

DECIDE PARENTAGE

This packet contains only those forms needed to decide parentage. Establishing a Parenting Plan or Child Support will require additional forms.

Local Court Rule 94.04 requires that all pro se (self-represented) people have their proposed Temporary Orders and all Final Orders reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited Licensed Legal Technician or private attorney before the Clerk can set a hearing date. You may call the Chelan County Clerk's Office at (509) 667-6380 or (509) 667-6236 to make an appointment with the Family Law Court Facilitator. The fee for a 45-60 minute appointment is \$40.00. The Court Facilitator will review your forms, answer questions, help you complete the process and set the final hearing date.

This list of instructions is not a substitute for legal advice. Before starting any legal action, it is always wise to consult an attorney regarding your rights and responsibilities. Many attorneys offer consultations. The Family Law Facilitator and the Clerk's Office cannot give legal advice.

Your specific situation may require additional forms and procedures which may not be listed on this outline. Attached to this outline is a list of the forms contained in the complete packet available at the Chelan County Clerk's Office for a fee of \$20.00.

1. **FORMS:** Obtain the forms listed in this outline. The Chelan County Superior Court Clerk sells **DECIDE PARENTAGE** packets which include the required state and local forms. To make the process easier to understand, these packets are divided into "Steps" (Step 1, Step 2, Step 3, etc.). The packet costs \$20.00. You may also download the forms for free at the Washington State Court web site: www.courts.wa.gov/forms. Chelan County Local Court Rules and local forms are available for review or download at www.co.chelan.wa.us/superior-court or you may purchase individual local forms at the Chelan County Clerk's Office.
2. **HELP:** If you need help understanding forms or procedures, the Family Law Court Facilitator can review forms you have completed, answer questions, or help you with procedures. The Family Law Court Facilitator cannot give legal advice, does not represent you, cannot fill out your papers for you but will assist you in filling them out and may also help the other party. There is a \$40 fee per 45-60 minute appointment. To see a Family Law Court Facilitator you must make an appointment by calling (509) 667-6380 or (509) 667-6236.
3. **COMPLETE THE FORMS:** You are the "Petitioner", the other party is the "Respondent/s".
Fill out:
 - *Case Information Cover Sheet (contained in packet and available at the Clerk's Office)
 - *Confidential Information Form (FL All Family 001 and FL All Family 002)
 - *Petition to Decide Parentage (FL Parentage 301);
 - *Summons: Notice about Parentage (FL Parentage 300); and
 - *Declaration about Genetic Parentage (FL Parentage 307)Complete the forms. Make a copy for yourself as Petitioner and a copy for each "Respondent". You must have each respondent served with a copy of the **Summons, Petition and Declaration about Genetic Parentage**.
4. **FILE YOUR PAPERS:** File your papers with the Chelan County Superior Court Clerk. The filing fee is \$310.00 payable by cash, check, money order, cashier's check, Mastercard or Visa. (There is an

additional fee if a credit or debit card is used.) There is a process by which you can waive the filing fee if you qualify. The Clerk's Office has a "Fee Waiver Packet".

5. **SERVICE**: Have the Respondent/s served with copies of all your filed papers except the **Confidential Information Form**. You must have someone, who is 18 years or older and who is not a party to your case serve your papers by personally handing each Respondent a copy of the papers. **You cannot serve the papers yourself**. The person serving the papers must completely fill out and sign a **Proof of Personal Service (FL All Family 101)**. Make sure that all the papers that were served are listed on the **Proof of Personal Service** and that the date, time and address of service are filled in. This is your proof that the Respondent/s were properly served. File the **Proof of Personal Service** at the Clerk's Office. The Respondent/s have 20 days (if served within the state of Washington) or 60 days (if served outside of the state) in which to file a **Response to Petition to Decide Parentage (FL Parentage 302)**.
6. **DEFAULT**: If Respondent/s do not file a **Response** to your Petition within the allowed time, but made an appearance (came to a hearing) you may file a Motion for Default. Complete the following forms:
- ***Motion for Default (FL All Family 161)**
 - ***Order of Default (FL All Family 162)**
 - ***Note for Motion (contained in packet and local form available at the Clerk's Office)**

Fill out these three forms, make the appropriate number of copies, one for yourself and one for each Respondent, and file the original at the Clerk's Office. These motions are heard on Fridays at 9:30 am. The Court Facilitator can help you file this motion and obtain a hearing date. You may call (509) 667-6380 or (509) 667-6236 to make an appointment with the Family Law Court Facilitator.

