



Washington
LawHelp
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File a Motion to Adjust a Child Support Order

Instructions and Forms



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 the state of Washington.
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A. What is a Motion to Adjust Child Support Order?

It asks the court to change the child support amount. If you make this motion and give the court enough evidence to support a change, the judge will grant the motion and issue an Order on Motion to Adjust Child Support Order.

B. When should I file one?

You may only file this motion in limited cases. Before filing, talk with a lawyer with family law expertise. See “What If I Have Questions that this Packet Does Not Answer?” for resources and read [Change Your Child Support Court Order](#).

C. Should I use this?

This will help you file a Motion to Adjust a Washington child support order. **Before using this**, ask your county’s family law facilitator (if there is one) or court clerk if they have their own Motion to Adjust Child Support Order. A local packet may be easier to use.

D. Where should I file my motion?

If you have a valid Washington State court order, you can file your Motion to Adjust Child Support Order in one of these counties:

1. Where the Child Support Order you have now was filed
2. Where the child lives
3. Where the person who has primary custody of the child lives

We do **not** explain how to file your motion in the superior court of a different county than the one that entered your Child Support Order.



E. Try Using Washington Forms Online



The Northwest Justice Project has a program called **Washington Forms Online**. It 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 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 you fill out forms or free legal clinics where you may get legal advice about your case. If you are low-income, you may 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 pay or public phone, call 1-800-621-4636. They will refer you to a legal aid provider.
- **Apply online with CLEAR*Online** - nwjustice.org/get-legal-help
- **Call the CLEAR Legal Hotline at 1-888-201-1014.**





Part 2. Checklist of Steps

We explain many of these steps in more detail later.

- 1. Learn child support law.** Read [Change Your Child Support Order](#) and [How is Child Support Set?](#) Try to talk with a family law attorney or call CLEAR. Make sure this is the right legal case for you.
- 2. Check for special local rules and forms.** Ask the court clerk or family law facilitator if your county has its own Motion to Adjust Child Support Order packet. If so, use theirs instead of ours. If you use ours, get any other forms you need. Make sure you know any special deadlines for filing family law motions in the county where you are filing yours.
- 3. Gather needed financial documents and other forms not in this packet.**
- 4. Make sure you know the other party's address.** You will need it. If there are other parties, you will need theirs too.
- 5. Follow the General Instructions.**
- 6. Fill out all the forms you need.**
- 7. Make one copy of each of the completed forms and financial documents you are filing.**
- 8. File your papers with the court clerk's office in the superior courthouse of the county where you are filing this motion.**
- 9. Make any needed extra copies of the forms. Arrange to serve the papers on the other parties.**
- 10. Fill out and file the Proof of Mailing or Hand Delivery.**
- 11. Deliver a set of working papers to the judge.**





- 12. Review the other party's response.**
- 13. Confirm your hearing** (if local rules require this).
- 14. Fill out and file your reply** (if your county has one) **OR get ready to reply at the hearing.**
- 15. Go to your hearing.**
- 16. Get copies of the Order on Motion to Adjust Child Support Order. Give them to the other parties.**
- 17. If you disagree with the order, see a lawyer right away.**
- 18. Once the judge has signed the orders and they have been filed with the clerk and delivered to the other parties, your child support adjustment is final!**





Part 3. Court forms in this packet

This packet has many of the forms you need to file your Motion for Adjustment. Read the next section to decide what else you will need.

The forms marked with ❖ are available to fill out online using our do-it-yourself interview program, [Washington Forms Online](https://www.washingtonlawhelp.org/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
Washington State Child Support Schedule with Instructions	No Form Number
❖Child Support Worksheets	No Form Number
❖Financial Declaration of:	FL All Family 131
❖Sealed Financial Source Documents (Cover Sheet)	FL All Family 011
❖Child Support Order	FL All Family 130
Confidential Information Form	FL All Family 001
Notice of Hearing	FL All Family 185
Motion to Adjust Child Support Order	FL Modify 521
Order on Motion to Adjust Child Support Order	FL Modify 522





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Declaration of:	FL All Family 135
Sealed Personal Health Care Records (Cover Sheet)	FL All Family 012
Notice of Appearance	FL All Family 118
Proof of Mailing or Hand Delivery	FL All Family 112





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

You will need more than just this packet to file and finalize your case. Check the boxes by what else you need. Get those documents before filling out your forms.

