

# How to Change a Final Parenting Plan (Who the child lives with & child support) *When parties don't agree*

Use these instructions if you have a final parenting plan and:

- You want to change the visitation schedule or the person the child lives with most of the time and if needed,
- You want a new child support order because of your proposed change in the visitation schedule or the person the child lives with most of the time.

Even if you do not have a final parenting plan, you must use these instructions if:

- The court signed a Judgment and Order Establishing Parentage stating that the child primarily resides with the other parent and,
- You would like to change who the child primarily resides with.

If you only want to change the support amount, do not use these instructions. Ask the facilitator for information on how to change child support.

**Talk to a lawyer, if you can**

These instructions have been developed by the King County Superior Court Family Law Information Center. They are not intended to be a substitute for legal advice. They provide only legal *information*. It's a good idea to talk to a lawyer before you file any forms. If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office for a list of low-cost and free legal resources.

King County Superior Court 516 3 <sup>rd</sup> Ave, Room W-382 Seattle, WA 98104	Maleng Regional Justice Center 401 4 <sup>th</sup> Ave North, Room 3D Kent, WA 98032
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## Step 1: Fill out these forms

All of these forms can be downloaded at: <http://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Form Number	Notes	Completed
<a href="#">Case Assignment Area Form &amp; Case Index Cover Sheets</a>			<input type="checkbox"/>
<a href="#">Confidential Information Form</a>		<a href="#">Attachment to Confidential Information</a> (for additional parties or children)	<input type="checkbox"/>
Family Law Notice of Court Date (Commissioners) <a href="#">Seattle</a> or <a href="#">Kent</a>		See Step 3 on how to choose a hearing date	<input type="checkbox"/>

## Step 2: Fill out these forms

All of these forms can be downloaded at: [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)

<a href="#">Summons: Notice about Petition to Change a parenting Plan</a>	FL Modify 600		<input type="checkbox"/>
<a href="#">Petition to Change a Parenting Plan, Residential Schedule or Custody Order</a>	FL Modify 601		<input type="checkbox"/>
You must attach a copy of the final Parenting Plan, Custody Order, or Judgment and Order Establishing Parentage you want to change to your petition. If the Parenting Plan, Custody Order or Judgment and Order Establishing Parentage was entered in another state or county, you need to provide a certified copy.			<input type="checkbox"/>
<a href="#">Notice to Military Dependent Parenting Plan (Proposed)</a>	FL All Family 103		<input type="checkbox"/>
	FL All Family 140		<input type="checkbox"/>
<a href="#">Declaration</a>	FL All Family 135		<input type="checkbox"/>
<a href="#">Motion for Adequate Cause Decision</a>	FL Modify 603		<input type="checkbox"/>
<a href="#">Order on Adequate Cause to Change a Parenting/Custody Order</a>	FL Modify 604	Fill this out the way you want the Commissioner to decide	<input type="checkbox"/>

**If you are requesting a change in child support, you will also need:**

<a href="#">Child Support Schedule and Instructions</a>	Use this information to calculate Child Support Worksheets. Online Child Support Calculation software is available at <a href="https://fortress.wa.gov/dshs/dcs/SSGen/Home">https://fortress.wa.gov/dshs/dcs/SSGen/Home</a>		
<a href="#">Child Support Worksheets</a>	WSCSS-Worksheets		<input type="checkbox"/>
<a href="#">Child Support Order</a>	FL All Family 130		<input type="checkbox"/>
<a href="#">Financial Declaration</a>	FL All Family 131		<input type="checkbox"/>
<a href="#">Sealed Financial Source Documents Coversheet</a>	FL All Family 011	This form goes on the front of the financial documents you file	<input type="checkbox"/>

<p>If your case involves financial matters you may have to provide copies of financial documents, including:</p> <ul style="list-style-type: none"> <li>▪ Your W-2s and complete personal tax returns for the past 2 years</li> <li>▪ Your most recent pay stubs (at least 6 months)</li> <li>▪ Complete partnership/corporate tax returns for the past 2 years if you have a 5% interest or more</li> <li>▪ Statements from all of your banks and financial institutions for the past 6 months</li> </ul> <p><i>Note:</i> The other party can ask you for a copy of your check register. If this happens, you will have 14 days to provide it.</p>	<input type="checkbox"/>
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**If you will be requesting temporary orders at the Adequate Cause, you will also need:**

