

Non-Parental Navigation

FAMILY LAW FACILITATOR PROGRAM





OVERVIEW

Non-Parental Navigation Class

GOAL

Help you understand the legal process and court procedures that pertain to non-parental custody cases.



OVERVIEW

Non-Parental Navigation Class

What we are going to cover:

- How to Start a Non-Parental Custody Case
- Temporary Orders
- Restraining Orders
- Adequate Cause
- Service
- Background Checks
- Mandatory Parenting Seminar
- How to Finish a Non-Parental Custody Case
- Resources



What is Non-Parental Custody?

Non-parental custody is a lawsuit brought under RCW 26.10.

A person who is not the parent (the non-parent) requests legal custody of the child (or children) named in the lawsuit.



Under what circumstances can you file a Non-Parental Custody action?

By law, you may start an action only if:

1. The child is not in the physical custody of either parent;

OR

2. If you claim that neither parent is a suitable custodian.



Where should the case be filed?

Before filing, it is important to be sure that Washington has the ability to make decisions about the child. If you are unsure you may want to consult with an attorney.

The case should be filed where the child lives or is found.



CONCURRENT JURISDICTION

Note: If the child is the subject of an active Dependency action in Juvenile Court, an Order for Concurrent Jurisdiction must be entered prior to filing for nonparental custody.



