

How to Change a Final Parenting Plan (Who the child lives with & child support) When Parties Do *Not* Agree

Use these instructions if,

- You have a final parenting plan or final custody order signed by a judicial officer, and
- You want to change the visitation schedule or the parent with whom the child lives with most of the time.

You *may* also use these instructions to ask the court to change an existing child support in addition to the final parenting plan or final custody order.

However, if you *only* want to change the support amount, do not use these instructions. Ask the facilitator for information on how to change child support.

Due to COVID-19, all hearings are being done by phone or video and most offices are only providing remote services. You should consult the King County Superior Court webpage for the most up to date information. <https://www.kingcounty.gov/courts/superior-court.aspx>.

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:

- You can obtain a list of low-cost and free legal resources. <https://kingcounty.gov/~media/courts/superior-court/docs/family/facilitator/family-law-resources.ashx?la=en>
- Get help from the Family Law Facilitators office. You can get information about their services at <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>.

Step 1: Fill out these forms

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

Form Name	Form Number	Notes	Completed
Case Assignment Area Form & Case Index Cover Sheets			<input type="checkbox"/>
Confidential Information Form		Attachment to Confidential Information (for additional parties or children)	<input type="checkbox"/>
Notice of Court Date Family Law (Commissioners)	Seattle or Kent	See Step 3 on how to choose a hearing date	<input type="checkbox"/>

Step 2: Fill out these forms

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

Summons: Notice about Petition to Change a parenting Plan	FL Modify 600		<input type="checkbox"/>
Petition to Change a Parenting Plan, Residential Schedule or Custody Order	FL Modify 601		<input type="checkbox"/>
You must attach a copy of the final Parenting Plan, Custody Order, or Judgment and Order Establishing Parentage you want to change to your petition. If the Parenting Plan, Custody Order or Judgment and Order Establishing Parentage was entered in another state or county, you need to provide a certified copy.			<input type="checkbox"/>
Notice to Military Dependent Parenting Plan (Proposed)	FL All Family 103		<input type="checkbox"/>
	FL All Family 140		<input type="checkbox"/>
Declaration	FL All Family 135		<input type="checkbox"/>
Motion for Adequate Cause Decision	FL Modify 603		<input type="checkbox"/>
Order on Adequate Cause to Change a Parenting/Custody Order	FL Modify 604	Fill this out the way you want the Commissioner to decide	<input type="checkbox"/>

If you are requesting a change in child support, you will also need:

Child Support Schedule and Instructions	Use this information to calculate Child Support Worksheets. Online Child Support Calculation software is available at https://fortress.wa.gov/dshs/dcs/SSGen/Home		
Child Support Worksheets	WSCSS-Worksheets		<input type="checkbox"/>
Child Support Order	FL All Family 130		<input type="checkbox"/>
Financial Declaration	FL All Family 131		<input type="checkbox"/>

Sealed Financial Source Documents Coversheet	FL All Family 011	This form goes on the front of the financial documents you file	<input type="checkbox"/>
--	-------------------	---	--------------------------

<p>If your case involves financial matters you may have to provide copies of financial documents, including:</p> <ul style="list-style-type: none"> ▪ Your W-2s and complete personal tax returns for the past 2 years ▪ Your most recent pay stubs (at least 6 months) ▪ Complete partnership/corporate tax returns for the past 2 years if you have a 5% interest or more ▪ Statements from all of your banks and financial institutions for the past 6 months <p><i>Note:</i> The other party can ask you for a copy of your check register. If this happens, you will have 14 days to provide it.</p>	<input type="checkbox"/>
---	--------------------------

If you will be requesting temporary orders at the Adequate Cause, you will also need:

Name of Form	Form Number	Notes	<input type="checkbox"/>
Motion for Temporary Family Law Order	FL Parentage 323		<input type="checkbox"/>
Temporary Family Law Order	FL Parentage 324	Fill out the way you want the Commissioner to decide.	<input type="checkbox"/>
Information for Temporary Parenting Plan	FL All Family 139	If you are asking for a temporary parenting plan	<input type="checkbox"/>

Step 3: Schedule Your “Adequate Cause Hearing”

Before the Court decides on your Petition to Change the Parenting Plan, you must have an Adequate Cause hearing. An Adequate Cause hearing is for the court to decide whether the case meets the legal criteria for a modification and should move forward to trial, or be dismissed.

To schedule this hearing this, first decide how the other party will be served. You must pick a date for your hearing that is after the Response time has gone by.

If served in person in Washington state, your date must be at least 20 days from the date of service
If served in person outside of Washington state or by publication (because of a court order), your date must be at least 60 days from date the of service
If served by mail when the court has given you permission to do so, your date must be at least 90 days from the date of service

1. Picking a Hearing Date and Time:

The motions calendar is limited to a certain number of hearings per day. You must go to <https://superiorcourt.kingcounty.gov/famlaw/scheduling/calendar> to view availability and schedule your motion with the family law department.