- Your Current Child Support Order and worksheets** – (most recently signed by a judge). If you do not have a copy, get one at the Superior Court Clerk’s office in the county that entered the order. Or call the Division of Child Support to ask them to send you one.
- Declaration about Public Assistance - FL All Family 132:** This optional form is not in our packets. We tell you to serve the State in any case where TANF, Medicaid, or foster care is involved. We tell you to get the state’s signature on all default and agreed orders where the state might have an interest in the child support obligation in your case. You may need the form if your county requires it, or to verify that no public assistance has been paid or that the children are not in foster care or out-of-home placement. Get it at www.courts.wa.gov/forms.
- Serving Papers on the State** - if any party is asking for a child support order, and 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.
- County Local Court Forms and Rules** - Some counties have special forms you will need. Most have “local rules” you must know about to file a Motion to Adjust Child Support Order there. Some counties’ family law facilitators have do-it-yourself packets on how to file family law cases there. Their packets may be easier to use. They will have that county’s rules and forms. **Check with the clerk or facilitator to learn more.**
- Notice of Address Change (FL All Family 120):** If you move during or after your case, you must fill this out, file with the court, and get all other parties a copy. Get it at www.courts.wa.gov/forms.
- Check if your county’s local rules or forms are available online at www.access.wa.gov/government/awco.asp.
- Financial Information** -You must prove what your income is, and that the order needs an adjustment. If you do not provide enough financial info, the judge can deny your motion.





Part 5. Checklist of forms and financial documents

A. Get the following forms and documents if the other party will not agree to an adjustment:

- Notice of Hearing (also called Notice for Motion Docket, Calendar Note). Use your county's form if it has one. Otherwise, use the one here.
- Motion to Adjust Child Support Order
- Declaration
- Financial Declaration
- Child Support Worksheets
- Locally Required forms
- Proposed Order Re on Motion to Adjust Child Support
- Child Support Order
- Proof of Mailing or Hand Delivery
- Confidential Information Form & Attachment (do not serve this form on the other party)
- Sealed Financial Source Documents Cover Sheet
- Notice of Appearance
- A copy of your most recent Child Support Order and worksheets.
- Your Financial Evidence, including:
 - Your federal income tax return forms from the last two years.
 - If you have no copies of your tax returns (the forms you filed with the IRS), ask the IRS for copies (there is a fee). If you did not file federal tax returns in the last two years, state in your declaration that you did not file an income tax return. Explain why. Give the court other proof of your income for the last two years. **Examples:** W2 or 1099 forms, paystubs, or a declaration from your employer.
 - Your paystubs. (You should give at least a month's worth, and for longer if possible. Some counties require more paystubs.)



- If you are self-employed, or you have no paystubs or tax returns, get other proof of your income. **Examples:**
 - Official letters from Social Security, L&I, Employment Security, or DSHS saying how much you get in benefits
 - Bank account statements
 - Business tax returns or records, or 1099 forms
- Any other information required by your Child Support Order periodic adjustment paragraph, if you are filing this motion on that basis.
- In some counties, you may need to provide more financial information, such as bank statements. Ask the clerk or facilitator if your county requires more information.
- If you are filing personal health care records, use the form called Sealed Health Care Records (Cover Sheet).

B. If You and the Other Parent Agree On the Change In Child Support

If you and the other parent agree, you probably do not need to fill out all the forms listed above. You probably should only fill out:

- Child Support Worksheets
- Order on Motion to Adjust Child Support
- Child Support Order
- Locally required forms
- Confidential Information Form & Attachment (Do not serve this form on the other party. Each party should their own form.)

Try to bring proof of your incomes to the court, such as pay stubs and tax returns.

You and the other parent must both sign all these forms after they are completed. If your children have ever gotten TANF or Medicaid, of are in foster care or out-of-home placement, the prosecuting attorney's office must also sign all final orders. Use our [Serving Papers on the State](#) packet.

After the forms are signed, go to the section on entering an Agreed Order on Motion to Adjust Child Support.





Part 6. General instructions for filling out forms

These general instructions will apply to all forms. Read these before you start filling out any forms.

The caption includes the case name and number, court name, title of the court paper, and, sometimes, type of case. It appears at the top of the first page of every form. Put the name of the county where you are filing your motion after "Superior Court of Washington County of _____." See the sample below:

<p style="text-align: center;">In re <u>the marriage of</u>:</p> <p>Petitioner (<i>person who started this case</i>):</p> <p style="margin-left: 40px;"><u>Jane Brown</u></p> <p>And Respondent (<i>other spouse</i>):</p> <p style="margin-left: 40px;"><u>John Brown</u></p>	<p style="text-align: center;">No. _____</p> <p>Notice of Hearing (NTHG)</p> <p><input checked="" type="checkbox"/> Clerk's action required: 1</p>
--	---

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 Petitioner files the case.

This is the form's **title**.