Fees

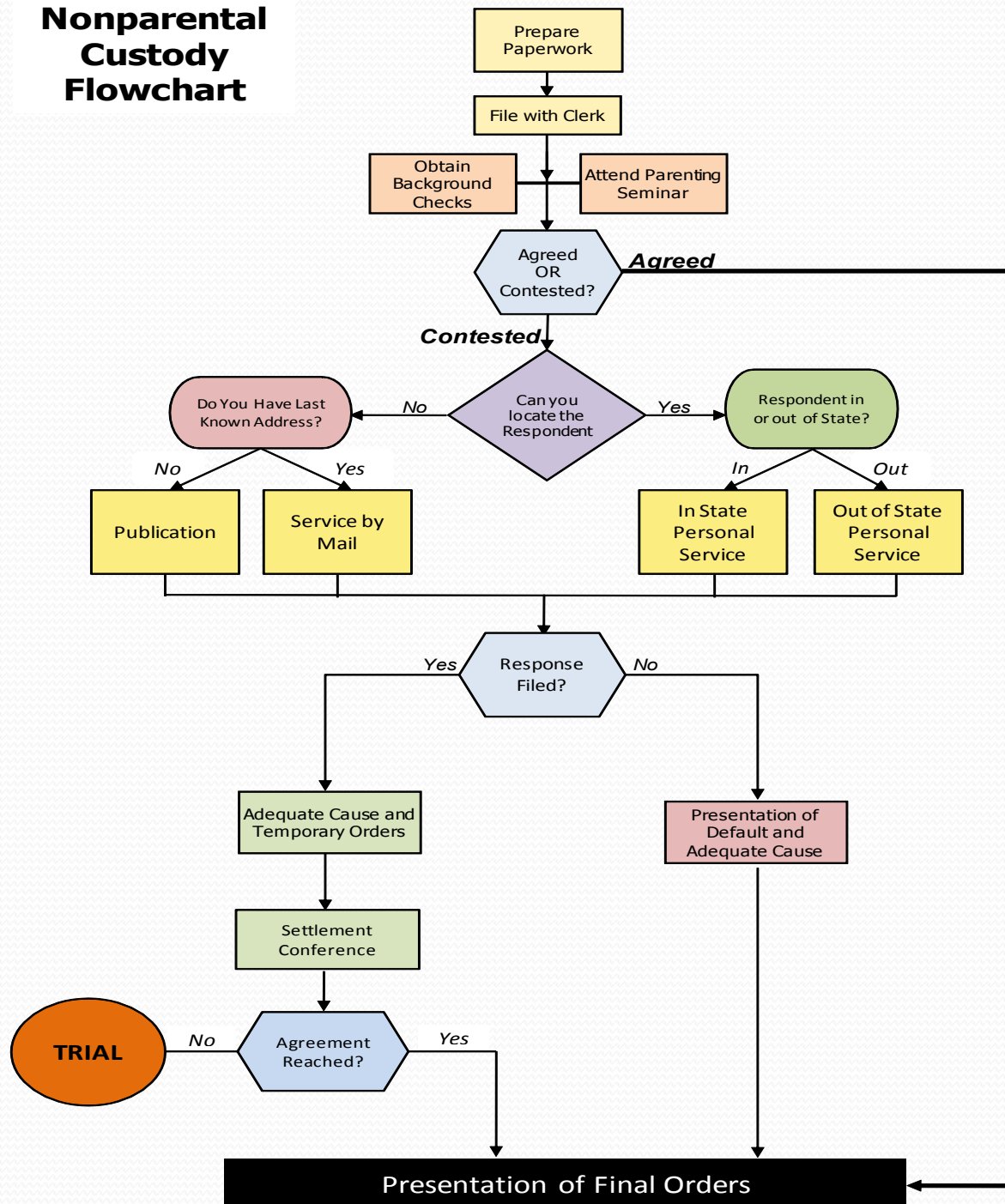
\$260.00 Filing Fee

NOTE: If you are low income, you may qualify for a fee waiver.

Other Fees:

- Copies of the documents
- Service of court documents
- Guardian ad Litem
- Family Court Services
- “What About the Children” parent seminar
- Washington State Patrol background check

Nonparental Custody Flowchart





PHASE 1

Forms To Start The Case

- **CASE ASSIGNMENT DESIGNATION**
- **CONFIDENTIAL INFORMATION FORM**
- **SUMMONS** (Only if contested)
- **PETITION**
- **JOINDER** (If Agreed)
- **NOTICE RE: DEPENDENT PERSON IN MILITARY SERVICE**
- **RESIDENTIAL SCHEDULE** (If applicable)
- **INDIAN CHILD WELFARE ACT NOTICE** (If applicable)



HOW TO START THE CASE

Non-Parental Navigation Class

WHERE TO GET THE FORMS

FREE ON THE INTERNET:

www.courts.wa.gov/forms

www.kingcounty.gov/courts/familycourt/facilitator.aspx

www.washingtonlawhelp.org

FOR A FEE IN THE CLERKS OFFICE:

Seattle: Room E609

Kent: Room 2C

FOR A FEE AT THE FACILITATOR'S OFFICE:

King County Courthouse

516 Third Avenue, Rm. W-382

Seattle, WA 98104

(206) 477-2553

Regional Justice Center

401 4th Ave. No. Rm. 3-D

Kent, WA 98032

(206) 477-2781





The Players

PETITIONER

- **The requesting party**

RESPONDENT

- **The parents of the child** (regardless of whether or not they have been involved in the child's life)
- **Any person who has a claim to custody of the child**
(Includes the person who is the physical custodian of the child)



HOW TO START THE CASE

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Sample Caption

**SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF KING**

In re the Custody of:

LINDA DOE

Child,

**MAY DOE
JOHN DOE**

Petitioners,

and

**TONYA DOE, mother
JOHN LARRY, father
PETER TERRY, physical custodian**

Respondents.

NO. 00-3-00000-0 SEA

**NONPARENTAL CUSTODY PETITION
(PTCUS)**



HOW TO START THE CASE

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II. CASE SCHEDULE

CASE EVENT	DEADLINE or EVENT DATE	Filing Needed
Petition for Nonparental Child Custody Filed with supporting Affidavits.	Thu 01/28/2010	*
Deadline to obtain releases and order for CPS records.	Thu 02/25/2010	*
Deadline to obtain Washington State Patrol Records.	Thu 02/25/2010	*
Deadline to obtain and file Adequate Cause Order (threshold hearing). [KCLFLR9]	Thu 04/22/2010	*
Deadline for parties to complete parenting seminar requirement and file certificate. [See KCLFLR 13(c)] (See Notice on Page 2).	Thu 04/22/2010	*
Case Review Hearing – Mandatory personal attendance for Petitioners.	Mon 05/03/2010	
Review Hearing to be heard on the Status Conference/Non Compliance Calendar in Kent at 1:30 p.m. in courtroom 1F.		
Pretrial Conference. [KCLCR 56(f)(1)].	Mon 11/22/2010	
Deadline for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)].	Mon 12/06/2010	
Deadline for Exchange of Witness & Exhibit Lists & Documentary Exhibits (See KCLCR 4(j)).	Mon 12/13/2010	
Deadline for hearing Dispositive Pretrial Motions (See KCLCR 56).	Mon 12/20/2010	
Joint Statement of Evidence [See KCLCR 4(k)].	Mon 12/27/2010	*
Trial Date (See KCLCR 40).	Mon 01/03/2011	

III. ORDER

Pursuant to King County Local Civil Rule 4 (KCLCR 4), IT IS ORDERED that all parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Civil Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action **must** serve this *Order Setting Domestic Nonparental Custody Schedule* and attachment on all other parties within 10 days after filing of petition or receipt of respondent(s) appearance.

