confirm your hearing in a county requiring, the judge may cancel your hearing or not read your papers.

B. Responding to the moving party's Reply

In a few counties, the moving party will have a chance to file a written Reply to your response. If your local court allows a reply, read the moving party's reply carefully. Be ready to respond to it at the hearing.

The moving party cannot bring up new issues in the reply. They can only respond to things you talked about in your response. If the moving party brings up new issues, or serves you with a lot of declarations and other evidence for the first time with the reply, tell the judge at the hearing that you object to the judge considering that evidence, or you want a continuance so you can file a response to the reply.

C. Go to the Hearing

If the moving party Gets a Lawyer: If at any time before the hearing another party's lawyer contacts you or shows up at a hearing, you may decide to try to get a lawyer yourself. If so, tell the lawyer and the court that you need to postpone (continue) the hearing. Do not panic. Do not sign anything you do not understand.

Get Ready for the Hearing. Try to go to court before the day of your hearing. Watch how the court generally does hearings. Try to make some notes to yourself about the main points to make at your hearing.

Get to Your Hearing Early. Try to dress neatly. Bring a pad of paper and black pen to write notes. Bring your set of the papers and your copies of any papers the other parties gave you in response.

It is better not to bring your children. The judge will usually not let them sit in the courtroom. If you are not there on time, the hearing will be cancelled (or the moving party may win).

When You Get to the Courtroom. Tell the person in charge in the courtroom (the clerk or bailiff) your name and your case name and number. Take a seat. Stand up when the judge walks in the room. When they call your case name, tell the court you are present. Stay in court until they call your case for hearing.

When they tell you to come forward, do so. Give the court the originals of your proposed child support order forms: Order on Motion to Adjust of Child Support Order, and, if the judge is changing the existing support order, a Proposed Child Support Order and Child Support Worksheets.

Presenting Your Case. If the moving party shows up at the hearing, each of you gets a chance to tell your side of the case. The moving party will speak first. When it is your turn, stand while speaking. Tell the judge briefly what you want and why.

Try to keep your argument short. Outline only your main points. In most cases, the judge will have read your papers before the hearing so do not repeat everything in your papers. Try to make notes to use at the hearing.

Do not interrupt the judge.

Hearing the Judge's Decision. The judge will decide on your requests after listening to both sides. Listen carefully. Make notes. The judge may make changes to the orders you prepared, or may direct you, the moving party, or the moving party's lawyer to do it.

If the moving party's lawyer makes changes to the orders, read them carefully and make sure they say what the judge said. If you are not sure about any changes, do not sign the orders. Ask the lawyer to go back before the judge to make sure that the order says what the judge said.

Usually, you want to have court orders showing the judge’s decision signed the day of your hearing. Some counties require orders be signed before the parties leave the courthouse.

Getting Copies of the Orders. Make sure you get a copy of the signed orders. Ask the clerk how. The clerk may give you the originals and tell you to go make copies in the library or at the clerk’s office.

Do not leave the courthouse with or change or destroy court orders the judge has signed.

If you do not know what to do with the originals, ask for help at the clerk’s office.

If the judge signs the orders you present, make sure the other parties get copies of the final orders. Use the Proof of Mailing or Hand Delivery procedure to do this.

D. If You Disagree with the Court’s Order

Your options are limited. Talk to a lawyer right away. Your deadline may be short.

E. Getting an Agreed Order

If you have reached an informal agreement with the moving party, try to get an Agreed Order on Motion to Adjust Child Support Order and Agreed Child Support Order.

Be sure you and the moving party agree about everything in the final orders before getting your Agreed order.

Fill in the blanks showing what orders you want. If you have agreed to change the existing Support Order, you must also fill out and sign an Agreed Child Support Order and support worksheets.

All parties must check **is an agreement of the parties** in their column and sign the order. A judge must also sign the order. Ask the court clerk's office how to have an agreed order signed.

Be sure to get a copy of the order for your records.



Part 11. Words and expressions you should know

Appearance: Informing the court and parties that you plan to take part in your case and where to send you notice and. You can do this in person at a hearing, or by filing and serving a Notice of Appearance. Certain informal actions, such as negotiating, phoning about the case, or writing a letter, *might* count as an appearance.

Attachment: A document stapled to a court form and referred to in the form. Attachments should follow format rules for court forms. (Basic info about the format rules is in the General Instructions section of this packet.)

Bailiff: Member of the judge's staff, in charge of courtroom procedure and security. May be the same person as the clerk.

Calendar: The court's schedule of cases to be heard. Also called a Docket.

Caption: The heading of each legal document. It has the court and parties' names, case number, name of the document itself, and, sometimes, type of case.

Clerk of the Court: Officer of the court who handles matters like keeping records, entering judgments, and providing certified copies. Each courthouse has a Superior Court Clerk's Office. Someone from clerk's staff is usually in the courtroom during hearings.

