

How to Respond to a Petition asking to Modify a Parenting Plan/Custody Decree

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: Determine your response deadline

| | |
|---------|--|
| 20 days | If you were served in person in Washington state or signed an <i>Acceptance of Service</i> . |
| 60 days | If you were served in person outside of Washington state or by publication. |
| 90 days | If you were served by mail. |

Step 2: Fill out this form

This form can be downloaded at: www.courts.wa.gov/forms/

| Form Name | Form Number | Notes | Completed |
|--|-------------------|-------|--------------------------|
| Response to Petition to Change a Parenting Plan, Residential Schedule or Custody Order | FL Modify 602 | | <input type="checkbox"/> |
| Proof of Mailing or Hand Delivery | FL All Family 112 | | <input type="checkbox"/> |

IMPORTANT: If the other party **has** scheduled an Adequate Cause hearing, ask the facilitator for information on how to respond to adequate cause. Adequate Cause is for the court to decide whether the case meets the legal criteria for a modification and should proceed to trial or be dismissed.

If the other party **has not** scheduled an Adequate Cause hearing, you can schedule your own Adequate Cause hearing.

How many copies do I need?

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

Step 3: Take your completed form to the Clerk's office and file it

The Clerk's Office is room 2C in Kent and E609 in Seattle

Step 4: Have the other party served

You may deliver or mail documents yourself. If the other party has an attorney, deliver or mail the forms to the attorney instead. After you have delivered/mailed the forms to the other party or attorney, fill out the *Proof of Mailing or Hand Delivery* form. Make one copy of this form for your records and file the original with the Clerk's Office.

You have now responded to the Petition and must take the following additional steps.

Step 5: Go to the family law classes

If you do not have an attorney, you **must** go to the *Family Law Orientation*.

You must attend the “*What About the Children*” seminar before the deadline in your case schedule if you have not previously attended the class.

Go to the [Family Law Facilitator's Office](#) for information or to register (W-382 in Seattle and 3D in Kent).

Step 6: Follow your Case Schedule

If you do not have a copy of your case schedule, you may get it from the Clerk’s office. This contains deadlines each party must follow. Some of these deadlines include:

- **Status Conference:** If the Confirmation of Issues is not signed by both parties and filed, or if your case is otherwise not on track with your Case Schedule, you are required to attend your Status Conference. See your case schedule for your Status Conference date.
- **Alternative Dispute Resolution (ADR):** Also called mediation or settlement conference, parties must try to reach an agreement with the help of a professional, such as an attorney or social worker, prior to trial. The *Legal Resource List* available in the Facilitator’s office contains information on programs that offer ADR.

If you and the other party do come to an agreement: You can finalize your case in the Ex Parte courtroom. You must file an *Ex Parte Notice of Court Date (Commissioners)* form, for either [Kent](#) or [Seattle](#), to schedule your final hearing. Choose a hearing date that is at least 14 days from when you file the *Ex Parte Notice of Court Date (Commissioners)* form with the Clerk’s office. You may have to pay a document review fee at your final hearing.

Important! To finalize your case by agreement, both parties must sign the Parenting Plan, Child Support Worksheets, Child Support Order, and Final Order and Findings on Petition to Change a Parenting Plan.

If you and the other party cannot agree: Your case must be resolved at trial. See your case schedule for your trial date.

Step 7: Complete your final documents

To finalize your case by agreement or trial, you will need to fill out the forms below.

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

| Form Name | Form Number | Note | Completed |
|---|-------------------|------|--------------------------|
| Parenting Plan | FL All Family 140 | | <input type="checkbox"/> |
| Final Order and Findings on Petition to Change a Parenting Plan | FL Modify 610 | | <input type="checkbox"/> |

You also need these forms if child support is requested:

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

If you have ever received public assistance on behalf of the minor children you must contact the King County Prosecuting Attorney's Family Support Section as early in your case as possible. They must sign off on the Child Support Order before you can finalize your case.

If child support is requested and you are going to trial, you will also need:

| | | | |
|--|-------------------|---|--------------------------|
| 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"/> |

You must provide copies of financial documents, including:

- 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
- *Note:* The other party can ask you for a copy of your check register. If this happens, you will have 14 days to provide it.