

Instructions: Getting Non-Parent Custody When One or Both Parent(s) Agree

1. Obtain the forms listed in this outline. The Skagit County Superior Court Clerk sells a packet for **Non-Parent Custody** which includes the required state and local forms. You may also download the forms for free at www.courts.wa.gov/forms . **Skagit County Local Court Rules** and local forms are available for purchase at the Clerk’s Office or can be downloaded at www.skagitcounty.net (see links to Superior Court).
2. If you need assistance with forms or procedures, the Court Facilitator can review forms you have prepared yourself, answer questions, or help you with procedures. The Facilitator cannot give legal advice and does not represent you. The Facilitator may also assist your spouse. There is a \$20 fee per 30 minute appointment. Make an appointment by calling (360) 416-1200 or (360) 416-1800.
3. Start by filling out and signing the following forms:
 - **Non-Parent Custody Petition (FL Non-Parent 401);**
 - **Confidential Information (FL All Family 001);**
 - **Declaration (FL All Family 135)** (see below for more information); and
 - **Attachment to Confidential Information (Additional Parties or Children)(FL All Family 002).**

When you are filling out your captions on each form, the person or persons requesting custody are the “Petitioner(s)” and the other parties are the “Respondent(s)”. Both the mother and the father of the children of whom you are requesting custody must be listed as Respondents (unless one of the parents is deceased). If one of the parents is not in agreement with your **Petition**, then you must follow the instructions for “**Getting Non-Parent Custody When One or Both Parent(s) Do Not Agree**” for that parent.

In your **Declaration** and your **Petition (Section 5)**, you must explain in detail specific facts, incidents and dates that establish the following information:

- (a) That the child is not in the physical custody of one of its parents **and/or** that neither parent is a suitable custodian for the child; **and also:**
- (b) That the parents are unfit or that placement with either parent would result in actual detriment (harm) to the child’s growth and development.

If these facts are not set forth in the Declaration with sufficient information and completeness, the court will deny your Petition for lack of adequate cause and will dismiss your Petition. Even if one of the parents joins in your Petition, you must still establish the required information.

Make sure that in your **Declaration** you give the Judge the complete story since this is crucial information that the Judge must have in order to grant your **Petition**. You might also want to file **Declarations** written by other people who have information which supports your case. Use the **Declaration of (name) (FL All Family 135)** form. Remember that it is your burden of proof to show why the child or children should be with you and not with their parents. You may also file reports or other documents (such as police, CPS or school reports) that support your case. If you want to address visitation, you can do that in Section 7 of the **Non-Parent Custody Petition** or you can fill out a separate **Residential Schedule (Non-Parent Custody) (FL Non-Parent 405)** filled out as a “Proposal”. In addition, if you want to address child support, you should file proposed **Child Support Worksheets (WSCSS Worksheets)**.

All agreed parties must sign the **Petition**. If you are also filing a **Residential Schedule** and/or **Child Support Worksheets** then all agreed parties must sign those also.

Make copies of all the documents except for the **Confidential Information** and the **Attachment to Confidential Information** Provide copies to all agreed parties.

4. File the **Non-Parent Custody Petition, Declaration(s), Confidential Information Form and Attachment to Confidential Information** with the Skagit County Superior Court Clerk. If you have prepared a **Residential Schedule**, and/or **Child Support Worksheets**, file those as well. The filing fee is \$260 payable only in cash, money order, Cashier's Check, MasterCard, Visa, Discovery or American Express. There is a process by which you can waive the filing fee if you qualify. The Clerk's office has a "**Fee Waiver Packet**" that explains this process.
5. Fill out an **Order to DSHS to Release CPS Information (FL Non-Parent 407)**. You must include the required information **for every person in your household who is 16 years or older**. Give that **Order** to the Clerk between 8:30am and 12:00pm on the day you want to be seen. Then go to the courtroom assigned for the Ex Parte Calendar at 1:15pm and wait for the Judge or Commissioner to call your case and sign your **Order**.
6. Get a **Washington State Patrol Criminal History Record Information (CHRI)** for each Petitioner and for each adult member of the Petitioners' household. The two ways to get the required records are explained below. Attach the WSP Criminal History Records to the **Criminal History Record (Cover Sheet) (Non-Parent Custody) (FL Non-Parent 406)**, and file them.

Get criminal history immediately online at <http://watch.wsp.wa.gov/>. There is a \$12 fee for each **CHRI** search. A credit card is required to complete the search.

OR

Follow the instructions on the website for mailing in a request and include the required payment of \$38 per **CHRI** search.

7. To finish your case, fill out and have all parties sign the following documents:
 - **Findings and Conclusions on Non-Parent Custody Petition (FL Non-Parent 430);**
 - **Final Non-Parent Custody Order (FL Non-Parent 431);** and
 - **Order on Adequate Cause for Non-Parent Custody (FL Non-Parent 417).**

If you asked for a Residential Schedule then you will also need:

- **Residential Schedule (FL Non-Parent 405).**

If you asked for child support then you will also need:

- **Child Support Order (FL All Family 130);** and
- **Child Support Worksheets (WSCSS Worksheets).**

8. **Local Court Rules require that the Court Facilitator review your final orders.** If you obtained an **Order on Motion for Default**, or if you and the other parties have reached an agreement, then make an appointment with the Facilitator. Fill out and bring all the documents listed above in #7 with you to the appointment. If you are finishing your case by default, then make sure all your final orders are filled out **exactly the same** as the documents that the other parties were served with. If you and the other parties agree on the final documents, then both parties must sign the final documents. The Facilitator will review your orders and help you set a hearing to finalize your case.
9. Go to your final hearing. A Judge or Commissioner will sign your final papers if they are all in order and you can get copies of the final documents after the hearing from the Clerk's Office for a fee.

Helpful Phone Numbers and Websites

Skagit County Superior Court Clerk's Office (360) 416-1800
Skagit County Superior Court Administration (360) 416-1200
Skagit County Law Library (360) 416-1290
Volunteer Lawyer Program of Skagit County (360) 416-7585
CLEAR line for a referral to the VLP (888) 201-1014
State Prosecuting Attorney – Family Support Division (360) 336-9461

www.courts.wa.gov/forms to download standard family law forms.
www.washingtonlawhelp.org for general information on a variety of legal topics.
www.nwjustice.org for general information and resources.
www.skagitcounty.net county website (follow links to Superior Court).
www.dshs.wa.gov/dcs Washington Division of Child Support (forms and information).
<https://fortress.wa.gov/dshs/dcs/SSGen/Home> DCS Support Calculator (use to create a child support worksheet).

This list of instructions is not a substitute for legal advice. Before starting any legal action, it is always wise to consult an attorney regarding your rights and responsibilities. Many attorneys offer consultations. Your specific situation may require additional forms and procedures which may not be listed on this outline. The Family Law Facilitator and the Clerks Office cannot give legal advice. Only an attorney can give legal advice.