

OUTLINE
CHELAN COUNTY

PETITION FOR PARENTING PLAN AND CHILD SUPPORT

**YOU MUST HAVE A CERTIFIED COPY OF THE CHILD'S BIRTH CERTIFICATE OR
AFFIDAVIT OF PATERNITY**

The Uniform Parentage Act of 2002 requires that copy of the Acknowledgment of Paternity (more commonly referred to as a Paternity Affidavit) or a certified copy of the child's birth certificate showing the names of both parents be filed with the Petition to Establish a Parenting Plan or Child Support Order or with the Response thereto. RCW 26.26.375 The Department of Health, Center for Health Statistics can provide a certified copy of the birth certificate. The local office of Department of Health is Chelan Douglas Health District at 200 Valley Mall Parkway, East Wenatchee. You may reach them by telephone at 886-6400.

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.

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 \$30.00. The Court Facilitator will review your papers, answer questions, help you complete the process and set a hearing date.

1. **FORMS:** Obtain the forms listed in this outline. The Chelan County Superior Court Clerk sells ***Petition for Parenting Plan and Child Support*** 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 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 papers you have prepared yourself, answer questions, and 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 may assist you and may also help the other party. There is a \$30 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:
 - Case Information Cover Sheet
 - Confidential Information Form (FL All Family 001);
 - Declaration about Public Assistance (FL All Family 132)
 - Summons: Notice about Petition for Parenting Plan

- and/or Child Support (FL Parentage 330)
- Petition for a Parenting Plan
- and/or Child Support (FL Parentage 331)
- Sealed Birth Certificate or Paternity Document (Cover Sheet) (FL Parentage 329)
- Proposed Parenting Plan (FL All Family 140)
- AND
- Proposed Child Support Worksheets (WSCSS – Worksheets)
- Proposed Child Support Order (FL All Family 130)
- Financial Declaration (FL All Family 131)
- Automatic Temporary Order for Parties With Children (Local Form)

Make two copies of these forms after you have filled them out. You do not need to copy or serve the **Confidential Information Form**. One set of copies is to be served on the other parent and the other set is for you to keep for your records.

4. **FILE YOUR PAPERS:** File your papers with the Chelan County Superior Court Clerk. The filing fee is \$310 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".

The **Automatic Temporary Order for Parties With Children** will be sent to Judge's chambers for signature. This automatic order restrains both parties from changing the residence of the children until further court order unless agreed upon in writing by both parents, restrains both parties from making negative remarks about the other parent in the presence of the children and orders both parents to take a mandatory parenting class. It does not restrain visitation by the non-residential parent provided the visitation is by verbal agreement.

ARE TEMPORARY ORDERS NEEDED?

TEMPORARY COURT ORDERS OR IMMEDIATE TEMPORARY RESTRAINING ORDER PACKETS ARE AVAILABLE AT THE CHELAN COUNTY CLERK'S OFFICE. The fee is \$10.00.

GET THE "**PARENTAGE TEMPORARY COURT ORDERS OUTLINE**" IF YOU NEED TEMPORARY COURT ORDERS SUCH AS A TEMPORARY PARENTING PLAN, TEMPORARY RESTRAINING ORDER OR TEMPORARY CHILD SUPPORT pending final orders. This outline is available without fee at the Chelan County Clerk's Office. The Family Law Court Facilitator can help you with this process by reviewing your papers, answering your questions, helping you with procedures and setting a hearing date. You may make an appointment by calling (509) 667-6380 or (509) 667-6236. There is a fee of \$30.00 for a 45-60 minute appointment with the facilitator.

5. **SERVICE:** You must arrange for service of the copies of these papers on the other party. You must have someone who is 18 years or older and who is not a party to your case serve the other party by personally handing the other party copies of the papers. The local law enforcement agency or a private process server will serve your papers for a fee. **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 other party was properly served. File the **Proof of Personal Service** at the Clerk's Office. The other party has 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 for Parenting Plan and/or Child Support (FL Parentage 332)**.

6. **FINAL PAPERS:** If the other parent did not respond, or if you and the other parent have reached an agreement, call and schedule an appointment with the Family Law Court Facilitator to review your final documents and set your final hearing. Fill out and bring 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 the other parent was served. If you and the other parent agree on the final papers, 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.

- **Motion for Default (FL All Family 161) (unless a Response was filed)**
- **Order of Default (FL All Family 162) (unless a Response was filed)**
- **Final Order and Findings for a Parenting Plan**
- **and/or Child Support (FL Parentage 333)**
- **Final Parenting Plan (FL All Family 140)**
- **AND**
- **Final Child Support Worksheets (WSCSS-Worksheets)**
- **Final Child Support Order (FL All Family 130)**
- **JIS Search Form (Local Form contained in the packet or available at the Clerk's office)**
- **COPES Certificate (Parenting Class)**

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.

7. **PARENTING CLASS:**

Local Court Rules require that both parties must take an approved Parenting Class. "Supporting Children through Divorce: Helping Children Adjust" is offered in Chelan County. Sign up for this class by calling (509) 667-6380. The fee is \$40.00 for a 4 hour class. You may pick up a brochure and registration form describing the class and providing information. Sign-up at the Chelan County Clerk's Office. You must file proof that you have attended the parenting class.

8. **Trial Setting:** If you and the other parent are unable to agree on final orders and the other parent has filed a Response to Petition for Parenting Plan and/or Child Support, you can set your case for trial setting. Pursuant to Local Court Rule 94.04, prior to noting your matter for trial setting you must first complete your proposed final orders and have them pre-approved by the Court Facilitator, Navigator, Limited Licensed Legal Technician or private Attorney.

- **Final Order and Findings for a Parenting Plan**
- **and/or Child Support (FL Parentage 333);**
- **Final Parenting Plan (FL All Family 140)**
- **AND**
- **Final Child Support Worksheets (WSCSS-Worksheets)**
- **Final Child Support Order (FL All Family 130)**
- **JIS Search Form (Local Form contained in the packet or available at the Clerk's office)**
- **COPES Certificate (Parenting Class)**

Fill out and file a **Note for Trial Setting** (a Local Form contained in the packet or available from the Clerk's Office). On Page 1 you must write in the date the other party filed his/her Response form. On page 2 write in a Friday date at line 1. "Nature of Case" is Establish Parenting Plan and/or Child Support. 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, 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 setting 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 Licensed 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.

- 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 can review trial process but 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 A PARENTING PLAN AND/OR CHILD SUPPORT

STEP 1 – Starting the case

Case Information Cover Sheet
Confidential Information Form
Summons
Petition for Parenting Plan/Child Support
Declaration about Public Assistance
Birth Certificate or Paternity Affidavit Cover Sheet
Proposed Parenting Plan
Information for Parenting Plan
Proposed Child Support Worksheets
Proposed Order of Child Support
Financial Declaration
Sealed Financial Source Document Cover Sheet
Automatic Temporary Order for Parties with Minor Children
COPES Registration Brochure (Parenting Class)

STEP 2 – Serving the papers

Service Accepted
Agreement to Join Petition (Joinder)
Response to Petition for Parenting Plan/Support
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

Final Order and Findings for a Parenting Plan and/or Child Support
Final Parenting Plan
Final Child Support Order
Final Child Support Worksheets
JIS Search Form
COPES Certificate of Attendance (Parenting Class)