

Instructions: Establishing a Parenting Plan and/or Child Support When There is a Paternity Acknowledgment or a Final Parentage Order and the Parties Do Not Agree.

****WARNING!** *Use this outline only if parentage has already been established by a:*

- *Paternity Acknowledgment or*
- *Court order that decided parentage.*

*If parentage was established by a court order, use this outline only if your proposed plan or schedule does not change the custodian named in the **Final Parentage Order**.*

*If you want to change the custodian, DO NOT USE THIS OUTLINE. Instead you must file a **Petition to Change a Parenting Plan, Residential Schedule or Custody Order (FL Modify 601)** and follow the outline for that type of case.*

1. Obtain the forms listed in this outline. The Skagit County Superior Court Clerk sells a packet to **Establish a Parenting Plan or Child Support** 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 the other party in your case. There is a \$20 fee per 30 minute appointment. Call for an appointment: (360) 416-1200 or (360) 416-1800.
3. Contact the Department of Vital Health and Statistics at (360) 236-4300 to order a copy of the Paternity Acknowledgment and/or Birth Certificate; **OR**; Get a certified copy of your Final Parentage Order.
4. Start your case by filling out and signing the following forms:
 - **Confidential Information (FL All Family 001);**
 - **Summons: Notice about Petition for Parenting Plan, Residential Schedule, and/or Child Support (FL Parentage 330);**
 - **Petition for a Parenting Plan, Residential Schedule and/or Child Support (FL Parentage 331);**
 - **Sealed Birth Certificate or Paternity Document (Cover Sheet) (FL Parentage 329)** with attached copy of the Paternity Acknowledgment, Birth Certificate or Certified Copy of your Final Parentage Order; and
 - **Parenting Plan (FL All Family 140)** filled out as a “Proposal”.

If you are requesting child support then you will also need:

- **Child Support Worksheets (WSCSS Worksheets);** and
- **Sealed Financial Source Document (FL All Family 131)** with attached proof of income (recent paystubs, W2 forms and 2 years of tax returns.)

The Court Facilitator can help you calculate child support or you can prepare a Child Support Worksheet using the Child Support Calculator found at <https://fortress.wa.gov/dshs/dcs/SSGen/Home>

5. Make two copies of all the documents except the **Confidential Information Form**. One set of copies will be for the other party, and the other set is for you to keep.
6. File the documents listed above in #4 with the Skagit County Superior Court Clerk. The filing fee is \$260 payable only in cash, money order, Cashier's Check, Mastercard, Visa, Discover or American Express. There is an additional fee if a credit or debit card is used. You can have the filing fee waived if you qualify. The Clerk's Office has a free "**Fee Waiver Packet**" that explains this process.
7. At the time of filing, an **Automatic Temporary Restraining Order (TMRO)** is entered by the Court. This Court Order limits what both parties can do with children while the case is pending. Review the **TMRO** carefully. *This is not a restraining order that prohibits the parties from contacting each other.* You must have the other party served with a copy of the **TMRO**.
8. Have the other party served with copies of all your filed documents except for the **Confidential Information**. Someone, who is over 18 years old, must personally hand the other party copies of the documents. *You cannot give the documents to the other party.* The person serving the documents must fill out and sign a **Proof of Personal Service (FL All Family 101)**. Make sure that all the documents that were served are listed on the **Proof of Personal Service** and that the date, time and place of service are filled in because that is your proof that the other party was properly served. File the **Proof of Personal Service** at the Clerk's Office. The other party has 20 days (if served within the state of Washington) or 60 days (if served outside of the state) in which to file a response.
9. *Local Court Rules require all persons involved in a custody/visitation action to complete an approved parenting seminar before final orders are entered.* Your early completion of any one of these programs may decrease the stress for you and your child or children and speed up the resolution of your legal proceeding. The following parenting seminars are accepted in Skagit County: "**Successful Co-Parenting**" in person class www.SkagitMediation.com (360) 399-6429 (Available in English and Spanish); "**Children in Between**" Class at online.divorce-education.com (Select the 4 hour class-Available in English and Spanish); and "**Co-Parenting**" Class at www.OnlineParentingPrograms.com (Select the 4 hour class-

Available in English and Spanish). You must file proof that you have completed a parenting seminar.

10. If the other party does not file a **Response** to your **Petition** within the allowed time, and has not made an appearance in your case, then you may appear on the Ex Parte Calendar with a **Motion for Default (FL All Family 161)**, and an **Order on Motion for Default (FL All Family 162)**. Fill out and hand the documents to the Clerk anytime between 8:30am and 12:00pm and return that same day at 1:15pm to see the Judge for the default. Note that obtaining an **Order on Motion for Default** does not finish your case. (See below).
11. **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 party have reached an agreement, then make an appointment with the Facilitator. Fill out and bring all the documents listed below 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 party was served with. If you and the other party agree on the final documents, then both parties must sign the final documents.

- **Final Order and Findings for a Parenting Plan, Residential Schedule and/or Child Support (FL Parentage 333);**
- **Parenting Plan (FL All Family 140);** and

If you requested Child Support then also fill out and bring to the hearing:

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

12. If the other party responded to your Petition, and you cannot work out an agreement, then you must schedule mediation. **Mediation is required by Local Court Rule.** A list of approved mediators can be found at www.skagitcounty.net (follow the links to Superior Court). If you and the other party reach an agreement, either through mediation or on your own, then follow step #11 listed above to finalize your divorce.
13. If you do not reach an agreement after mediation, then fill out and file a **Note for Trial Assignment** (local court form). You must write in a Monday date on the line that states “Trial Assignment Date (any Monday no personal appearance required)”. The Monday you pick for the Trial Assignment Date must be at least 2 weeks away from the day the **Note for Trial Assignment** is mailed to the other party. The party who fills out the **Note for Trial Assignment** must sign the certification of mailing at the bottom of the **Note for Trial Assignment** certifying that they sent a copy of the **Note for Trial Assignment** to the other party. On the date of the Trial Assignment, the court file is transferred to the Court Administrator who then picks a trial date for you. If there are dates that you know you will not be available for a trial, then you

must also file a “**Notice of Conflict Dates**” (local court form.) The Court Administrator will consider your conflicts when setting the trial date.

14. Once the Court Administrator picks a trial date, both parties will receive a letter stating the date and time of the trial. ***Local Court Rules require that either you or the other party confirm your trial with the Court Administrator no later than 12 noon two court days prior to the trial or it will be stricken.*** Call (360) 416-1200 to confirm your trial.
15. Prepare the documents listed in #11 above. ***Local Court Rules require that you meet with the Court Facilitator to review your orders prior to trial.***
16. To prepare for your trial you must follow the **Skagit County Superior Court Rules**. Find the rules online at www.skagitcounty.net (follow links to Superior Court). You may also want to do some legal research at the Skagit County Law Library which is located in the Mount Vernon Courthouse. There are resources at the Law Library to help you. ***This outline does not fully cover trial preparation. Please contact and attorney if you need legal advice.***
17. At your trial you can present evidence and provide witnesses that support your requests. (Please refer to the **Skagit County Local Court Rules**). Bring all your orders (listed in #11 above) to the trial. After both sides have presented all their evidence, then the Judge will make a decision on your case.

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 Clerk’s Office cannot give legal advice. Only an attorney can give legal advice.