

How to Respond to a Petition to Enforce the Terms of an Open Adoption Agreement

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 or the King County Adoption Paralegal 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.
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 these forms (Attached)

Form Name	Notes	Completed
Response to Petition for Enforcement of an Open Adoption Agreement	Use this form to respond to a petition for enforcement of an open adoption agreement.	<input type="checkbox"/>

Step 3: Make Copies

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
- Make additional copies if you need to serve additional people

Step 3: Take your original forms to the Clerk's Office and file.

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.

Proof of Mailing or Hand Delivery	This form is attached	<input type="checkbox"/>
-----------------------------------	-----------------------	--------------------------

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

Step 5: Follow your case schedule

Carefully review the Order Setting Domestic Case Schedule that you received from the other party. If you did not receive a copy when you were served with the initial documents you can get a copy from the Clerk's Office.

Step 6 Preparing for Trial

If you cannot come to an agreement in your case you will need to prepare for trial. The court requires you to prepare documents before going to trial. Documents must be on 8.5" x 11" white paper and must be printed single sided. If you need to get any of the forms listed below, they are available at the family law information center (see page 1 for contact info.)

Witness List

What: At least 21 days before trial (unless there has been an order changing the deadline), prepare and serve the other parties with a Witness List.

How: On the Witness List, write or type the full legal name and contact information of each witness that you intend to call at trial to testify for you. If you are not calling any witnesses, you can list yourself as your only witness.

Tips: Witnesses can generally only testify as to what they have personally observed. The witness will be placed "under oath" by the judge. You must ask the witness questions. Witnesses cannot speak unless answering a question. It is a good idea to write down the questions you plan to ask the witness in advance of trial. Please note that written statements from witnesses do not provide the other side with an opportunity to ask questions (cross-examine), and therefore written statements may or may not be considered by the judge.

Exhibit List

What: At least 21 days before your trial (unless there has been an order changing the deadline), prepare and serve the other party with a numbered Exhibit List and copies of the exhibits. Exhibits are documents or items that you are submitting to the court as evidence. Exhibits may include financial records, medical records, letters and photographs (anything you want the judge to use to make a decision in your case).

How: On the Exhibit List, you need to provide a brief description or name for each exhibit. Attach a copy of each exhibit to the Exhibit List that you are serving on the other party.

Tips: Parties may provide all exhibits they think the court needs in order to make a good decision in the case. The court will review only the information provided by the parties.

Joint Statement of Evidence

What: At least 5 days before trial (unless there has been an order changing the deadline) you must prepare a Joint Statement of Evidence form with the other parties in the case. This form asks each of you to list your exhibits and whether you agree that the

other party's exhibits are authentic and should be admitted as evidence. (See below explanation.)

How: Review the exhibits provided by the other party and for each exhibit state:

1. If you object to the exhibit;
2. If you agree that it is authentic (it is not forged); or
3. Whether you think the exhibit it is otherwise objectionable. If so, then check the column "Authenticity Admitted but Objected to."

You can Review the Rules of Evidence to find possible objections here:

http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=ER

Tips: If the other party refuses to fill out this form or you cannot contact him or her, complete your section of the form and sign it. State on the form what efforts you have made to have the other party complete his/her section of the form.

Trial Notebook

What: Place all your trial materials in a trial notebook, which should be a three-ring binder. You will need to make copies and serve your trial notebook on the other party/parties and the court at least 5 days before trial. (See SERVICE below.)

How: Include a copy of the following documents in your trial notebook:

- Joint Statement of Evidence (see above description);
- Exhibit List;
- A copy of each Exhibit placed behind a tab that is numbered with the number on the Exhibit List for that document;
- Witness List;
- Trial Brief, which is a statement where you can briefly describe what you are asking for at trial.
- A Proposed Final Order; showing the court what you want the court to order.

Once you have all of your documents together, the Family Law Information Center can assist you in preparing you trial binders. See the first page of this document for contact information.

Step 7: Make Copies of the Trial Notebook

You will need:

- Two copies for the judge;
- One copy for each of the other parties and
- One copy for yourself.

Deliver the 2 judge's copies to the Judge's Mailroom (C-203 at the Seattle Courthouse and Room 2D at the Regional Justice Center.) In the top right hand corner of these documents write the following:

JUDGE'S WORKING PAPERS
JUDGE

(fill in the name of your assigned judge and courtroom number)

CASE #:

TRIAL DATE:

(fill in your trial date)

SUBMITTED BY:

(fill in whether you are the Petitioner or Respondent)

Step 8: Service of the Trial Materials

All of your trial materials from step 8 must be served on the other parties by the deadlines listed above. Service can be made by personal delivery or regular first class mail. If mailing the documents, do so at least three days before the deadline. If the other party has an attorney, it is the attorney who must be given your trial materials.

After you give the documents to all other parties fill out a Proof of Mailing or Hand Delivery form, available at <http://www.courts.wa.gov/forms/>. Make one copy of this form for your records and bring the original to your trial.

Step 9: Go to your Trial

Bring your copy of your trial materials with on your assigned trial date.

