

PETITION FOR RESIDENTIAL SCHEDULE/PARENTING PLAN/CHILD SUPPORT

WHEN ACKNOWLEDGEMENT OF PATERNITY FORM HAS BEEN FILED WITH A STATE CENTER OF HEALTH STATISTICS

King County Family Law Facilitators: Instruction # P-4
King County Local Family Law Rules
RCW 26.26

INTRODUCTION: WHO CAN USE THIS PACKET

You can use these instructions if you were never married to the other parent of your child; you want a residential schedule or parenting plan (custody/visitation order), and/or child support order for that child; AND an Acknowledgment of Paternity form was filed with the Washington Center for Health Statistics or with a similar agency in the state in which the child was born. The Acknowledgment of Paternity form must have been filed with the State Center for Health Statistics after July 27, 1997, and at least 60 days before filing the Petition described below.

WHO CANNOT USE THIS PACKET

1. You were married to the other parent and you want to file for divorce or modify the parenting plan entered in the divorce; **or**
2. You were not married to the other parent and paternity has been established by court order (in any state); **or**
3. You want to challenge paternity or want blood tests to be ordered; **or**
4. A court order has already granted one parent custody and/or has already established any residential schedule, parenting plan, or custody/visitation schedule.

THERE ARE OTHER INSTRUCTIONS AND FORMS THAT MAY APPLY TO THE SITUATIONS DESCRIBED ABOVE. IF YOU HAVE QUESTIONS ABOUT THESE PROCEDURES OR WHETHER THEY APPLY TO YOU, SEE A LAWYER FOR HELP.

STEP 1: OBTAIN AND COMPLETE THE REQUIRED FORMS AND MAKE COPIES

Obtain and complete the following forms:

- [Case Assignment Designation and Case Information Cover Sheet](#)
- [Confidential Information Form, WPF DRPSCU 09.0200](#)
- [Summons \(Petition for Residential Schedule/Parenting Plan/Child Support\), WPF PS 15.0200](#) ([WPF PS 15A.0200](#) if the Acknowledgement of Paternity was filed in another state)
- [Petition for Residential Schedule/Parenting Plan/Child Support, WPF PS 15.0100](#) ([WPF PS 15A.0100](#) if the Acknowledgement of Paternity was filed in another state)
- [Sealed Acknowledgment/Denial of Paternity, WPF PS 15.0150](#)
- Copy of Acknowledgment/Denial of Paternity with certification of filing date or Birth Certificate (obtain from Washington Center for Health Statistics if the Acknowledgment/Denial was filed in Washington, or from similar agency in state in which the Acknowledgement/Denial was filed)
- [Parenting Plan \(Proposed\), WPF PS 15.0600](#); **OR** [Residential Schedule \(Proposed\), WPF PS 15.0650](#)
Before signing the final parenting plan, the court will consult the judicial information system and databases, if available, to determine the existence of any information and proceedings that are relevant to the placement of the children.
- [Declaration in Support of Parenting Plan \(WPF DR 04.0120\)](#)
- [Notice Re Dependent of Person in Military Service, WPF DRPSCU 01.0185](#)
- [Declaration Regarding Public Assistance WPF DRPSCU 01.0600](#)
- [Return of Service, WPF DRPSCU 01.0250](#)
- [Declaration Regarding Personal Service Outside the State of Washington, WPF DRPSCU 01.0180](#) (if applicable)

In order to finalize your case, you will also need to obtain the following forms (but may postpone completing them):

- [Findings of Fact and Conclusions of Law on Petition for Residential Schedule/Parenting Plan/Child Support, WPF PS 15.0400](#) ([WPF PS 15A.0400](#) if the Acknowledgement of Paternity was filed in another state)
- [Judgment and Order Establishing Residential Schedule/Parenting Plan/Child Support, WPF PS 15.0500](#) ([WPF PS 15A.0500](#) if the Acknowledgement of Paternity was filed in another state)

If you will be requesting that an Order of Child Support be entered, you will also need (but may postpone completing them):

- [Order of Child Support, WPF PS 15.0700](#)
- [Child Support Worksheet \(CS Worksheet\)](#) and [Schedule/Instructions \(CS Schedule\)](#)
- [Financial Declaration, WPF DRPSCU 01.1550](#)
- [Sealed Financial Source Documents Cover Sheet, WPF DRPSCU 09.0220](#)

Attach the following to the Sealed Financial Source Cover Sheet: complete tax returns for the past 3 calendar years together with all schedules and W2 forms; a complete tax return for the year that the prior court order of support was entered; all pay stubs showing income for the past 6 months or since January 1st of the calendar year, whichever period is greater; all statements of financial institutions for the past 6 months; complete partnership and corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party's interest is five percent or greater.

After you have completed the forms listed above, make 2 sets of copies of the following forms: Summons, Petition, Proposed Parenting Plan or Residential Schedule, and Sealed Acknowledgment/Denial of Paternity form with Acknowledgment/Denial of Paternity and certification of filing date form attached. You will need 3 sets of copies if public assistance was received.