Case name. Look at the Child Support Order you are trying to change. Copy the names from the upper left-hand side of that form onto your blank form. List the petitioner(s) and respondent(s) just as they appear on your current Child Support Order.

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** you may be able to use a special stamp at the court clerk's counter to stamp the case number on each paper. If you do not put the case number on the first page of everything you file with the court and copies for other parties, 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 the form's 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 needed. 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 the form 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:

When you file motions, you are the moving party. On the last page of the motion, you must fill out and sign the section called **Person making this motion (or asking for this order)** fills out below.

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 other party may be willing to sign it if they agree it accurately states the judge's decisions, or the judge may require the other party to sign.

Agreed orders. A party who agrees with the orders you have written should sign in the right place on each court order they agree to.

- **Other signatures:** A witness or person serving papers who signs 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 2018 at Seattle, WA.)

Identifying Information. Court rules try to protect privacy but also allow public access to some info 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 everything filed with the court is available to the public. It 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 Info You Should File With Sealed Cover Sheets:

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





Financial Information: You must attach any file 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 with information about someone's past, present, or future physical or mental health, including insurance or payment records to a Sealed Personal Health Care Records form. Then the public cannot access them.

Confidential Reports: Reports intended for court use must have public and private sections. You 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 other 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

Domestic Violence Information Form

Law Enforcement Information Sheet.





Part 7. How to fill out each form

A. Washington State Child Support Worksheets

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

Before deciding to file a motion for adjustment:

-
- ❖ **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 in a motion for adjustment.** Ask the facilitator or clerk what your county's policy is. To add payment for health care or daycare expenses to your support order, it may be better to file a Petition to Modify Child Support Order.
-

The judge will sign a set of worksheets when entering a child support order. The judge may sign worksheets you prepared. Or the judge may ask you to fill out a new set of worksheets with the specific income, expense, and child support amounts the judge announced at hearing or trial.

-
- ❖ The instructions in this packet 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 www.courts.wa.gov/forms, or call (360) 705-5328. Also, read [How Child Support is Set](#).

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 or trial.

If the parties all agree on the income, child support amounts, and expense figures, you must fill out the worksheets using the agreed figures. You may still 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, child support amounts, expenses, and other info the judge announced, even if you disagree with them and/or they are different from what you proposed.

Use the Division of Child Support's (DCS) **online [Child Support Estimator](https://fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator)**, fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator for help

- estimating how much 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 child support calculation. **Examples** of when you might ask for a deviation: the parents have the children a lot; there are children from other relationships; each parent has custody of one of the children.

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 (estimate) income to the other 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 the county, case number, parents' and children's names, and children's ages in the appropriate spaces. Each parent will get a column where their info will go.
- 3. List your info on the Worksheet in Column 1. Put the other parent's info in Column 2.**



4. **Put info for the other parent only if you know or can estimate their income and expenses.** You should put if you have used estimates. If you have any income info for the other parent, even an estimate, use that info. 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 info.
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 info 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 2.
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 your daycare, education and travel expenses here. Instead, you should 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 changes in these expenses that may take place 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.” If there are special circumstances, you should list this info 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 info to put.

You can also explain how you calculated the support amount. State how you calculated each parent’s income. If the income you put for someone is imputed or estimated, put how you figured out the income amount. 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 place (city) you signed.

B. Instructions for Financial Declaration of: – FL All Family 131

Both parties must file a Financial Declaration.

Caption. Fill this out.

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 to impute income.
-

Use the column titled "You" for your info and "Other party" for the other parent. **Fill out the income info and income deduction info 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 be able to prove 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 need proof that you have had the deduction taken for at least two years. If the other parent disputes your claims, be ready with 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. 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 child support obligation. The court might consider it if someone asks for a deviation from the standard child support amount.

5. Disputed income. If you think anyone will dispute a parent's income, state what you believe the correct amount of is. Explain why you believe that is the true amount.

6. Available Assets. List your cash and things that you own that you could easily sell for cash. (**Examples:** stocks, bonds, and so on.)

7. Monthly Expenses after Separation. Fill out your monthly household expenses. Put your best estimate of each expense. Many expenses are not monthly. For those, 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. But 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.

C. Sealed Financial Source Documents (Cover Sheet) – FL All Family 011

You must use this form whenever filing private financial documents with the court. Keep a blank copy in case you must file more financial documents later. You may attach one form to a stack of documents.

Caption. Fill out the caption.



Check the boxes next to each type of paper that you are filing. If you are submitting child support worksheets, the instructions to the worksheets tell you which documents you need to file.

If you are afraid for your safety or the children's safety, you may block out information that identifies your location on the copies you file with the court and deliver to the other parties.