Superior Court of Washington, County of King

Petitioner/s (*person who started this case*);,

vs.

Respondent. (*adoptive parents or other parents entitled to notice*)

No. _____

Response to Petition for Enforcement of an
Open Adoption Agreement
(RSP)

Per RCW 26.33.295

**Response to Petition for Enforcement
of an Open Adoption Agreement**

Use this form to respond to a Petition for Enforcement of an open Adoption Agreement.

1. Your response

Look at each section of the *Petition*. Check below to say if you agree or disagree with what the other party said in each section, or say if you don't know because you don't have enough information. (If you disagree with any part of a section, check "I disagree.") List your reasons for disagreeing on page 2.

Section in the Petition	Your response (<i>check one</i>)		
1. <i>Information about the Petitioner</i>	<input type="checkbox"/> I agree	<input type="checkbox"/> I disagree	<input type="checkbox"/> I don't know
2. <i>Information about the Respondent</i>	<input type="checkbox"/> I agree	<input type="checkbox"/> I disagree	<input type="checkbox"/> I don't know
3. <i>Other parties entitled to notice</i>	<input type="checkbox"/> I agree	<input type="checkbox"/> I disagree	<input type="checkbox"/> I don't know
4. <i>Information about the adoption agreement</i>	<input type="checkbox"/> I agree	<input type="checkbox"/> I disagree	<input type="checkbox"/> I don't know
5. <i>Information about the adopted children</i>	<input type="checkbox"/> I agree	<input type="checkbox"/> I disagree	<input type="checkbox"/> I don't know

Section in the Petition	Your response (<i>check one</i>)		
6. <i>Facts related to enforcement</i>	<input type="checkbox"/> I agree	<input type="checkbox"/> I disagree	<input type="checkbox"/> I don't know
7. <i>Attorney's fees</i>	<input type="checkbox"/> I agree	<input type="checkbox"/> I disagree	<input type="checkbox"/> I don't know
8. <i>Indian Children</i>	<input type="checkbox"/> I agree	<input type="checkbox"/> I disagree	<input type="checkbox"/> I don't know
9. <i>Federal Civil Service Relief Act</i>	<input type="checkbox"/> I agree	<input type="checkbox"/> I disagree	<input type="checkbox"/> I don't know
10. <i>Relief Requested</i>	<input type="checkbox"/> I agree	<input type="checkbox"/> I disagree	<input type="checkbox"/> I don't know

If you checked "Disagree" for any of the sections, list your reasons here:

Section #: _____ Reasons: _____

Section #: _____ Reasons: _____

Section #: _____ Reasons: _____

Section #: _____ Reasons: _____

Section #: _____ Reasons: _____

(If you need more space, you may add more pages to this Response. Number, date and sign each page that you add.)

2. Requests

I ask the court to approve the following:

- The court to enforce the current adoption agreement
- The court to dismiss this petition.
- The court award reasonable attorney's fees which have been incurred.
- For such other and further relief as this Court deems just and proper.

Other:

Respondent fills out below:

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form (including any attachments) are true.

I have attached (*number*): _____ pages.

Signed at (*city and state*): _____ Date: _____



Respondent signs here

Print name

I agree to accept legal papers for this case at (*check one*):

my lawyer's address, listed below.

the following address (*this does not have to be your home address*):

street address or PO box

city

state

zip

(Optional) email: _____

(If this address changes before the case ends, you must notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120).)

Lawyer (if any) fills out below:



Lawyer signs here

Print name and WSBA No.

Date

Lawyer's address

city

state

zip

Email (if applicable): _____

Superior Court of Washington, County of King

In re:

Petitioner/s (person/s who started this case):

And Respondent/s (other party/parties):

No. _____

Proof of Mailing or Hand Delivery
(for documents after Summons and Petition)
(AFSR)

Proof of Mailing or Hand Delivery
(for documents after Summons and Petition)

I declare:

1. I am (check one): the Petitioner the Respondent (name): _____
and am competent to be a witness in this case.

2. On (date): _____, I served copies of the documents listed in 3 below to
(name of party or lawyer served): _____ by:
 mail (check all that apply): first class certified other _____

_____ *mailing address* *city* *state* *zip*

email to (address): _____
(only if allowed by agreement, order, or your county's Local Court Rule)

fax to (number): _____
(only if allowed by agreement, order, or your county's Local Court Rule)

Hand delivery at (time): _____ a.m. p.m. to this address:

_____ *street address* *city* *state* *zip*

I left the documents (check one):

with the party or lawyer named above.

at his/her office with the clerk or other person in charge.

- at his/her office in a conspicuous place because no one was in charge.
- with (name): _____, at the address listed in court documents where the party agreed to receive legal papers for this case.
- (For a party or lawyer who has no office or whose office is closed) at his/her home with (name): _____, a person of suitable age and discretion who lives in the same home.

3. List all documents you served (check all that apply):

(The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document you served that is not already listed.)

<input type="checkbox"/> Response to: _____	<input type="checkbox"/> Declaration of: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Declaration of: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Declaration of: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

4. Other: _____

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at (city and state): _____ Date: _____

▶ _____
Signature of server

Print or type name of server