Confirm a Hearing or Trial: Notifying the court that you still plan to have the hearing scheduled in your case. How to confirm varies by county. Not all counties require it. You might have to call the court a few days before the hearing. Local rules explain each county's requirements. If notice is required and you do not give it, the court may cancel the hearing.

Conformed Copy: A copy of any court document that filed with the clerk. It must be stamped with the date filed. A court order must also have the name of the judge who signed it written or stamped on it.

Continuance: Delaying your court hearing to a later date. In some counties, the judge must approve any request for a continuance.

Division of Child Support (DHS): The state office (part of DSHS) that establishes, enforces, and changes child support obligations in many cases.

Declaration: A written statement made to the court under oath.

Default: When you do not respond to court papers within the legal deadline.

Ex Parte: Going before the court without notifying the moving party. Sometimes also refers to the courtroom where you see a judge without notifying the moving party.

Exhibit: Documents, records, and photos introduced into evidence at trial or hearing. Attachments to legal forms that are exhibits should follow format rules for court forms. (Basic info about format rules is in the General Instructions section of this packet.)

Filing: Giving court papers to the Court Clerk to place in the case file.

Hearing: Going before a judge to ask for a court order or to defend against another party's request. Hearings usually take place before the trial and are about specific issues, such as temporary relief. Hearings on important issues (**Example:** Motions to dismiss) may end the case. In many counties, the court does not allow live witness testimony at hearings. Instead, you must file and serve materials in advance in writing. In some counties, the court may decide certain types of child support cases by hearing rather than by trial.

Jurisdiction: The court's authority to make decisions. A court that does not have jurisdiction does not have the authority to make orders over the person or subject affected.

Motion: A formal request to the court for an order.

Motion Docket: The court's schedule of motions it will hear.

Moving Party: The person who files the Motion to Adjust Child Support Order. The moving party can be either a Petitioner or a Respondent in the original case.

Note/Notice of Hearing/Note for Motion Docket: A form letting the clerk know to schedule a hearing and telling the other parties the hearing place, time, and reason.

Order: A court document a judge signs ordering someone to do or not do something. If you disobey a court order, you may be held in contempt. **An order is not in effect until a judge has signed it.** (See "proposed order" definition.)

Other party: Every party to the case, other than yourself. In court forms, the “other party” can also mean one party. **Example:** when the Motion for Default says, “other party,” it means the party you believe is in default.

Party: Any Petitioner or Respondent. The State of Washington may also be a party.

Petitioner: The person who first files a legal case. The petitioner in the caption of a form does not change, even after the moving party files motions.

Proposed Order: A document you ask the judge to sign. In many counties, you must file and serve your proposed order with your motion or response to a motion to show how you want the court to decide the motion. Even if your county does not require it, you should do this anyway. A proposed order becomes an order if the judge signs it.

Respondent(s): The party against whom the case was originally filed.

Response: A formal written answer to a court Petition. Can also mean the papers you file in response to a motion. It can be confusing. We use the word “Response” with a capital “R” to refer to the Response form. We say “response” with a small “r” to refer to all types of responses (**example:** responses to motions **and** petitions).

Ruling: A decision by the court.

Service: Giving court papers to the moving party in a legally correct way.

Transfer Payment: The amount of child support the court orders one parent to pay.

Working papers/Working copies: Local court rules may require you to deliver an extra copy of all of papers (including proposed orders) for your hearing for the judge to read. We call this set of copies Working Papers. To learn the rules for working papers and confirming the hearing in your county, read local court rules, and ask the Family Law Facilitator or court clerk. Read [What are Working Copies](#).



Part 12. Blank Forms

This packet has blank forms for your use. Make a copy of each form so you have an extra in case your first draft needs many changes. You may 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 on their website:

courts.wa.gov/forms.

Evaluation Form: How was this Respond to A Motion to Adjust Child Support packet? Your comments are appreciated and will help to make this more useful to others. Please take a moment to complete this form and return it to:

LeeAnn Friedman
Northwest Justice Project
500 W. 8th, Suite 275
Vancouver, WA 98660
Or email to WLHTeam@nwjustice.org

1. Where did you get this?
 CLEAR WashingtonLawHelp.org Court Clerk or Facilitator
 Other: _____
2. What is your primary language? _____
3. Are you low-income? yes no
4. What is the last grade you finished in school? _____
5. Did you read the instructions? yes no
6. Did you need the help of an agency, court facilitator, or advocate to complete your case? yes no
If yes, what agency or individual helped you? _____
7. Did you find anything hard to understand? yes no
If yes, please tell us what. _____

8. Did you find any mistakes? yes no
Describe mistakes. Include the page #. _____

9. Additional Comments [use back if you need to]: _____

10. Today's Date: _____