

Instructions: Responding to a Petition to Change a Parenting Plan or Custody Order

1. Obtain the forms listed in this outline. The Skagit County Superior Court Clerk sells forms. You can also download forms for free at www.courts.wa.gov/forms . **Skagit County Local Court Rules** and some local forms are available for purchase at the Clerk's Office or can be downloaded at www.skagitcounty.net (follow the 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. If you have been served with a **Petition to Change Parenting Plan, Residential Schedule or Custody Order (FL Modify 601)**; a **Summons (FL Modify 600)** and a **Parenting Plan (FL All Family 140)**, read each document so that you can understand what the other party is asking for and why.
4. If you do not agree with the **Petition**, then you must respond in a timely manner. If you were personally served in Washington, then you have 20 days to file and serve your response. If you were served personally outside of Washington, then you have 60 days to file and serve your response. If you were served by mail per court order, then you have 90 days to file and serve your response.

If you fail to respond to the **Petition** within the allowed time, then the other party may obtain a **Default** against you and a Judge or Commissioner may, *without notice to you*, grant the **Petition** and sign final orders that are consistent with the documents that were served on you. *If you don't respond then the Court will assume that you are in agreement with everything in the Petition, Parenting Plan and Child Support Worksheets that you were served with.*

WARNING! See # 7 below if you have also been served with any type of Motion and/or a Notice of a Hearing because you have less time to respond to a Motion hearing.

5. The form you must use to respond is:

- **Response to Petition to Change Parenting Plan/Residential Schedule (FL Modify 602).**

When you are filing out the **Response** you must be looking at the **Petition**. For each numbered section of the **Petition** you must, on your **Response** form, mark either; "Admit" which means that you agree with that section; "Deny" which means that you do not agree with that section; or "Lacks Information" which means you don't know. Explain in your **Response** why you are denying the sections that you are denying.

In addition you can prepare a **Declaration (FL All Family 135)** and attach exhibits which you think support your position. Other people can also prepare **Declarations** to support you.

6. If you agree that the **Parenting Plan** needs to be changed, but you don't agree to the other party's **Parenting Plan**, then you must propose your own **Parenting Plan**:

- **Parenting Plan (FL All Family 140).**

If the other party is addressing child support as part of the **Petition**, then you should prepare:

- **Financial Declaration (FL All Family 131);**
 - **Sealed Financial Source Document Cover Sheet (FL All Family 011)** with attached proof of income (recent paystubs, W2 forms and 2 years of tax returns); and
 - **Child Support Worksheets (WSCSS-Worksheets).**
7. If you have been served with some type of **Motion for Order (FL All Family 181)** and/or a **Note for Calendar** which sets a hearing in the case then you must prepare a response to that **Motion**. You can use a **Declaration (FL All Family 135)** and attach exhibits which you think support your opposition to the **Motion**. Depending on the type of **Motion**, there may be other documents to file. Note that you have limited time to file and serve your responsive documents. **Local Court Rules require that the other party give you 9 court days notice of any hearing.** Court days do not include weekends and holidays. You have up to 4 court days before the hearing to file and serve your responsive documents. Then the other party must file and serve any additional documents no later than two court days before the hearing. At the hearing the Judge or Commissioner will decide whether or not to grant the other party's **Motion** and may enter appropriate orders. Make sure that you attend the hearing and are prepared.
 8. File your **Response** and any other documents with the court clerk and get copies to the other party. Fill out and file the **Proof of Mailing or Hand Delivery (FL All Family 112)** as proof of what the other party received and how the copies were delivered to the other party.
 9. After your **Response** has been filed and served on the other party either party can request an adequate cause hearing by filing **Motion for Adequate Cause Determination (FL Modify 603)** and a **Note for Calendar** (local form found at www.skagitcounty.net and follow 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** 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 Parenting/Custody (FL Modify 604)** with you to the adequate cause hearing. If the court finds that no adequate cause exists to change the **Parenting Plan**, then the case will be dismissed. If the Commissioner or Judge finds that adequate cause exists, then you and the other party can proceed to finish your contested case.
 10. 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 at www.skagitcounty.net (follow the links to Superior Court).
 11. **Local Court Rules require that the Court Facilitator review your final orders.** 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 #16 with you to the appointment. Both parties must sign the final documents. The Facilitator will review your agreed final orders and help you set your hearing.
 12. 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.

13. 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 your spouse 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.
14. 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.
15. **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 below #16 with you to the appointment.
16. Final orders required for a Change to a Parenting Plan or Custody Order include:
 - **Final Order and Findings on Petition to Change Parenting Plan/Custody Order (FL Modify 610);**
 - **Parenting Plan (FL All Family 140).**If you are also addressing child support then you must also bring:
 - **Child Support Worksheets (WSCSS-Worksheets);**
 - **Child Support Order (FL All Family 130).**
17. Go to your trial with all the documents listed in #16 in addition to any evidence that you want the court to consider and any witnesses that you want to testify on your behalf. Please review the **Local Court Rules for Skagit County Superior Court** for more information. ***This outline does not cover trial preparation. You may want to seek legal advice from an attorney.***

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.

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).