Submitted by: Check the box that applies to you. In the blanks, sign and print your name.

D. Child Support Order – FL All Family 130

Our instructions for the Child Support Order 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 copy from the court clerk. The main packets you are using have more info 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).

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 22 **if one of these is true:**

- This is a final order
- One or both parents owes 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.

❖ We do not explain here setting support when the parents' combined monthly net income is over \$12,000. The Child Support Schedule at page 3 has more.

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 other's 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. DCS 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 mail regularly even after the case is final. **Give DCS, the other party and the court this new address as soon as possible** by filing a Notice of Address Change (available at www.courts.wa.gov/forms). 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 introduction. 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. Check the first box if this is a temporary order.

If this is a final order: Most people will check the second box if the child is not yet in high school and does not have a disability, unless the judge has ordered otherwise.

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

Check the fourth 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 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.

Most people agree the custodian should get the tax exemption for the children. If true in your case, 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 agree a noncustodial parent should claim the exemptions part of the time, you should still check the second box. Then check the boxes showing what your arrangement will be. Check **other**. In the blank, put “a parent may claim an exemption at the times stated above only if that parent has fully paid all child support, daycare, and uninsured medical expenses owed as of December 31 of the relevant tax year.” Then a parent who does not pay support on time cannot take the exemption.

❖ If you do not have custody, you must sign an IRS form 8332 saying who gets the tax exemptions.

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, unless the court orders a different amount. If that happens, check the box under proportional share and put what the judge ordered.

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 hearing to present the order to the judge for signature and give the other parties advance notice of the hearing. We do not explain here 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.
-



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

In family law cases, you must give the court information about your address and phone number, your social security number, date of birth, driver's license, and the name and address of your employer. You must also give certain information about the other people involved in the case.

Fill out this form. File it with the court clerk. Keep a copy for yourself. **Do not serve the Confidential Information Form and Attachment 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 DCS (Division of Child Support) and other parts of DCYF (Washington State Department of Social and Health Services). They 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 the information requested, including your driver's license number and social security number (if you have these). Skip the second table.

❖ 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. Skip the second table. Use the Attachment to Confidential Information if there is more than one respondent.
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.
9. **If you are asking for custody and are not the parent...** List any other adults living in your home. Use the Attachment if there are more than two other adults living in your home.

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

F. Instructions for the Notice of Hearing – FL All Family 185

This form tells the court and other parties your hearing date, time, place, and reason. **Many counties have a special form for this.** If your county has no special form to set up a hearing, use the form here.

How to Get a Hearing Date: Check local court rules, or ask the facilitator or clerk when to schedule your hearing. Motions about child support are usually scheduled in the family law department or on the family law calendar. Some counties schedule family law hearings only on certain days. If the State is a party to your case (**example:** when the children have received public assistance), you may have to schedule your hearing on a date that the prosecutor is there for family law motions.

How Much Notice to Give the Other Parent: Under the Washington civil rules, you must give the other parties and the court your motion and other legal papers at least **five court days** (business days that are not court holidays) **before the hearing date.** Do not count weekend days or holidays. Some counties require more than five court days' notice for



family law hearings. Check local court rules, or ask the facilitator or clerk how much notice to give. Count “day one” as the day **after the date the papers are mailed or delivered**.

Add Days for Mailing. If you have the papers mailed, instead of hand-delivered, add at least three days to the number of days’ notice your county’s rules require.

Example: You mail a document on a Monday. It will be presumed to have been served on Thursday.

If the third day after the papers are mailed is a weekend or holiday, add days so that the papers arrive on a business day.

Give more than the minimum notice. If for some reason the other party does not get enough notice, you must reschedule the hearing, even if the other party does not show up and object.

Caption. Fill out the caption.

1. To the Clerk of the Court and to all parties: Put

- Your hearing date and time.
- The courthouse address and room number where your hearing is scheduled.
- The docket name or judge’s name.

2. List **every matter** you intend to bring up, including whether the orders are by agreement (**example:** “Motion for Adjustment of Child Support”).

This hearing was requested by: Sign and print your name and put the date where requested.

I agree to accept legal papers for this case at: Read the box to the right. Put an address where you can get papers quickly.

G. Instructions for Motion to Adjust Child Support Order – FL Modify 521

This form says what you are asking for, and why.

Caption. Fill out the caption.

1. Put your name.



2. Is the state filing this motion? Check No and skip to 3.

3. Two years or more have passed. Check the first box and skip to 4 if two years have not passed since the last order, and neither parent's income has changed.