DATED: 01/28/2010

SAMPLE

PRESIDING JUDGE



WARNING: Filing the Petition does not mean you have legal custody of the child!

Ways to obtain temporary or emergency custody:

- Ex Parte Restraining Order (emergency)
- Temporary Order (adequate cause required)

A non-parent has permanent legal custody **only when** the Court signs a Non-Parental Custody Decree granting him/her custody.



PHASE 2

Ex-Parte Restraining Order (optional)

A restraining order may prohibit one or more of the following:

- 1. Contact between the parties;**
- 2. Contact between a party and a child, harassment, as well as certain other actions.**



PHASE 3

Temporary Order (optional)

- 1. Gives certain rights, like a visitation schedule, while the case is in process.**
- 2. Remains in effect until another order takes its place or the final orders signed by the Court.**



Adequate Cause

Also known as the *threshold* hearing:

Court determines if there are factual allegations which might establish grounds for non-parental custody.

If adequate cause is granted, the case will continue to trial.

If adequate cause is not granted, the case will be dismissed.

PHASE 3



SERVICE

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PHASE 1A

Service

YOU ARE REQUIRED TO HAVE THE RESPONDENTS SERVED WITH:

- Summons
- Petition
- Notice re: Dependent Person in Military Service
- Order Setting Domestic Case Schedule
- Residential Schedule (if applicable)

Types of Service

Personal

IF YOU DO NOT KNOW HOW TO LOCATE A RESPONDENT FOR PERSONAL SERVICE, YOU MUST SEEK PERMISSION FROM THE COURT TO SERVE BY:

Mail

OR

Publication



PHASE 1

BACKGROUND CHECKS

DEPARTMENT OF CHILDREN AND FAMILY SERVICES/ CHILD PROTECTIVE SERVICES

Available Only By Court Order

Required for petitioner and everyone 16 and older living in his/her household

1. Sign an authorization to DCFS/CPS to release records.
2. Obtain an Order releasing DCFS/CPS records



PHASE 1B

BACKGROUND CHECKS

WASHINGTON STATE PATROL

Available on the internet or by mail

Required for petitioner and all adults living in his/her household

1. Obtain WSP criminal history records



CASE REVIEW HEARING

Mandatory hearing for the court to ensure the case is on track.

At the hearing the Court may address the following:

- Service on all parties
- Response to the Petition
- Adequate cause
- Authorization to release information to the Court
- Order directing DCFS/CPS to release information and Order Restricting Access
- WSP background check
- Mandatory parenting seminar

If all parties are in AGREEMENT the final orders *may be presented for signature at this hearing* OR prior to the hearing by scheduling a hearing *on the final decree calendar* at least 14 days before the parties would like to appear.



Non-Compliance Hearing

**IF YOU DO NOT ATTEND YOUR CASE REVIEW HEARING YOU WILL GET
A NOTICE TO ATTEND A NON-COMPLIANCE HEARING.**

IF YOU GET A NOTICE IN THE MAIL - GO TO THE HEARING!

IF YOU FAIL TO APPEAR, YOUR CASE MAY BE DISMISSED!



Settlement Conference

If you are unable to reach an agreement, the Court may require you to schedule a settlement conference. Even if the Court does not order it, you may want to make an attempt to settle your case through a settlement conference.

There are options for free settlement conferences and you can schedule them yourself.

If you reach an agreement in a settlement conference, you can finalize by agreement.



Pre-Trial Conference

**IF YOU ARE UNABLE TO SETTLE THE CASE, YOU WILL RECEIVE AN ORDER SETTING PRE-TRIAL CONFERENCE
(NOT ON THE CASE SCHEDULE)**

AT THE PRE-TRIAL CONFERENCE THE JUDGE WILL WANT TO:

- Know what issues are agreed upon (if any);
- Know what issue you still do not agree upon;
- Make sure all the necessary paperwork has been filed and the case is ready to proceed to trial;
- Know if all parties have attended the mandatory parenting seminar;
- Know if the parties have had a settlement conference or other form of alternative dispute resolution.

AFTER THE PRE-TRIAL CONFERENCE:

You will receive a copy of the order on pretrial conference. READ THIS ORDER CAREFULLY, as it will set important deadlines which may be different than those in your case schedule.