Note: Even if you obtain an **Order of Default** you must still prepare the Final Orders listed in #7 below and set a hearing date on the Confidential Calendar to approve your final orders.

7. **FINAL PAPERS**: If Respondent/s did not respond by filing a Response, or if you and the Respondent have reached an agreement, call and schedule an appointment with the Family Law Court Facilitator to review your final papers and set your final hearing. Fill out and bring all the forms listed below with you to the appointment. If you are finishing your case by default, make sure all your final orders are filled out exactly the same as the papers you served. If you and the Respondent agree on the final papers, you must complete the forms listed below and both parties must sign all of the final papers. The Family Law Court Facilitator can help you with the final papers if you do not understand them.
- ***Findings and Conclusions About Parentage (FL Parentage 315)**
 - ***Final Parentage Order (FL Parentage 316)**
 - ***Note for Motion (contained in packet and local form available at the Clerk's Office)**

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8. **TRIAL SETTING**: If you do not reach an agreement, and Respondent has filed a **Response to Petition to Decide Parentage (FL Parentage 302)** fill out a **Note for Trial Setting** (a Local Form available from the Clerk's Office). **However, before you can ask for trial setting** you must first complete your proposed final orders and have them reviewed and pre-approved by the Court Facilitator, Navigator, Limited Licensed Legal Technician or private attorney.

On Page 1 write in the date Respondent filed his/her **Response**. At the top of page 2 write in a Friday date. At line 1, "Nature of Case" is **Decide Parentage**. You must estimate the courtroom time required for your trial. If there are dates that you know you will not be available for a trial, you must also fill in the "Dates Unavailable for Trial". Complete and sign the form and file it with the Chelan County Clerk's Office.

The Friday you choose for the Trial Setting Date must be at least 2 weeks away from the day the **Note for Trial Setting** is mailed to the other party. **A copy of the Note for Trial Setting must be sent to the other party.** The party who mails the **Note for Trial Setting** must sign the **Proof of Mailing or Hand Delivery** (FL All Family 112) declaring that they sent a copy of the **Note for Trial Setting** by mail to the other party. **Neither party is required to appear on the date of the Trial Setting.** On the date of the Trial Setting, the court file is transferred to the Court Administrator who then sets a trial date for you.

Once the Court Administrator sets a trial date, both parties will receive a letter stating the date and time of the trial. The letter from the Court will also list the forms you must bring to trial, these are the papers you had reviewed and pre-approved prior to noting the matter for trial setting. In the same letter, you may be asked to bring additional information and you should do so. Your final orders will be held by the Clerk's Office and will be provided to the Judge for Trial. If these forms are not completed and provided to the Judge at the time of your trial, there will be a delay in finalizing your case.

9. **TRIAL PREPARATION:** Please note that this outline does not fully cover trial preparation. In preparing for your trial, you may want to seek legal advice from an attorney. The Court Facilitator cannot help you with trial preparation.

Helpful Phone Numbers and Websites

Chelan County Superior Court Clerk's Office (509) 667-6380

Volunteer Lawyer Program of Chelan County (509) 663-2778

CLEAR line for a referral to the Volunteer Legal Professional (888) 201-1014

State Prosecuting Attorney – Family Support Division (360) 336-9461

www.courts.wa.gov/forms to download standard family law forms

www.washingtonlawhelp.org for general information on a variety of legal topics

www.nwjustice.org for general information and resources

www.co.chelan.wa.us/superior-court Superior Court website

www.co.chelan.wa.us/clerk Chelan County Clerk website.

www.dshs.wa.gov/dcs Washington Division of Child Support (forms and information)

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Steps 1 – 4 ESTABLISH PARENTAGE

STEP 1 – Starting the case

Case Information Cover Sheet
Confidential Information Form
Summons: Notice about Parentage
Petition to Decide Parentage
Declaration about Genetic Parentage
Motion for Genetic Testing
Note for Motion – Confidential Calendar
Agreed Order for Genetic Testing OR in the alternative Order on Motion for Genetic Testing
Chain of Custody Declaration

STEP 2 – Serving the papers

Service Accepted
Agreement to Join Petition (Joinder)
Response to Petition to Decide Parentage
Response to Motion for Genetic Testing
Proof of Personal Service

STEP 3 If a Response is NOT filed

Motion for Default
Order on Motion for Default
Note for Motion
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)

OR If a Response IS filed

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

STEP 4 – Finalizing the case

Findings and Conclusions about Parentage
Final Parentage Order OR in the alternative Final Order Denying Parentage Petition