Check the second box if at least two years have passed since the date of your Child Support Order, if true. Check the second box immediately underneath if either parent's income has changed at all. **Example:** Father's income has gone down since the entry of the last order because Father lost his job. In the blank, explain. (If you need more room, you can use a Declaration or Financial Declaration form to explain.)

❖ Most people will not check the first box immediately underneath "at least two full years..." The Economic Table (in the Washington State Child Support Schedule) changed only slightly when last revised.

4. Current order allows periodic adjustment. If your Child Support Order allows for a periodic adjustment (often section 13 of the Child Support Order form), and you are making this motion according to that Order, check the second box.

Otherwise, check "does not apply."

5. Other. Most people will not put anything here.

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

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

H. Order on Motion to Adjust Child Support Order- FL Modify 522

You will ask the judge to sign this form 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, even if this is not what you wanted.

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) only 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 are writing your proposed order 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** only if the judge denies the motion at your hearing.

Otherwise, check **Granted** if this is your proposed order, 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 the form 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 other 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.

I. Declaration of: – FL All Family 135

Use this form to tell the court more about why you

- need to change your child support OR
- do not agree to another party’s motion to adjust child support

Other witnesses whose statements you want to use in court may use copies of this form to write them. Fill out the caption on this form and make several copies of it before you fill out the rest.

A declaration is a written statement made “under penalty of perjury.” The person signing the declaration swears that the information in the statement is true, and that they know they could face prosecution if the information is not true.

Your own declaration: You probably will not get a chance to testify. You should fill out a declaration to help the court to understand your financial situation, and why you want a support adjustment. Use the declaration to tell the judge what you believe the judge needs to know. It can help the judge if you use headings at the top of each paragraph. **Examples:** put *Why I Need an Adjustment, My Financial Situation, The Other Parent’s Financial Situation*, and so on. Consider carefully which details to include. Try to keep the declaration short.

Witness Declarations: Try to get other people to write declarations for you, too. Think about anyone else who knows important facts about your case.

Example 1: You work a 33-hour week. Your company considers that full-time. Try to get declarations from your employer or supervisor explaining that.

Example 2: The other parent is asking that the court lower support, but a friend of yours recently saw the other parent driving a brand new expensive car. Try to get a declaration from that friend.

You can ask **doctors or counselors** to fill out declarations. They can state the reasons why the children have special needs for certain expenses.

You could also ask your **daycare provider** to make out a declaration about how much daycare costs.

Your witness can write or type a letter instead of writing on the declaration form. However, that witness should also sign a declaration form as a cover sheet that says “see attached letter.”

Any attachments must follow format rules for court forms. (See the “General Instructions” section.) The witness must sign the last part of the declaration that certifies the witness makes the statement under penalty of perjury. Otherwise, the court may not consider it.

a) 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. Also, 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 a two or three times for dinner with his family over the years I have known him.”

The writer must type the declaration or print it neatly in **black or dark blue ink.** (A few courts require that you type all declarations.) 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 the number of pages you can file with a motion. Check your local rules, or ask the clerk or facilitator.

If you attach documents to declarations, such as printouts of bills, school records, medical or treatment records, police records, and so on, refer to them in the declaration and call the attached documents 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 you file and



serve it. We describe the sealed cover sheet forms elsewhere here. (Also see the General Instructions section about what to keep out of the public file.)

b) Filling out the Declaration form

Caption. Fill out the caption and make as many copies of this form as you will need before adding any other information. This way, you will have blank forms with just the caption on them. You may 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 in the appropriate blanks.

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

Use this cover sheet on any records or correspondence with info relating to someone’s past, present, or future physical or mental health condition, including past, present, or future payments for health care.

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

- Medical or mental health records and bills
- Letters or 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

Put this cover sheet on declarations that mention medical or mental health conditions.

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.

K. Sealed Confidential Reports (Cover Sheet) - FL All Family 013

Use this whenever filing certain confidential reports with the court. You probably will not need it in a support adjustment motion. Get the form and instructions, if needed, at <http://www.courts.wa.gov/forms>.

L. Notice of Appearance – FL All Family 118

Use this form to tell the court you are going to take part in the case and you want 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.

If the mailing address you use on the Notice of Appearance changes during this case, you must fill out and file a new Notice of Address Change, FL All Family 120.





www.WashingtonLawHelp.org

4. You can list an additional address if you want.

Sign and date where it says.

-
- ❖ If the mailing address you use in the Notice of Appearance later changes, you must fill out, file, and serve the other party with a Notice of Address Change, FL All Family 120.
-



Part 8. How to file forms with the court

You may file your motion before or after you serve it. If you are filing it in a different county from the one that entered the last order, file the motion first, so your papers will have the correct case number.