PHASE 4

Forms to Finish the Case

- **FINDINGS OF FACT AND CONCLUSIONS OF LAW**
- **NONPARENTAL CUSTODY DECREE**

If you are requesting child support you will also need:

- **WASHINGTON STATE CHILD SUPPORT WORKSHEETS**
- **ORDER OF CHILD SUPPORT**

Visitation may be set:

In a separate order called a **“RESIDENTIAL SCHEDULE”**

OR

In the **Non-Parental Custody Decree**

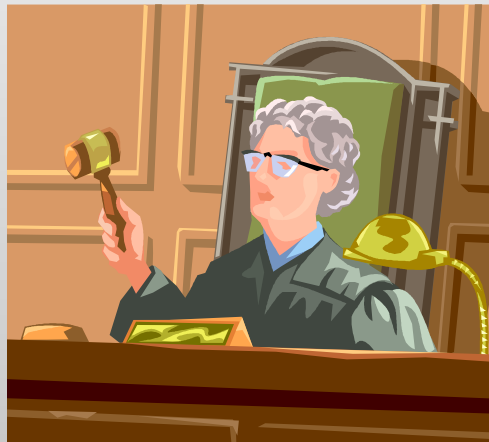


HOW TO FINISH THE CASE

Non-Parental Navigation Class

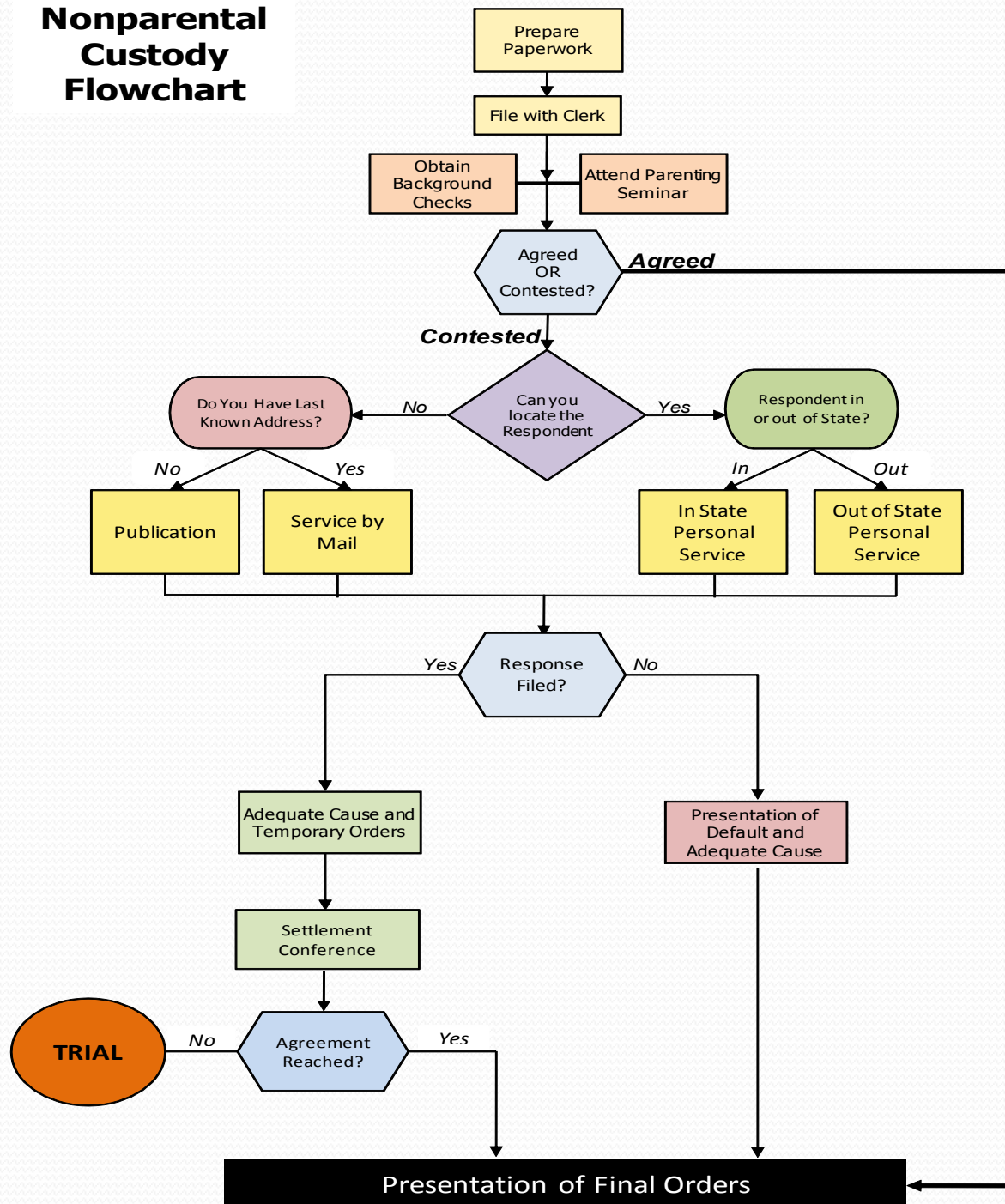
Trial

If you are unable to reach an agreement, your case will proceed to trial



Approximately 4-6% of cases go to trial

Nonparental Custody Flowchart





Resources For Parties Without an Attorney

- ❖ **FAMILY LAW FACILITATORS**
- ❖ **KINSHIP CARE SOLUTIONS PROJECT**
- ❖ **KING COUNTY BAR ASSOCIATION**



FAMILY LAW FACILITATORS

King County Courthouse
516 Third Avenue
Room W-382
Seattle, WA 98104
(206) 477-2553



Maleng Regional Justice Center
401 4th Avenue North
Room 3-D
Kent, WA 98032
(206) 477-2781





FAMILY LAW FACILITATORS - FEES

The Facilitators' Office charges a fee for services per King County Ordinances 16979 and 16980:

THE FEE TO MEET WITH A FACILITATOR IS **\$30.00 PER VISIT**.

It may be reduced to:

- ❖ **\$10.00** if you earn less than \$20,000.00 annually (*income verification required*);
- ❖ **\$5.00** if you are indigent, receiving Disability Benefits or Public Assistance (*a copy of your ProviderOne Services card, DSHS, TANF, or SSI/SSDI is required*); or
