

MOVING WITH CHILDREN (RELOCATION NOTICE)

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 License 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 papers, answer questions, help you complete the process and set a 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 Court 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 **RELOCATION** 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 cost is \$20.00 and the packet contains all the forms needed to complete the relocation process. You may also download the forms for free at the Washington State Court website: www.courts.wa.gov/forms. Chelan County Local Court Rules and local forms are available for view 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 your papers you have completed yourself, answer questions and help you with procedures. The Family Law Court Facilitator cannot give legal advice, does not represent you, may assist but cannot fill out your forms for you 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:**
Fill out:
*Confidential Information Form (FL All Family 001)
*Notice of Intent to Move with Children (Relocation) (FL Relocate 701)
AND
IF YOU WANT TO CHANGE THE CURRENT PARENTING PLAN:
*Proposed Parenting Plan (FL All Family 140)

Make two copies of the completed **Notice** and **Proposed Parenting Plan**. One copy to be served on the other party and one copy is for you to keep for your records. **NOTE:** If there are multiple respondents, make the appropriate number of copies for service.

4. **FILE YOUR PAPERS:** File your papers with the Chelan County Superior Court Clerk. There is no fee to file the **Notice of Intent to Move**.
5. **SERVICE:** Have the other party served with copies of all your filed papers except the **Confidential Information Form**. You may have someone, who is 18 years or older and who is not a party to your case serve the other party by personally handing him/her copies 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 the other party was properly served. **IN THE ALTERNATIVE you may serve the papers by Certified Mail (Return Receipt Requested).** In that case you must file a completed and signed **Proof of Mailing (FL All Family 112)** with the attached Return Receipt. The other party has 30 days from receipt of the **Notice of Intent to Move** to file an **Objection**. File the Proof of Personal Service or Proof of Mailing with attached Return Receipt at the Chelan County Clerk's Office.

6. **IF NO OBJECTION IS FILED or YOU HAVE REACHED AN AGREEMENT and A PROPOSED PARENTING PLAN SERVED**

Fill out:

- *ExParte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children (Relocation) (FL Relocate 706)
- *Ex Parte Order on Motion for Final Order Changing Parenting Plan – Moving with Children (Relocation)
- *Final Parenting Plan (FL All Family 140)

IN THE ALTERNATIVE, IF AN OBJECTION IS FILED and YOU HAVE FILED A RESPONSE TO OBJECTION:

To request a **Temporary Order** allowing you to move with the children before the case can be finalized by the Court,

Fill out:

- *Motion for Temporary Order Allowing Move with Children (FL Relocate 726)
- *Note for Motion (Local form in packet and available at the Clerk's Office)
- *Proof of Mailing or Hand Delivery (FL All Family 112)

Complete these three forms, make 2 copies. File the original and get your copies conformed at the Clerk's Office. This hearing must be set before the Judge assigned to your case. The Clerk's Office may help you in obtaining a hearing date, however the clerk cannot file your **Note for Motion** and put your case on the court's calendar unless you provide the completed proposed orders that have been reviewed by a Court Facilitator, Navigator, Limited License Legal Technician or private attorney, pursuant to local court rule. Depending upon your circumstances, those orders may include:

- *Temporary Order about Moving with Children (Relocation) (FL Relocate 728) and
- *Temporary Parenting Plan (FL All Family 140)
- *Final Order and Findings on Objection about Moving with Children and Petition about changing a Parenting (FL Relocate 735)
(NOTE: This Final Order will be used here only when there is an agreement between the parties or the Judge makes a final decision.)

The Court Facilitator can help you in filing this motion. You may call (509) 667-6380 or (509) 667-6236 to make an appointment with the Family Law Court Facilitator.

TRIAL SETTING: If you do not reach an agreement, and no final decision has been made by the judge, fill out and file a **Note for Trial Setting** (a Local Court Form contained in the packet and available at the Clerk's Office). On Page 1 you must write in the date the other party filed their Objection form. On page 2 write in a Friday date at line 1. "Nature of Case" is Relocation of Children and 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. **NOTE: Prior to noting your matter for trial setting you must first have your proposed final orders reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited License Legal Technician or private attorney.**

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 person who mails the **Note for Trial Setting** must sign a **Proof of Mailing or Hand Delivery (FL All Family 112)** declaring under penalty of perjury that they provided a copy of the **Note for Trial Setting** either by mail or hand delivery 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 trial setting letter may also request you bring additional information to your trial date.

7. FINAL ORDERS:

Fill out:

- *Final Order and Findings on Objection about Moving with Children and Petition about changing a Parenting Plan (Relocation) (FL Relocate 735)
- *Final Parenting Plan (FL All Family 140)

The Court Facilitator can help you with the final forms and with the process if you do not understand.

8. 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 can review trial process but cannot help 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 – 5 RELOCATION (NOTICE)

STEP 1 – Required Notice

Confidential Information Form
Notice of Intent to Move with Children
Proposed Parenting Plan
Proof of Personal Service or in the alternative Proof of Mailing (Certified Mail–Return Receipt)

STEP 2 – Relocation is agreed upon between the parties

Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children (Relocation)
Ex Parte Order on Motion for Final Order Changing Parenting Plan – Moving with Children (Relocation)
Final Parenting Plan

OR

STEP 2 – Motion for Temporary Orders

Motion for Temporary Order Allowing Move with Children (Relocation)
Note for Motion
Proof of Mailing or Hand Delivery (for documents after Summons and Petition)

STEP 3 – Proposed Orders

Temporary Order about Moving with Children (Relocation)
Final Order and Findings on Objection about Moving with Children and Petition about Changing a Parenting Plan Order (Relocation)
Final Parenting Plan

STEP 4 – Trial Setting

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

STEP 5 – Final Orders

Final Order and Findings on Objection about Moving with Children and Petition about Changing a Parenting Plan (Relocation)
Final Parenting Plan