Check Your Deadlines. Make sure you file your motion with the court far enough before your hearing date. You should file your motion a few days before the last date for serving the other parties. File your motion no later than the last day that you could serve the other parties before the hearing.

❖ **Example:** Your local rules say you must serve your motion five court days before the hearing. Your papers must be filed with the court and working papers delivered to the judge by five business days before the hearing, not counting the hearing day. Do not count weekends, court holidays, or the date the papers are mailed or delivered.

Copy and File Your Papers:

- Make one copy of every paper**, including the proposed orders and financial documents.
- Make two full sets of your papers (one set of originals and one set of copies).** Compare each set with the checklist of forms near the beginning of this packet. Make sure you have all of the forms you are using.
- Take the originals and the copies to the county court clerk's office** in the superior courthouse where you are filing your motion. (If you do not live in that county, ask a friend there to file the case for you, or call the clerk's office to ask about filing the motion by mail.) Give the clerk the original copies of everything but the proposed Child Support Order and Order on Motion to Adjust Child Support Order. Ask the clerk if you should give the clerk the originals of the proposed Child Support Order and Proposed Order on Motion to Adjust Child Support Order. (If not, keep the orders. Do not file them now. Bring them to the hearing.)
- Ask the clerk to stamp your copies** to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk will keep the originals.
- If your county requires you to leave a copy of your forms for the judge as working papers**, deliver the working papers (include copies of your proposed orders) before you leave the courthouse. See section C below for more info.





Part 9. How to serve forms

After filing your papers, **you** must have them properly served on (delivered to) the other parties. **The court does not serve the other parties.** You must arrange for service and make sure your server delivers the papers properly. **You cannot serve the papers on another party yourself.** The next paragraphs explain the rules for service. **Carefully follow the rules. If you do not do service properly, your court orders could be set aside, even years later.**

If your last Child Support Order was entered in Washington, you may start a Motion to Adjust Child Support Order by serving the papers on the other parties by certified mail. You do not need to get an order allowing service by mail. Nor do you need to personally serve the other parent. (You can have them personally served if you wish.) You do need to know the other parent's address.

A. Finding the Other Parent's Address

If you do not know the other parent's address, you may be able to get it from DCS or your court file.

DCS Address Disclosure: DCS records, including the other parent's address and workplace, are confidential. DCS has a process through which you may request the other parent's address in order to modify support. Call your DCS officer. Ask for an Address Disclosure Request form. Fill out the form and get it notarized. (Notaries are often available at local banks.)

After you send DCS the address disclosure request form, DCS will decide whether to:

- withhold the address
- give the other parent notice of your request and a chance to object
- release the address to you outright

DCS rules for disclosure state when they will release or withhold the address, when they notify the other parent of the address request, and when a party may appeal their decision.



Court File: Try to check your court file to find the last address the other parent gave the court on the Child Support Order. You may be able to serve the other party at the address on the Child Support Order if you can show you made “diligent efforts” to find the other party.

Both parties must update their addresses on the Confidential Information Form. You can also file a motion for access to a sealed form to try to get the most recent address it lists. Talk with a lawyer, or the family law facilitator or court clerk.

B. Serving your Motion

Make sure your motion is served in time to give the other party enough notice before the hearing date. For civil motions, that is usually five business days, plus at least three extra days for mailing, before the hearing date. You may need to give more notice in your county. See the Instructions for the Notice of Hearing form. **You must serve all the parties on time.** This includes the other parent, and any other parties in the case, such as the State of Washington, if the child has gotten public assistance (TANF), Medicaid, or foster care. Use our [Serving Papers on the State](#) packet.

Copy and Organize Your Papers. Make a copy of every paper you are using (except the Proof of Mailing or Hand Delivery and Confidential Information Form) for each of the other parties and one for the judge (if you need working papers – see the Working Papers section below).

Make an extra copy of the Summons to attach to the Proof of Mailing or Hand Delivery.

Make a set of the papers for each of the other parties and the judge. Put all the originals into the set for the court. Make sure every other set has a copy of each form you are using. (Do not give the other parties the Proof of Mailing or Hand Delivery or Confidential Information Form.)

Compare each set to your checklist. Make sure you included everything.

Keep a full set of copies for yourself. Put each of the other parties’ sets of papers in an envelope, addressed to that party, with your return address. You will use these sets for service.

Do not serve the papers yourself. Get a friend or relative age 18 or older to mail or personally serve the papers for you, and to sign the Proof of Mailing or Hand Delivery.