- ❖ **\$0** if authorized by a Judge or Commissioner (*a yellow referral form with judicial signature is required*).



KINSHIP CARE SOLUTIONS PROJECT

PROVIDES FREE LEGAL REPRESENTATION FOR ELIGIBLE CLIENTS WHO MEET THE FOLLOWING CRITERIA:

1. King County Residents or have a case in King County Superior Court;
2. Gross monthly income at or below 200% of the federal poverty guidelines;
3. Case type within program priorities including:
 - A. Length of time (if any) that the child has resided with the potential client;
 - B. The potential client is a safe and stable placement for the child;
 - C. The child would be at risk if returned to his/her parents;
 - D. The case is appropriate for non-family law attorneys trained only in Nonparental Custody cases;
 - E. The potential client would have trouble brining the Nonparental Custody case on their own.

TO APPLY: [Call \(206\) 267-7010, Monday through Friday, from 9:00 am to 5:00 pm](tel:2062677010) for an initial screening.



KING COUNTY BAR ASSOCIATION

KING COUNTY NEIGHBORHOOD LEGAL CLINIC

Free 30 minute consultation with an attorney

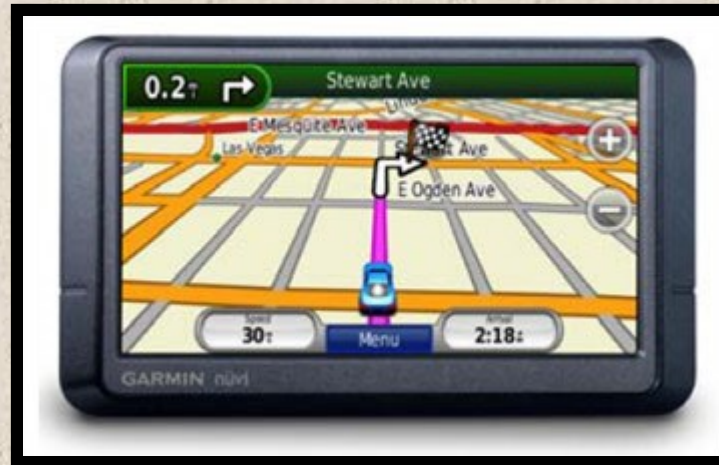
Legal advice only (no representation)

To schedule: Call (206) 267-7070, Monday through Thursday
between 9 a.m. and noon

KING COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE

30 minute consultation and referral to an attorney for legal representation
(\$30.00 fee)

To schedule: Call (206) 267-7010



CONGRATULATIONS!
YOU HAVE SUCCESSFULLY ARRIVED
AT YOUR DESTINATION