Name of Form	Form Number	Notes	<input type="checkbox"/>
Motion for Temporary Family Law Order	FL Parentage 323		<input type="checkbox"/>
Temporary Family Law Order	FL Parentage 324	Fill out the way you want the Commissioner to decide.	<input type="checkbox"/>
Information for Temporary Parenting Plan	FL All Family 139	If you are asking for a temporary parenting plan	<input type="checkbox"/>

### Step 3: Schedule Your “Adequate Cause Hearing”

Before the Court decides on your *request* to change the parenting plan/child support, you must have a special hearing, called an “Adequate Cause Hearing.” At that hearing, a Commissioner will decide if your case can move forward.

To schedule this hearing, fill out the *Family Law Notice of Court Date (Commissioners)* form, and file it with your other court papers. You must write a date, time, and address for the Adequate Cause Hearing on this form. Here’s how:

- **Choose a court date:** To do this, first decide how the other party will be served.

If served <b>in person in Washington</b> state, your date must be at least <b>20 days</b> from the date of service
If served <b>in person outside of Washington</b> state or by publication (because of a court order), your date must be at least <b>60 days</b> from date the of service
If served <b>by mail</b> when the court has given you permission to do so, your date must be at least <b>90 days</b> from the date of service

- **Time:** All Adequate Cause hearings are at 1:30pm, every weekday (except Tuesdays if your case is in Kent)
- **Place:** Seattle Courthouse, 516 3<sup>rd</sup> Ave, Seattle WA 98104 (Seattle cases)  
Maleng Regional Justice Center, 401 4<sup>th</sup> Ave N, Kent, WA 98032 (Kent cases)
- **Room:** W-291 (Seattle cases)  
1F (Kent cases)

*Note:* If you prefer, you can schedule your Adequate Cause Hearing later, but not more than 23 weeks after you file your petition.

### How many copies do I need?



- **Original** set to file with the Clerk's Office
- Copy **1** will go to the Commissioner for your court hearing.
- Copy **2** is to serve the other party.
- Copy **3** you will keep for your records
- Make a **4<sup>th</sup>** copy only if you are asking the Court to change the support amount for a child in this case who has received public assistance. Send it to the King County Prosecuting Attorney's Office, Family Support Section.

## Step 4: Take your completed forms to the Clerk's Office, and pay a fee

**The Clerk will ask you to pay a filing fee.** If you cannot afford to pay the fee, ask for an application to let you file for free. This application is called a *Motion and Declaration for Waiver of Civil Filing Fees and Surcharges*.

When you file your forms, the clerk will give you 2 copies of your *Case Schedule*. You will need 1 to serve the other parent and keep 1 for your records.

## Step 5: Deliver Commissioner's Copy

The Commissioner's copy is a set of all forms that you filed, including the proposed orders, that you would like the court to sign at your court date. Take this copy to the Family Law window and turn it in at least **3 court days by 12** noon before your hearing.

Copy the words below in the upper right hand corner on the first page only of the set of forms you are delivering to the Commissioner.

#### **Commissioner's Working Papers**

Family Law Motions

Hearing Date: \_\_\_\_\_

Hearing Time: \_\_\_\_\_

Presented by (*your name*): \_\_\_\_\_

## Step 6: Have the other party served

**You must have the other party served with copies of:**

- The Case Schedule that the Clerk gave you when you filed, **and**
- All of the forms you filed with the clerk including the proposed orders, except the *Case Assignment Area Form & Case Index Cover Sheets* and the *Confidential Information Form*.

### How to serve

Someone over the age of 18 – **not you** - must serve (give) the other party copies of your court papers. After serving, the server fills out a **Proof of Service, FL All Family 101** form and gives it to you. Keep a copy for your own records and file the original with the Clerk’s Office.

You will also fill out and file the **Declaration: Personal Service Could Not be made in Washington, FL All Family 102** form if any party is served outside the state of Washington.

If you have questions about serving, ask the facilitator for information on how to serve.