Service by Mail: Your server may mail the papers Certified Mail, Return Receipt Requested. Take the person who is serving the papers for you to the post office. Have that person send the other parties' copies of forms for you. You may pay for the postage, but do not be the one who mails the forms. Have the server fill out the Proof of Mailing or Hand Delivery.

Personal Service: Your server may personally serve the other parties.

Follow the rules carefully when you are having the other parties personally served. You may hire a process server. Or you can ask a competent adult friend to serve the papers for you.

Your friend must understand how important it is to serve the papers and fill out the Proof of Mailing or Hand Delivery correctly. If you do not serve the other parties properly, then your court orders could be set aside, even years later.

- **If possible, your Server should hand the papers directly to the other party.** Your server may hand the papers to the other party at home, work, or anywhere else they can be found.
- **If the other party is not home, your Server may give the papers at the other party's home** to any competent adult who lives with the other party. If your server does this, they should ask the person they leave the papers with for their name and age. They should also ask if the other party lives at that address and if the person with whom they are leaving the papers lives there.

C. Filling Out 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. Use this form to show that copies of papers you file in court have been given 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 other party.



3. List all documents you served: Your server must check the box for **every form** they sent or delivered to the other 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 in the places indicated.

D. 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 [What are Working Copies](#).
- **Confirm the hearing** a few days before the hearing date. “Confirming the hearing” means telling the court the hearing will take place as scheduled. Ask the facilitator or clerk how to confirm.

To learn the rules for working papers and confirming the hearing in your county, read local court rules, and ask the facilitator or clerk.

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

E. Replying to the Other Party’s Response

The other party must respond in writing to your motion before the hearing. In most counties, the other party must deliver their response to you and the court no later than one court day before the hearing.\

If the other party sends no response, go to the hearing anyway. If the other party does not show up, you ought to get your order. (See “Going to the Hearing,” below.)

If the other party comes to the hearing, tell the judge the other party did not send you a written response on time. The judge may decide not to consider the other party’s papers, or to reschedule the hearing to a later date, or to go ahead with the hearing.

Read the other party’s response carefully. If you do not get a chance to file a reply, be ready to tell the judge what you disagree with in the other party’s response.

Filing a Reply: Most counties do not let you file a reply. If yours does, use the Declaration form to write your reply. Put **Declaration of (Petitioner or Respondent) in Reply** under the title of the declaration form. In the declaration, explain what you disagree with in the other party's response, and why. **Do not bring up new issues in the reply.** You may only respond to things that the other party talks about in their response. If needed, give the court extra papers or declarations from other witnesses.

When you have filled out your declaration, make a copy of it (and every other paper that you need to respond to the other party's response) for each of the other parties, yourself, and the judge (if you need working papers).

File a set of the papers with the court clerk. Have the clerk stamp the copy that you keep, so you can prove when you filed it.

Deliver a set of the papers to each of the other parties (and to the judge if you need working papers – see the instructions for working papers, above). **You must file and serve the papers by the deadline for your reply.** Check local rules, or ask the family law facilitator or court clerk what the reply deadline is. If you do not serve your reply by the deadline, the judge may not read it.

F. Going to the Hearing

If the Other 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 get a lawyer yourself. If so, tell the lawyer and the court that you need to postpone (continue) the hearing. Do not panic. The lawyer may ask you to sign some documents. 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 holds hearings. Try also to make some notes to yourself about the main points that you want to make when you have a chance to talk during the hearing.

Get to Your Hearing Early. Try to dress neatly. Bring a pad of paper and black pen to write notes with. 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 if you can help it. 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 other party may win).

When You Get to the Courtroom. Tell the person in charge in the courtroom (the clerk or the bailiff) your name and the name and number of your case. Take a seat. When the judge



walks in the room, stand. When they call your case name, tell the court you are present. Remain in court until they call your case for hearing.

Come forward when told to do so. Give the court the originals of your proposed child support order forms: Order on Adjustment of Support, Child Support Order and Child Support Worksheets that you filled out.

Getting a Default Judgment. If the other party does not appear, show the judge your Proof of Mailing or Hand Delivery. Ask the judge to sign your orders. Tell the clerk or bailiff that you need a copy of the order.

Presenting Your Case. If the other party shows up at the hearing, each of you will have a chance to tell your side of the case. Stand while speaking. Tell the judge briefly what you want and why. Try to keep your argument short and only outline your main points. In most cases, the judge will have read your papers before the hearing. Do not repeat everything in your papers. Try to make notes to use at the hearing.

DO NOT INTERRUPT THE JUDGE.