Please note that you must schedule each motion individually. You cannot make one reservation for multiple motions (Example- Contempt/Temporary Orders or temporary orders/Motion to Enforce). Only the motions properly scheduled will be heard.

2. Pick the Correct Calendar:

You will pick “Attorney Represented Motions” if there is an attorney on the other side or “Self-Represented Motions” if there are no attorneys involved. Make sure to pick the correct calendar on the calendar tool.

You will need your case number, contact information and information for the other party to complete the reservation

3. Filing your documents:

Once you have reserved your spot on the calendar, the reservation system will give you the *Notice of Court Date* to file, or you can download the form at <https://kingcounty.gov/courts/clerk/forms.aspx>. you must file a *Notice of Court Date* and your motion within **3 calendar days** of your reservation.

If you make a reservation, but fail to file the Motion and Notice of Court date within 3 days, your reservation may be stricken.

IMPORTANT! If the court determines that you are reserving space on the calendar in bad faith, you may be subject to sanctions. You should only reserve a hearing date when you intend to move forward with the motion.

4. Cancelling or Rescheduling a Hearing:

In the event that you need to cancel or reschedule your hearing you must immediately contact:

- FamilyLawStaffMRJC@kingcounty.gov or 206-477-1523 for motions noted in Kent, or
- FamilyLawStaffSeattle@kingcounty.gov or 206-477-2750 for motions noted in Seattle

Please do not reserve more than one slot per motion. Important! If you are rescheduling court staff will move your reserved time to the new date. If you fail to timely strike your hearing, or re-note the motion without alerting family law staff, you may be subject to sanctions.

Step 4: Make copies

How many copies do I need?

- **Original** set to file with the Clerk’s Office
- Copy **1** is to serve the other party.
- Copy **2** you will keep for your records

Step 5: Start (file) your case and pay the filing fee

You can start (file), your case by either bringing your original forms to the Clerk's Office (room 2C in Kent and E-609 in Seattle),

OR

You can file your case online on the Clerk's website at:

<https://www.kingcounty.gov/courts/clerk/documents/efiling.aspx>. If you have questions about e-filing call 206-477-3000, or email eServices@kingcounty.gov.

While starting the case, the Clerk will ask you to pay a filing fee. If you cannot afford to pay the fee, apply to waive the fee. This application is available here:

- For **Kent**: <http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-kent.ashx?la=en>
- For **Seattle**: <http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-sea.ashx?la=en>

There are instructions about how to get a fee waiver approved during COVID-19 **here**:

<https://www.kingcounty.gov/~media/courts/Clerk/docs/misc/Updated-Instructions-for-Ex-Parte-via-the-Clerk-Fee-Waiver.ashx?la=en>

Step 6: Submit Proposed Orders to Family Law Department

You must submit your proposed order online through the **Clerk's Office eFiling System**

<https://dja-efsp.kingcounty.gov/EFiling/Logon/Logon.aspx> via the "Proposed Orders (Family Law)" link.

Proposed orders

Proposed orders (as needed): Order on Adequate Cause to Change a Parenting/Custody Order, Temporary Family Law Order, Child Support Order. These Orders are your proposed Orders

If you are the person asking for the motion, submit your proposed order at least 14 calendar days prior to the hearing. If you are the person responding to the motion, the proposed order is due 5 court days prior to the hearing

Step 7: Submission List/Confirm Hearing

All documents that will be considered **must** be filed in the clerk's office (either e-filed or physically delivered) and served on the other party. Once you have filed the documents you must file a *Working Papers Submission List*.

Find this form here: <https://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Completed
Working Paper Submission List	<input type="checkbox"/>

The Working Papers Submission List accomplishes two purposes:

1. **It confirms that you want your hearing to move forward**-The *Working Papers Submission List* is due by the reply deadline for the moving party (noon 3 court days prior) and the response deadline for the responding party (noon 5 court days prior). If you fail to file your submission list by the deadlines listed above, your hearing will not take place. It is suggested that the submission list be filed electronically to avoid processing delays.
2. **It lets the Commissioner know what to read to prepare for the hearing.** The submission list shall list all documents that the parties want the court to consider. It must list your motion. If the submission list does not list required documents, such as the motions, your hearing may not go forward.

If you have filed multiple motions for one case, and have reserved a spot for each motion, you may file one submission list for all properly reserved motions.



Important! If you do not turn in a Submission List your hearing will be stricken.

Step 8: Have the other party served

You must have the other party served with copies of:

- The Case Schedule that the Clerk gave you when you filed, **and**
- All of the forms you filed with the clerk including the proposed orders, except the *Case Assignment Area Form & Case Index Cover Sheets* and the *Confidential Information Form*.

