

How to Ask for Temporary Custody of a Child Who is not Yours

Use this packet **ONLY** if:

1. You have already filed a case to ask for custody of a child who is not yours;
2. You have already obtained adequate cause;
3. You want to ask the Court for a temporary order, such as: residential schedule, child support or restraining order.

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 3rd Ave, Room W-382
Seattle, WA 98104

Maleng Regional Justice Center
401 4th Ave North, Room 3D
Kent, WA 98032

Step 1: Fill out these forms.

This form can be downloaded at: <http://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Form Number	Notes	Completed
Family Law Notice of Court Date (Commissioners)	Seattle or Kent	See Step 2	<input type="checkbox"/>

All of these forms can be downloaded at: www.courts.wa.gov/forms

Motion for Temporary Non-Parent Custody Order [] and Restraining Order	FL Non-Parent 423		<input type="checkbox"/>
Temporary Non-Parent Custody Order	FL Non-Parent 424	Fill this out the way you would like the Commissioner to decide; do not file with the Clerk's Office.	<input type="checkbox"/>
Declaration	FL All Family 135	Explain why the Court should agree with your request.	<input type="checkbox"/>
Proof of Personal Service	FL All Family 101	This is for the server to fill out after copies of your court papers are served on the other party.	<input type="checkbox"/>
Proof of Mailing or Hand Delivery	FL All Family 112	See Step 5.	<input type="checkbox"/>

Fill out these forms if you are asking for a restraining order:

Restraining Order	FL All Family 150	Use if asking for restraints	<input type="checkbox"/>
Law Enforcement Information Sheet	WPF All Cases 01.0400	Use if asking for restraints	<input type="checkbox"/>

Fill out these forms if you are asking for a temporary residential schedule.

Residential Schedule	FL Non-Parent 405		<input type="checkbox"/>
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Fill out these forms if you are asking for temporary child support:

Child Support Worksheets	WSCSS-Worksheets	Use WSCSS-Worksheets RDP for Registered Domestic Partnership	<input type="checkbox"/>
Child Support Schedule & Instructions	Use these instructions to calculate the Child Support Worksheets		
Child Support Order	FL All Family 130	Fill this out the way that you would like the Commissioner to decide.	<input type="checkbox"/>

If you have information about the parent's income you may provide it to the court:

Sealed Financial Source Documents (Cover Sheet)	FL All Family 011	Attach the documents listed below to this cover sheet.	<input type="checkbox"/>
For the court to decide on financial issues, the parents must provide copies of financial documents. If you are the non-parent and you have access to the following documents you may provide them to the court with the coversheet listed above:			
<ul style="list-style-type: none">W-2s and complete personal tax returns for the past 2 yearsThe most recent pay stubs (at least 6 months)Complete partnership/corporate tax returns for the past 2 years if they have a 5% interest or moreStatements from all banks and financial institutions for the past 6 months			

Step 2: How to choose a court date.

Note: A commissioner must have signed an order granting adequate cause before the court will hear your motion for temporary orders. You may schedule your court date on the same day/time as your adequate cause hearing.



A. If you already have a signed adequate cause order:

To set your court date, you must fill out and file the *Family Law Notice of Court Date (Commissioners)*, [Kent](#) or [Seattle](#). That form lets you choose a date for your court hearing. The date you choose **must** be at least **14 days** after the day you file the *Family Law Notice of Court Date (Commissioners)* **and** at least **14 days** from the day you plan to have the other party served. Allow **17 days** if serving by mail.

- Time:** Family law motions are heard at 9:00 a.m., Monday-Friday.
- Place:** Seattle Courthouse, 516 3rd Ave, Seattle WA 98104 (Seattle cases)
Maleng Regional Justice Center, 401 4th Ave N, Kent, WA 98032 (Kent cases)
- Room:** W-291 (Seattle cases)
1F (Kent cases)

OR

B. If you are setting your motion on the same day as your adequate cause hearing, schedule both hearings according to the chart below:

If served **in person in Washington**, your date must be at least **20 days** from the date of service;

If served **in person outside of Washington** state or by publication (with advance court permission), your date must be at least **60 days** from date the of service;

If served **by mail** (with advance court permission), your date must be at least **90 days** from the date of service.