<i>Originals</i>	<i>Copy Set #1</i>	<i>Copy Set #2</i>	<i>Copy Set #3</i>
File with Clerk: <ul style="list-style-type: none"> • Petition • Summons • Case Assignment Designation with Case Information Cover Sheet • Confidential Information Form • Proposed Parenting Plan or Residential Schedule • Sealed Acknowledgement/ Denial of Paternity/Birth Certificate Coversheet with Copy of Acknowledgement/ Denial of Paternity or Birth Certificate attached 	Have the other party served with a set of copies: <ul style="list-style-type: none"> • Petition • Summons • Notice Re Dependent of Person in Military Service • Proposed Parenting Plan or Residential Schedule • Case Schedule (given to you by the Clerk when you file) • Sealed Acknowledgement/ Denial of Paternity/Birth Certificate Coversheet with Copy of Acknowledgement/ Denial of Paternity or Birth Certificate attached 	Keep for your records: <ul style="list-style-type: none"> • Petition • Summons • Proposed Parenting Plan or Residential Schedule • Case Schedule (given to you by the Clerk when you file) • Confidential Information Form • Sealed Acknowledgement/ Denial of Paternity/Birth Certificate Coversheet with Copy of Acknowledgement/ Denial of Paternity or Birth Certificate attached 	Mail or Deliver to Prosecuting Attorney if either party has <u>ever</u> received public assistance for a child who is a subject of this court action: <ul style="list-style-type: none"> • Petition • Summons • Proposed Parenting Plan or Residential Schedule • Sealed Acknowledgement/ Denial of Paternity/Birth Certificate Coversheet with Copy of Acknowledgement/ Denial of Paternity or Birth Certificate attached

STEP 2: TALK TO AN ATTORNEY, IF POSSIBLE

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators' office for a *Legal Resource List* or the King County Bar Association Lawyer Referral Line for information about resources for low income people. Even if you do not hire a lawyer to represent you, a lawyer can look over your paperwork, give you advice on how to present your

evidence, and tell you whether this type of action is right for you.

STEP 3: FILE WITH THE CLERK

Go to the Clerk's Office. Give the Clerk the originals of the following documents:

- Case Assignment Designation and Case Information Cover Sheet
- Confidential Information Form
- Summons (Petition for Residential Schedule/Parenting Plan/Child Support)
- Petition for Residential Schedule/Parenting Plan/Child Support
- Sealed Acknowledgment/Denial of Paternity form with copy of Acknowledgment/Denial of Paternity and filing date certification attached
- Parenting Plan (Proposed) **OR** Residential Schedule (Proposed)
Before signing the final parenting plan, the court will consult the judicial information system and databases, if available, to determine the existence of any information and proceedings that are relevant to the placement of the children.
- Declaration in Support of Parenting Plan

Pay the filing fee or obtain a Motion and Declaration for Waiver of Civil Filing Fees and Surcharges (waives the filing fee) prior to filing.

Get a Case Schedule from the Clerk when you file. Keep one copy for yourself. Serve the other parent with a copy (along with the forms listed in Step 4).

STEP 4: SERVE THE OTHER PARTY

Serve the other parent with copies of the following:

- Summons (Petition for Residential Schedule/Parenting Plan/Child Support)
- Petition for Residential Schedule/Parenting Plan/Child Support
- Sealed Acknowledgment/Denial of Paternity form with copy of Acknowledgment of Paternity and filing date certification attached
- Parenting Plan (Proposed) **OR** Residential Schedule (Proposed)
- Declaration in Support of Parenting Plan
- Case Schedule

You cannot serve these papers yourself. Someone else, who is over the age of 18, must be the Server. The Server must complete the Return of Service form and give the original to you. Keep a copy for your own records and file the completed original with the Clerk's Office. See Facilitator Instruction S-1 for more information about service.

If personal service is made outside the state of Washington, you must also file a "Declaration Regarding Personal Service Outside the State of Washington" (WPF DRPSCU 01.0180), explaining why personal service cannot be made in-state. Failure to file this form invalidates service. File the original with the Clerk and keep a copy for your records.

If you are asking for a child support order and the child has ever been on public

assistance, you must also deliver copies of these forms to the PROSECUTING ATTORNEY'S OFFICE, FAMILY SUPPORT SECTION.

STEP 5: ATTEND MANDATORY SEMINAR

Attend the *What About the Children Seminar*. If the case involves minor children, King County Local Rules require each party to attend a parenting seminar within 60 days of service of the Petition and prior to the entry of final orders in this legal action.

There is a fee to attend the seminar and you must register ahead of time. Registration information is available in the Family Law Facilitators' Office or Family Court Services.

STEP 6: WAIT FOR RESPONSE; FOLLOW CASE SCHEDULE

Response Deadlines:

- 20 DAYS, if by personal service in the State of Washington.
- 60 DAYS, if by personal service outside of the State of Washington, or if by publication.
- 90 DAYS, if by mail (pursuant to a court order).

If the other parent does not serve and file a response by the response deadline you may be able to get your order by default.

If the other parent does respond, you must follow your Case Schedule. You will have a trial in approximately 11 months. Facilitators cannot assist you with trial preparation but may be able to refer you to other legal resources.

If you wish to obtain a temporary parenting plan and/or temporary child support prior to your trial, ask the Facilitators for Instruction F-4, *Motion for Temporary Orders*.

If you and the other parent can agree on a Parenting Plan and/or Order of Child Support any time prior to your trial date, you can enter an agreed Parenting Plan and/or Order of Child Support, together with the Findings of Fact and Judgment, in the Ex Parte Department. You will need to schedule a hearing using a Note for Motion Docket form, for either Kent or Seattle. Choose a hearing date that will be at least 14 days from the day you filed the Note for Motion Docket. When you attend your hearing, bring the signed and completed original final forms.

If your case goes to trial, you will need to bring with you the completed originals of all final orders. You will probably also be required to provide copies of these documents to the other /parties, as well as to the Judge, some period of time prior to your scheduled trial date. You must pay careful attention to the due dates set forth in the Case Schedule.

WARNING: These instructions are not a substitute for legal advice. The laws and court

rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court. If you need a lawyer, contact the Family Law Facilitators' Office for a *Legal Resource List* or call the King County Bar Association Lawyer Referral Line.