Hearing the Judge's Decision. After the judge has heard both sides, they will decide on your requests. Listen carefully. Make notes. The judge may make changes to the orders one party filled out, or they may direct you, the other party, or the other party's lawyer to do it. If the other party's lawyer makes changes to the orders, read them carefully. Make sure they say what the judge said. If you are not sure about any of the changes, do not sign the orders. Ask the lawyer to go back before the judge to make sure the order says what the judge said.

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- ❖ 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.
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Getting Copies of the Orders. Make sure you get a conformed copy of the orders as signed by the judge. Ask the clerk how to do this. 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 someone at the clerk's office to help you.

Make sure the other parties to your hearing also get a copy of the orders, especially if they are entered by agreement. Use the Proof of Mailing or Hand Delivery procedure to prove this has been done.





www.WashingtonLawHelp.org

G. If You Disagree with the Court's Order

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





Part 10. Entering an Agreed Order on Motion to Adjust Child Support Order

In some cases, you and the other parties might come to an agreement before the hearing. If so, you do not need a contested hearing.

You may not even need to fill out all of the forms. If you think the other party will agree with the adjustment, fill out the child support worksheets, the Order on Motion to Adjust Child Support Order, and the Child Support Order. See the Checklist section of this packet for the list of forms where the parties agree. You may also need to have proof the parties' incomes (**examples:** tax returns and recent pay stubs) for the court to review.

You and the other parties must sign all of the orders (Order on Motion to Adjust Child Support Order, Child Support Order and worksheets) in **BLACK OR DARK BLUE INK**. Take the originals to the courthouse. If your courthouse has an ex parte department, take the orders there to get them signed. If it does not, ask the court clerk's office or family law facilitator how to get an agreed order re: adjustment of child support signed.

If you come to an agreement on the day of the hearing while you are waiting for your turn to call your case, stand up when they call your case and tell the judge that you have agreed orders. Take them to the judge to sign them.



Part 11. Words and expressions you should know

Appearance: Informing the court and parties where you can get notice and that you plan to take part in your case. You can do this in person at a Court hearing, or in writing, usually by filing and serving a Notice of Appearance. Certain informal actions, such as negotiating, phoning about the case, or writing a letter, might also be 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 information about format rules is in the General Instructions section of this packet.)

Bailiff: A member of the judge's staff, in charge of courtroom procedure and security. The bailiff and clerk may be the same person.

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

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

Certified Copy: A copy of a document from the court file made by the court clerk that has an official stamp on it stating it is a true copy. Usually, you pay for a certified copy.

Clerk of the Court: Officer of the court handling matters like keeping records, entering judgments and providing certified copies. Each courthouse has a Superior Court Clerk's Office. Someone from the 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 or trial scheduled in your case. How to confirm varies by county. Not all counties require it. Often a phone call to the court a few days before the hearing or trial is required. Local rules explain each county's requirements. If notice is required and you do not give it, the court may cancel the hearing or trial.

Conformed Copy: A copy of any court document you have filed with the clerk. It must be stamped with the date filed. If it is an order, it 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.

Custodian: The person the children live with most of the time.

DCS: Division of Child Support: 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 other party. Sometimes also refers to the courtroom where you see a judge without notifying the other party.

Exhibit: Documents, records, and photos introduced into evidence at hearing. Attachments to legal forms that are exhibits should follow format rules for court forms. (Basic information 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 defend against another party's request. Hearings usually take place before the trial and are about specific issues.

Example: temporary relief. Hearings on important issues (**example**: motions to dismiss) may end the case. The judge might not allow live witness testimony at a hearing. Instead, you might have to file and serve materials in advance in writing. The court might decide certain types of child support cases by hearing rather than by trial.

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 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 time, place, and subject.

Order: A court document a judge signs ordering someone to do or not do something. Restraining orders, orders re adequate cause, Residential Schedules or decrees, are all examples of orders, if the judge has signed them. If you disobey a court order, the judge may



hold you 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. GALs and the State of Washington may also be parties.

Proposed Order: A document you ask the judge to sign. It will not yet have the judge’s signature on it. 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 prepare proposed orders anyway. A proposed order becomes an order if the judge signs it.

Response: A formal written answer to a court Petition. Can also mean the papers someone files 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 other party in a legally correct way.

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

Working copies/working papers: Local court rules may require you to deliver a set of working papers to the judge before a hearing. Read [What are Working Copies](#).





Part 12. Blank Forms

The rest of 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 all the forms here.

The Northwest Justice Project has a new program that helps people fill out family law forms online. We are adding new forms throughout 2021. Some of the forms you need for divorce and other family law cases are available now. Check out washingtonlawhelp.org/resource/washington-forms-online

The Washington Administrative Office of the Courts also has Microsoft Word and PDF versions of many of these forms available on their web site at www.courts.wa.gov/forms.