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

Step 3: Make Copies

How many copies do I need?

- **Original** set to file with Clerk's office
- Copy 1 will go to the Commissioner for the hearing
- Copy 2 is to serve on the other party
- Copy 3 you will keep for your records
- Make a 4th copy only if you are asking the court for a temporary order of child support and a child in this case has received public assistance. Deliver it to the King County Prosecuting Attorney's Office, Family Support Section.

Step 4: Take your completed forms to the Clerk's office and file them.

File the originals of all papers from Step 1 **except** the following forms: Temporary Non-parent custody order, and if applicable, the Child Support Order, Restraining Order and Law Enforcement Information Sheet. These orders are your proposed orders and will be filed after the hearing.

Step 5: Deliver Commissioner's copy.

The Commissioner's copy is a set of all forms from Step 1 including the proposed Orders that you would like the court to sign at the hearing. Take this set of copies to the Family Law window (W-292 in Seattle, A1222, next to 1E, in Kent) and turn it in any time before **12:00 noon at least 3 court days** before your hearing.

Copy and complete the chart below to the upper right hand corner of the first page 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.

What to serve

Serve the other party with a copy of all forms except the Proof of Personal Service, Proof of Mailing or Hand Delivery and Law Enforcement Sheet.

How to serve

Provided that no order restrains you from having contact with the other party, you may deliver or mail them yourself at least **14 court days by 12 noon** before the hearing (add 3 more days for mailing). If the other party has an attorney, deliver or mail the forms to the attorney instead.

After you have delivered or mailed the forms to the other party or attorney, fill out the *Proof of Mailing or Hand Delivery* form. File the original with the Clerk’s Office, keep a copy for your records, and bring it with you to the hearing.

If this motion involves child support and if any of the children have ever been on public assistance, you must also deliver a set of copies to the King County Prosecuting Attorney Family Support Section.

Step 6: 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 is how:

<p>Call or in person</p> <p>206-477-1523 (Seattle) Room W-292</p> <p>206-477-2750 (Kent) Room A1222</p>	<p>3 court days before your hearing between 2:30pm and 4:15pm.</p> <p><u>or</u></p> <p>2 court days before your hearing between 8:30am and noon.</p> <p>When you call, give your case number, date, and time of hearing. The Clerk will give you a confirmation number.</p>
<p>Online:</p> <p>https://confirm.kingcounty.gov/</p>	<p>You can confirm your hearing online starting at:</p> <p>Noon 3 court days before the hearing until noon of the 2nd court day before your hearing.</p> <p>You must give your email address, phone number, and information to identify your case. If you do not get a confirmation email, you must contact the confirmation phone number above before the deadline.</p>

Step 7: Reply (if applicable)

If the other party chooses to respond to your motion, they 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 by filing an additional declaration form. You will make copies of the reply declaration and those copies are distributed to:

- **Original** set to file with Clerk’s office
- **Copy 1** will go to the Commissioner for the hearing (see below)
- **Copy 2** is to serve on the other party
- **Copy 3** you will keep for your records
- Make a 4th copy only if you are asking the court for a temporary order of child support and a child in this case has received public assistance. Deliver it to the King County Prosecuting Attorney’s Office, Family Support Section.

Copy and complete the chart below to the upper right hand corner of the first page of the documents you are delivering to the Commissioner:

Commissioner's Working Papers

Family Law Motions

Hearing Date: _____

Hearing Time: _____

Presented By: (your name): _____

Step 7: Go to your hearing.

- Arrive at least 30 minutes early! You will need time to go through security.
- Go to the Family Law window (W-291 in Seattle and 1E in Kent) 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 on the day of your hearing, tell the Clerk.