

How to **Ask for Custody of a Child That Is Not Yours** When the Parents of the Child(ren) Agree

Do not use this packet if you are parent of child and would like to get custody of your own child.

Important! The current law about nonparental custody, RCW 26.10, will not be in effect after 12/31/2020. If your case is not concluded by that time with final orders entered (either by default or by agreement), you will need to file a Petition for Minor Guardianship under RCW 11.130.185 et seq.

Important! For a Non-parent Custody case to be finalized by agreement, signatures of both parents and any custodian of the child/ren must be obtained on either the petition, Agreement to Join Petition form or on the final orders.

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.

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

Form Name	Form Number	Notes	Completed
Case Information Cover Sheet			<input type="checkbox"/>
Confidential Information Form	FL All Family 003	Attachment to Confidential Information (additional parties or children)	<input type="checkbox"/>

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

Form Name	Form Number	Notes	Completed
Petition for Custody by a Non-Parent	FL Non-Parent 401	Both parents should sign the Petition if they agree with the Petition	<input type="checkbox"/>
Agreement to Join Petition (Joinder)	FL All Family 119	Only fill out if the child's parents did not sign the Petition	<input type="checkbox"/>
Order to DSHS to Release CPS Information	FL Non-Parent 407	This form orders the Dept. of Children and Family Services to give the Court any information they have about everyone living in your home. See Step 3.	<input type="checkbox"/>
Order on Adequate Cause for Non-parent Custody	FL Non-Parent 417	Fill this out the way you would like the Commissioner to decide. Both parents should also sign this form. Do not file with the Clerk's Office.	<input type="checkbox"/>
Sealed CPS Information Cover Sheet	FL Non-Parent 408	One for each person in the Petitioner's household age 16 or older.	<input type="checkbox"/>
Criminal History Record (Cover Sheet) (Non-Parent Custody)	FL Non-Parent 406	<p>Petitioner needs to submit a Washington State Patrol background check for each household member over 16. You can ask for these records for \$10 each request at:</p> <p>http://watch.wsp.wa.gov/ or by mail for \$35 for each request by filling out a Request for Conviction Criminal History Record form and send the completed form with a check or money order to:</p> <p style="text-align: center;">Washington State Patrol Identification and Criminal History Section P.O. Box 42633 Olympia, WA 98504-2633</p> <p>Attach Criminal History Record(s) you obtain from Washington State Patrol to this Cover Sheet.</p>	<input type="checkbox"/>

Fill out this form if you are asking for Residential Schedule:

Residential Schedule	FL Non-Parent 405	Visitation for parents can be requested here.	<input type="checkbox"/>
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Fill out these forms if the child is, or might be a member of an Indian tribe:

Indian Child Welfare Act Notice	FL Non-Parent 402	If the parent, Indian custodian, or tribe isn't known, send this <i>Notice</i> to the Department of the Interior, Bureau of Indian Affairs.	<input type="checkbox"/>
Proof of Mailing	FL Non-Parent 404		<input type="checkbox"/>

Step 2: Make copies of your paperwork from Step 1.

- **Original set to file with the Clerk's office**
- **Copy 1** is for your records

Note: Make a copy of the Petition, Agreement to Join Petition, Residential Schedule and if it applies to your case, the Indian Child Welfare Act Notice and Proof of Mailing to give to the mother and father of the child(ren) you listed in your Petition.

Step 3: Take your completed forms to the Clerk's Office and pay a fee.

Pay the filing fee. If you cannot afford to pay the fee, ask for a fee waiver (*Motion and Declaration for Waiver of Civil Fees and Surcharges*).

Pay the **Ex Parte** via the **Clerk Processing fee** to have the [Order to DSHS to Release CPS Information \(FL Non-Parent 407\)](#) and the [Order on Adequate Cause for Non-Parent Custody \(FL Non-Parent 417\)](#) signed by the Commissioner. After the orders are signed, the Clerk will automatically file the original.

When you file your forms, the Clerk will give you 2 copies of your *Case Schedule*. Each party will need to be served with one copy. Keep one copy for your records and follow the deadlines that are listed in the *Case Schedule*.

Step 4: Choose a Court Date to Finalize Your Case.

To finish your case you can present your final documents in Step 6 at the mandatory case review hearing (listed on your case schedule), **or**

If you would like to finish your case before that date, you can schedule a hearing on the final decree calendar in the Ex-Parte Courtroom. To schedule a hearing date, file an *Ex Parte Notice of Court Date (Commissioners)*, for [Kent](#) or [Seattle](#). Your hearing must be at least 14 days after you file the *Ex Parte Notice of Court Date (Commissioners)*.

Step 5: Look at the Last Page of Your Petition or Refer to the Separate Agreement to Join Petition (Joinder) form signed by the Respondent(s)

If the respondents checked the box "I ask the other side to notify me about any hearings in this case." s/he must:

- Sign the completed documents in Step 6, or
- You must give him/her the *Ex Parte Notice of Court Date (Commissioners)* along with completed documents in Step 6, 14 days before the hearing date if you are serving them personally, or 17 days before the hearing date if you are mailing documents to them.

You must take a completed *Proof of Mailing or Hand Delivery FL All Family 112* to your hearing to prove that s/he was properly served.

Step 6: Go to Your Final Hearing

Fill out these forms and bring them to your hearing. You may have to pay a fee for review of your documents at the final hearing.

All of these forms in Step 6 can be downloaded at: www.courts.wa.gov/forms/

Form Name	Form Name	Notes	Completed
Findings and Conclusions on Petition for Custody by a Non-parent	FL Non-Parent 430		<input type="checkbox"/>
Final Non-Parent Custody Order	FL Non-Parent 431		<input type="checkbox"/>
Residential Schedule	FL Non-Parent 405		<input type="checkbox"/>

Also fill out these forms if you are asking for child support:

Child Support Worksheets (CSW)	WSCSS-Worksheets	Online Child Support Calculation software is available at: https://fortress.wa.gov/dshs/dcs/SSGen/Home	<input type="checkbox"/>
Child Support Schedule & Instructions	Use this information to calculate Child Support Worksheets.		
Child Support Order	FL All Family 130	One order for each parent who must pay support	<input type="checkbox"/>

If you are asking for child support and if the child has ever received public assistance, you must have a King County Prosecutor with the Family Support Section sign the Order of Child Support before the Case Review or Final Decree Hearing.