## Step 7: Confirm your hearing



**Your hearing will be cancelled if you don’t confirm your hearing and deliver the copies to the Commissioner on time.**

**You can confirm by phone, in person or online. Here’s how:**

Call or come in person (206)-477-1523 (Seattle) Room W-292  (206)-477-2750 (Kent) Room A1222	<b>3 court days</b> before your hearing between <b>2:30 pm – 4:15 pm</b> <i>or</i> <b>2 court days</b> before your hearing between <b>8:30 am – 12:00 pm</b> . <i>When you call, give your case number, date and time of hearing. The Clerk will give you a confirmation number.</i>
Online:  <a href="https://blue.kingcounty.gov/courts/superiorcourt/confirmations/default.aspx">https://blue.kingcounty.gov/courts/superiorcourt/confirmations/default.aspx</a>	You can confirm online starting at <b>noon 3 court days</b> before the hearing until <b>noon of the 2<sup>nd</sup> court day</b> before your hearing. You must give your email address, phone number, and information to identify your case. If you don’t receive a confirmation email you must call one of the confirmation numbers above

If the other party chooses to respond to your motion, he or she must do so by 12 noon 4 court days before the hearing. If you wish to reply to the other party’s response you must do so by **12 noon 2 court days** before the hearing (ask the facilitator for information on how to respond).

## Step 8: Both parties must go to a Family Law Orientation and Parenting Seminar

You **must** both go to a special class called *Family Law Orientation* (if you are not represented by an attorney) and a parenting seminar called “*What About the Children.*” Be sure to attend these classes before the deadline listed on your case schedule.

*Exception:* You do not have to go to these classes if you have taken them before.

Go to the Family Law Facilitator's Office for information or to register (W-382 in Seattle and 3D in Kent).

## Step 9: Go to your Adequate Cause Hearing

- Arrive at least 30 minutes early! You will need time to go through security.
- Go to the Family Law window at the courthouse to check in.
- Take your original orders and all copies of the forms you filed.
- You must give the Court your original orders if asked. If you want copies of the signed orders the day of your hearing, tell the Clerk.

If you think the other parent will not go to the hearing, fill out and take these forms, and ask the Court to decide in your favor:

- [Motion for Default](#), FL All Family 161, and
- [Order on Motion for Default](#), FL All Family 162

## Step 10: Try to reach an agreement

You must participate in *Alternative Dispute Resolution (ADR)*, that is, you and the parent(s) must try to reach an agreement with the help of a professional, such as an attorney or social worker. The *Legal Resource List* available in the Facilitator's Office contains information on programs that offer *Alternative Dispute Resolution*. You must attempt ADR before the deadline in your *Case Schedule*.

## Step 11: Get ready for your trial

If you and the other party cannot come to an agreement about your case you will have a trial before a Judge.

### For finalizing your case by agreement or trial, you will need these forms:

<a href="#">Parenting Plan (Final)</a>	FL All Family 140	<input type="checkbox"/>
<a href="#">Final Order and Findings on Petition to Change a Parenting Plan</a>	FL Modify 610	<input type="checkbox"/>

### Also fill out these forms if you are asking for child support:

<a href="#">Child Support Worksheets</a>	WSCSS-Worksheets	<input type="checkbox"/>
<a href="#">Child Support Order</a>	FL All Family 130	<input type="checkbox"/>

### You may also need these forms:

<a href="#">Financial Declaration</a>	FL All Family 131	<input type="checkbox"/>
<a href="#">Sealed Financial Source Documents Coversheet</a>	FL All Family 011	This form goes on the front of the financial documents you file <input type="checkbox"/>
If your case involves financial matters you may have to provide copies of financial documents, including: <ul style="list-style-type: none"> <li>▪ Your W-2s and complete personal tax returns for the past 2 years</li> <li>▪ Your most recent pay stubs (at least 6 months)</li> <li>▪ Complete partnership/corporate tax returns for the past 2 years if you have a 5% interest or more</li> <li>▪ Statements from all of your banks and financial institutions for the past 6 months</li> </ul> <i>Note:</i> The other party can ask you for a copy of your check register. If this happens, you will have 14 days to provide it.		<input type="checkbox"/>