

How to Object to a Notice of Intent to Move with the Children

Use this instruction if:

- You have an existing parenting plan/residential schedule **AND**
 - The other party has served you with a Notice of Intent to Relocate
- OR
- The other party has moved without providing Notice of Intent to Relocate

NOTE: If the intended move is within the same school district as the child now resides, a person entitled to court-ordered visitation may not object to the relocation but they retain the right to ask for a modification under RCW 26.09.260

If you do not file an objection within 30 days after receiving the Notice of Intent to Relocate, the relocation of the child shall be permitted.

The other party will be allowed to relocate even after you file the objection unless you file a motion to prevent the move and schedule a hearing within 15 days.

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:

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

These forms can be downloaded at: www.kingcounty.gov/courts/scforms.aspx

Form Name	Form Number	Notes	Completed
Case Assignment Designation and Case Information Cover Sheet			<input type="checkbox"/>
Confidential Information		Attachment to Confidential Information (for additional parties or children)	<input type="checkbox"/>

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

Summons: Notice of Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)	FL Relocate 720		<input type="checkbox"/>
Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)	FL Relocate 721		<input type="checkbox"/>

If you are requesting a change in the Parenting Plan, or if you would like to present a proposal in the event a relocation is granted, you will also need:

Parenting Plan	FL All Family 140		<input type="checkbox"/>
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If you are requesting a change in child support, you will also need:

Child Support Order	FL All Family 130		<input type="checkbox"/>
Child Support Worksheets	WSCSS-Worksheets		<input type="checkbox"/>
Child Support Schedule & Instructions	This is information to use to calculate Child Support Worksheets. Online Child Support Calculation software is available at https://fortress.wa.gov/dshs/dcs/SSGen/Home		
Financial Declaration of (name):_____	FL All Family 131		<input type="checkbox"/>
Sealed Financial Source Documents (Coversheet)	FL All Family 011	This form goes on the <i>front</i> of the financial documents you file.	<input type="checkbox"/>

If your case involves financial matters you may have to 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

How many copies do I need?

- **Original** set to file with the Clerk's office.
- Copy 1 is for your records.
- Copy 2 is to serve the other party.
- Make a 3rd copy if you have a child(ren) who has received public assistance at some point. You must deliver copies of your filed forms to the King County Prosecuting Attorney's Office, Family Support Section

Step 2: Start (file) your case and pay a 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 3: Have the Other Parent 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, except the *Case Assignment Area Form and the Confidential Information Form*.

How to serve

Service must be personal service: Someone over 18 – **not you** - must serve (give) the other party copies of your court papers. After serving, the server fills out a [Proof of Personal Service](#) form and gives it to you. Keep a copy for your own records and file the original with the Clerk's Office.

If you have questions about serving, ask the facilitators for the packet of information about service.

Step 4: Wait for the Other Parent to Respond

You must wait:

20 days	If the other party was served in Washington State
60 days	If the other party was served outside of Washington State

Step 5: 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 Objection 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

Step 6: Documents needed for finalizing

You will need these forms:

Final Order and Findings on Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)	FL Relocate 735		<input type="checkbox"/>
Final Parenting Plan	FL All Family 140		<input type="checkbox"/>

If a new order of child support is requested you will also need these forms:

Child Support Order	FL All Family 130		<input type="checkbox"/>
Child Support Worksheets	WSCSS-Worksheets		<input type="checkbox"/>
Child Support Schedule & Instructions	This is information to use to calculate Child Support Worksheets. Online Child Support Calculation software is available at https://fortress.wa.gov/dshs/dcs/SSGen/Home		
Financial Declaration of (name):_____	FL All Family 131		<input type="checkbox"/>
Sealed Financial Source Documents (Coversheet)	FL All Family 011	This form goes on the <i>front</i> 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 			

Attachment: Summary of the law about moving with children (Child Relocation Act, RCW 26.09.430 - .480)

Notice

Anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the children **must notify** every other person who has court-ordered time with the children.

Move to a different school district

If the move is to a different school district, the relocating person must complete the form *Notice of Intent to Move with Children* (FL Relocate 701) and deliver it at least **60 days** before the intended move.

Exceptions:

- If the relocating person could not reasonably have known enough information to complete the form in time to give 60 days' notice, s/he must give notice within **5 days** after learning the information.
- If the relocating person is relocating to a domestic violence shelter or moving to avoid a clear, immediate, and unreasonable risk to health or safety, notice may be delayed **21 days**.
- If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.
- A relocating person who believes that giving notice would put her/himself or a child at unreasonable risk of harm, may ask the court for permission to leave things out of the notice or to be allowed to move without giving notice. Use form *Motion to Limit Notice of Intent to Move with Children (Ex Parte)* (FL Relocate 702).

The *Notice of Intent to Move with Children* can be delivered by having someone personally serve the other party or by any form of mail that requires a return receipt.

If the relocating person wants to change the *Parenting Plan* because of the move, s/he must deliver a proposed *Parenting Plan* together with the *Notice*.

Move within the same school district

If the move is within the *same* school district, the relocating person still has to let the other parent know. However, the notice does not have to be served personally or by mail with a return receipt.

Notice to the other party can be made in any reasonable way. No specific form is required.

Warning! If you do not notify...

A relocating person who does not give the required notice may be found in contempt of court. If that happens, the court can impose sanctions. Sanctions can include requiring the relocating person to bring the children back if the move has already happened, and ordering the relocating person to pay the other side's costs and lawyer's fees.

Right to object

A person who has court-ordered time with the children can object to a move to a different school district and/or to the relocating person's proposed *Parenting Plan*. If the move is within the same school district, the other party doesn't have the right to object to the move, but s/he may ask to change the *Parenting Plan* if there are adequate reasons under the modification law (RCW 26.09.260).

An objection is made by filing the *Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721). File your *Objection* with the court and serve a copy on the relocating person and anyone else who has court-ordered time with the children. Service of the *Objection* must be by personal service or by mailing a copy to each person by any form of mail that requires a return receipt. The *Objection* must be filed and served no later than **30 days** after the *Notice of Intent to Move with Children* was received.

Right to move

During the 30 days after the *Notice* was served, the relocating person may not move to a different school district with the children unless s/he has a court order allowing the move.

After the 30 days, if no *Objection* is filed, the relocating person may move with the children without getting a court order allowing the move.

After the 30 days, if an *Objection* has been filed, the relocating person may move with the children **pending** the final hearing on the *Objection* **unless**:

- The other party gets a court order saying the children cannot move, or

- The other party has scheduled a hearing to take place no more than 15 days after the date the *Objection* was served on the relocating person. (However, the relocating person may ask the court for an order allowing the move even though a hearing is pending if the relocating person believes that s/he or a child is at unreasonable risk of harm.)

The court may make a different decision about the move at a final hearing on the *Objection*.

Parenting Plan after move

If the relocating person served a proposed *Parenting Plan* with the *Notice*, **and** if no *Objection* is filed within 30 days after the *Notice* was served (or if the parties agree):

- Both parties may follow that proposed plan without being held in contempt of the *Parenting Plan* that was in place before the move. However, the proposed plan cannot be enforced

by contempt unless it has been approved by a court.

- Either party may ask the court to approve the proposed plan. Use form *Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children* (FL Relocate 706).

Forms

You can find forms about moving with children at:

- The Washington State Courts' website:
www.courts.wa.gov/forms,
- The Administrative Office of the Courts – call: (360) 705-5328,
- Washington LawHelp:
www.washingtonlawhelp.org, or
- The Superior Court Clerk's office or county law library (for a fee).

(This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.)