

INSTRUCTIONS: CHANGE OF PARENTING PLAN OR CUSTODY ORDER WHEN THE PARTIES DO NOT AGREE

1. Obtain the forms listed in this outline. The Skagit County Superior Court Clerk sells a packet for *Change of Parenting Plan or Custody Order* 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. Make an appointment by calling (360)416-1200 or (360)416-1800.
3. Start by filling out and signing the following forms:
 - **Petition to Change a Parenting Plan, Residential Schedule or Custody Order (FL Modify 601);**
 - **Summons: Notice about Petition to Change a Parenting Plan, Residential Schedule or Custody Order (FL Modify 600);**
 - **Confidential Information Form (FL All Family 001);** and
 - **Parenting Plan (FL All Family 140)** filled out as a “Proposal”.

If the original parenting plan/custody order was in Skagit County, make sure that your caption on the first page of each document is the same as your original case. In other words, whoever was the Petitioner in your original Skagit County case is still the Petitioner in this case. The person bringing the modification is called the “requesting party”.

You must explain in detail in your **Petition**, or in a separate **Declaration (FL All Family 135)**, why you believe that the court should modify your parenting plan. Depending on your specific reasons for the modification, you may also want to file declarations from other people who can support you. Use the standard **Declaration (FL All Family 135)** form. Note that **Declarations** do not have to be notarized because they are signed “upon penalty of perjury”. You may also want to file other evidence that supports you. Remember that everything you file is public record, unless you file it under seal using a sealed document cover page specific to the documents being sealed.

If you are addressing child support as part of the **Petition to Change a Parenting Plan or Custody Order** then you will also need:

- **Financial Declaration (FL All Family 131);**
- **Sealed Financial Source Document Cover Sheet (FL All Family 011)** with attached proof of income including recent paystubs, W2 forms and 2 years of tax returns; and
- **Child Support Worksheets (WSCSS-Worksheets)**

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

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 for your records.

4. File the documents listed above with the Skagit County Clerk's Office. The filing fee is \$56 payable only in cash, money order, and cashier's check, Discovery, Visa, MasterCard or American Express. If a credit card is used there is an additional fee. 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.

***NOTE:** If the **Parenting Plan or Custody Order** that you want to modify is from another county in Washington, or from another State, then the filing fee is \$260 and you must obtain a **certified copy** of your most recent **Final Parenting Plan or Custody Order** and file it with your **Petition**.*

5. Have the other party personally served with a copy of all of the documents except for the **Confidential Information Form**. You must have someone who is over 18 and who is not a party to the case personally hand the other party copies of the documents. The person who serves the documents to your opposing party must fill out and sign a **Proof of Personal Service (FL All Family 101)**. *You cannot serve the documents yourself*. Make sure that you list all the forms that were served on the other party on the **Proof Personal Service** because that is your proof that the other party was properly served with copies of all the documents. If the other party was served in Washington, then they have 20 days to respond to your Petition. If the other party was served in another state or country, they have 60 days to respond to your Petition.
6. ***Local Court Rules require that the Court Facilitator review your final orders.*** If the other party did not file a response, 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 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 party was served with. If you and the other party agree on the final documents, then both parties must sign the final documents.
7. Final orders include:
 - **Motion for Default (FL All Family 161)** (use only if the other party did not respond);
 - **Order on Motion for Default (FL All Family 162)**(use only if the other party did not respond);
 - **Order on Adequate Cause to Change a Parenting/Custody Order (FL Modify 604);**
 - **Final Order and Findings on Petition to Change a Parenting Plan, Residential Schedule or Custody Order (FL Modify 610);** and
 - **Parenting Plan (FL All Family 140).**

If you are also addressing child support then you must also bring:

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

8. If the other party responded and is not in agreement with your proposed change, then either party can request an adequate cause hearing by filing a **Motion for Adequate Cause Decision to Change a Parenting/Custody Order (FL Modify 603)**. You must also prepare a **Note for Calendar** (local form found at www.skagitcounty.net (follow the links to Superior Court)). You must pick a Monday at 10am for the hearing that is at least 9 court days away, and you must mail the **Note for Calendar** and the **Motion for Adequate Cause Decision to Change a Parenting/Custody Order (FL Modify 603)** to the other party. At the adequate cause hearing the Judge or Commissioner will decide whether or not adequate cause exists to go forward with the case or whether the case should be dismissed. Bring an **Order on Adequate Cause to Change a Parenting/Custody Order (FL Modify 604)** with you to the adequate cause hearing. If the Commissioner or Judge finds that adequate cause exists, then you and the other party can proceed with finishing your contested case.
9. If you and the other party cannot reach an agreement, then you must schedule mediation. **Mediation is required by Local Court Rule**. A list of approved mediators can be found on the following website www.skagitcounty.net (follow the links to Superior Court). If you and your spouse reach an agreement, either through mediation or on your own, then follow steps #6 and #7 listed above to finalize your case.
10. 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.
11. 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 Court Administration 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.
12. To prepare for your trial you must follow the **Local Court Rules** for Skagit County Superior Court related to trials. 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 open to the public and located in the Mount Vernon Courthouse or visit www.washingtonlawhelp.org.
13. **Local Court Rules require that the Court Facilitator review your final orders prior to your trial**. Make an appointment with the Facilitator and bring all the documents listed above in #7 with you to the appointment.

14. At your trial you can present documentary evidence and provide witnesses that support your position. After both sides have presented all their evidence, then the Judge will make a decision on your case. You may be requested to prepare final orders in compliance with the Judge's decision. ***This outline does not cover trial preparation. You may want to seek legal advice from an attorney***

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 outline 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.