How to serve

Someone over the age of 18 – **not you** - must serve (give) the other party copies of your court papers. After serving, the server fills out a ***Proof of Service, FL All Family 101*** form and gives it to you. Keep a copy for your own records and file the original with the Clerk's Office.

You will also fill out and file the ***Declaration: Personal Service Could Not be Made in Washington, FL All Family 102*** form if any party is served outside the state of Washington.

If you have questions about serving, ask the facilitator for information on how to serve.

Step 9: You must complete the family law class(es)

Self-represented parties must complete the Family Law Orientation by the deadline listed on your Case Schedule. You can register online at: <https://kcscfamlaworientation.eventbrite.com>. If you have questions or need to waive the fee, email FamLawOrientation@kingcounty.gov.

All parties must also complete the parenting seminar "What About the Children," by the deadline listed on your Case Schedule. You can register online at: <https://kcscparentseminar.eventbrite.com>. If you have questions or need to waive the fee, email Parentseminar@kingcounty.gov.

Step 10: Virtual Adequate Cause Hearing

All family law motions are being heard virtually via Zoom. Two days before your hearing:

- Go to <https://kingcounty.gov/courts/superior-court/family/virtual-hearings.aspx>
- Click on the green button that says “Virtual Hearing Links- 1:00 p.m. Calendar”
- Find the name of your case. The zoom link you will use to appear for your hearing will be to the right of your case number.

If you cannot access Zoom for your hearing you may also use the phone number provided to appear by phone. If you cannot go online to get the hearing information, at least two days before your hearing, call and leave a message at:

- 206-477-1523 for motions noted in Kent, or
- 206-477-2750 for motions noted in Seattle

Court staff will contact you back to let you know how to appear.

For more guidance on Video Hearings, please visit: <https://kingcounty.gov/courts/superior-court/get-help/Video.aspx>

Important tips for your Zoom hearing:

1. If you are on time for your hearing and you are not let into the meeting within 15 minutes after your scheduled hearing time, please email

- a. FamilyLawStaffSeattle@KingCounty.gov for Seattle cases or,
- b. FamilyLawStaffMRJC@KingCounty.gov for Kent cases.

Do not leave the waiting room. If you cannot email the court, call 206-263-0635 for assistance.

2. Once in the meeting please:

- a. Mute yourself and turn off your camera until you are called on.
- b. Rename yourself with your last name, first name (example: "Doe, Jane").
- c. If you get disconnected on accident you can click the link again or call the associated phone number and you will be let back into the meeting.

3. The coordinator will perform a check-in. Please remain muted and do not speak until your name or case number is called.

4. After check-in, wait and remain muted with your camera off until the court is ready for your hearing. Your hearing may start at any time between 1:00 and 4:00 pm. When called, identify yourself each time you speak and conduct yourself as you would if you were in a physical courtroom, meaning there are other people present for their hearings too.

5. After your hearing is over you are welcome to leave the meeting.



IMPORTANT! If you do not turn in a submission list, or you do not appear for your hearing on-time, the hearing may be conducted without you or stricken.

Step 11: Finishing Your Case

If the court has entered the Adequate Cause order, there are three ways to finish your case:

Default

If the other party does not file a Response to the Petition by the deadline, you may be able to finalize your case by default. There are instructions called “How to Ask for an Order of Default” under the “Other Motions” section here: <https://www.kingcounty.gov/courts/superior-court/family/family-law-instructions.aspx>

Agreement

If you come to an agreement before trial, you can finish your case early. For more information, please visit: <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>.

Trial

If you and the other party cannot come to an agreement about your case you will have a trial before a Judge. Make sure that both your email and mailing address are up-to-date so that the court can contact you. Instructions on preparing for trial are available at:

<https://kingcounty.gov/courts/superior-court/family/family-law-instructions.aspx>

About 4 to 6 weeks before your trial you will get an order in the mail telling you to come to court for a *Pre-Trial Conference*. At that hearing, the Judge will give you an Order. The Order will tell you what forms you need to finish your case and when they are due.

Informal Family Law Trial (IFLT):

Requirements to select an IFLT. All parties must state whether they wish to proceed with an IFLT or a traditional trial. All parties must agree in order to proceed with an IFLT. Each party shall make its selection in writing using the [Family Law Trial Selection Form](#). The Family Law Trial Selection form must be filed prior to the trial commencing. For cases in which there is a pretrial conference hearing, the selection shall be made at that hearing. If there is no pretrial conference hearing, the selection shall be made in the [Joint Confirmation of Trial Readiness](#) form. If a party does not file a selection using either form prior to the trial commencing, the case will proceed as a traditional trial. For more information on IFLT see LFLR 23