

MODIFICATION OF PARENTING PLAN RESIDENTIAL SCHEDULE or CUSTODY ORDER

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.

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 ***Modification of Parenting Plan/Residential Schedule/Custody Order*** 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 and contains the forms needed to complete the modification 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 and 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 papers for 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
 - *Petition to Change a Parenting Plan, Residential Schedule or Custody Order (FL Modify 601);
 - *Summon: Notice about Petition to Change a Parenting Plan, Residential Schedule or Custody Order (FL Modify 600)
 - *Confidential Information (FL All Family 001);
 - *Proposed Parenting Plan (FL All Family 140)
OR Proposed Residential Schedule (FL Parentage 303) (You do not need both)
 - *Information for Parenting Plan (No Mandatory Form No #)
 - *Declaration about Public Assistance (FL All Family 132)

***Financial Declaration (FL All Family 131)**

***Sealed Financial Source Document (Cover Sheet) (FL All Family 011) (If Needed)**

IF YOU ARE ALSO ASKING FOR MODIFICATION OF THE CHILD SUPPORT ORDER

Fill out:

***Child Support Worksheets (WSCSS-Worksheets)**

***Child Support Order (FL All Family 130)**

The Family Law Court Facilitator can help you calculate child support or you can prepare a Child Support Worksheet using the Automated Child Support Calculator at:

www.dshs.wa.gov/dcs.

Make two copies of the all of the papers **except** the **Confidential Information Form**. One set of copies is to be served on the other party 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 \$56.00 if you are modifying a Chelan County Order and \$260.00 if the order to be modified is from another county. You may pay by cash, check, money order, cashier's check, Mastercard, 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 other party 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 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 because that 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 a Petition to Change a Parenting Plan, Residential Schedule or Custody Order (FL Modify 602)**.
6. **ADEQUATE CAUSE HEARING:** The current parenting plan/residential schedule or custody order cannot be modified unless the Judge determines that since the current plan was ordered, a substantial change has occurred in the circumstances of the child or the nonmoving party and the modification is in the best interest of the child and is necessary to serve the best interests of the child.

Fill out:

***Motion for Adequate Cause Decision (to change a parenting/custody Order)
(FL Modify 603)**

***Declaration (FL All Family 135)**

***Order on Adequate Cause (to Change a Parenting/Custody Order) (FL Modify 604)**

***Note for Motion Calendar (Local Form contained in the packet or available at the Clerk's Office)**

***Proof of Mailing or Hand Delivery (FL All Family 112)**

Complete the first four forms, make 2 copies and file your motion and declaration at the Clerk's Office. The date of the adequate cause hearing will be set at the time your proposed Order on Adequate Cause is reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited Licensed Legal Technician or private attorney pursuant to Local Court Rule 94.04. Your proposed Order on Adequate Cause will be held by the Clerk's office and will be provided to the Judge for signing at the hearing. The Family Law Court

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

A copy of the Motion for Adequate Cause Decision, Declaration, Order on Adequate Cause, and Note for Motion Calendar must be sent to the other party. The person who mails the papers must sign the **Proof of Mailing or Hand Delivery (FL All Family 112)** declaring under penalty of perjury that they sent the copies by mail or by hand delivery to the other party.

7. **DEFAULT:** If the other party does not file a **Response** to your Petition within the allowed time, and has not made an appearance in your case (come to a hearing), you may file a Motion for Default.

Fill out:

- ***Motion for Default (FL All Family 161),**
- ***Order of Default (FL All Family 162)**
- ***Note for Motion Calendar (Local Form contained in the packet or available at the Clerk's Office)**
- ***Proof of Mailing or Hand Delivery (FL All Family 112)**

Fill out the first three forms and file your motion at the Clerk's office. Pursuant to 94.04, prior to the setting of any hearing, your proposed orders must be reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited Licensed Legal Technician or private attorney. These motions are heard on Fridays at 9:30 am. The Family Law Court Facilitator can help you file this motion. You may call (509) 667-6380 or (509) 667-6236 to make an appointment with the Family Law Court Facilitator.

8. **FINAL PAPERS:** If the other party did not respond, or if you and the other party have reached an agreement, call and schedule an appointment with the Family Law Court Facilitator to review and pre-approve your final papers and set your final hearing. Fill out and bring all the papers 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 party was served. If you 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 previously filed.**
- ***Order of Default and (FL All Family 162) unless previously filed.**
- ***Order re Adequate Cause to Change a Parenting/Custody Order (FL Modify 604) unless previously filed.**
- * **Parenting Plan (FL All Family 140)**
OR * Residential Schedule (FL Parentage 303) You do not need both
- ***Final Order and Findings on Petition to Change a Parenting Plan, Residential Schedule or Custody Order (FL Modify 610)**
- ***Residential Time Summary Report (FL Divorce 243); and**
- ***JIS search form (contained in the packet or available at the Clerk's Office)**

IF YOU ARE ALSO ASKING FOR MODIFICATION OF THE CHILD SUPPORT ORDER:

- ***Child Support Worksheets (WSCSS-Worksheets)**
- ***Child Support Order (FL All Family 130)**

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9. TRIAL SETTING: If you do not reach an agreement and the other party has filed a **Response to Petition to Change Parenting Plan** you may note your matter 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 reviewed and pre-approved by the Family Law Court Facilitator, Navigator, Limited License Legal Technician or private attorney.

- ***Final Order and Findings on Petition to Change a Parenting Plan, Residential Schedule or Custody Order (FL Modify 610)**
- * **Parenting Plan (FL All Family 140)**
OR * **Residential Schedule (FL Parentage 303)** **You do not need both**
- ***Child Support Worksheets (WSCSS-Worksheets)**
- ***Child Support Order (FL All Family 130)** and
- ***JIS search form (contained in the packet or available at the Clerk's Office)**

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Note for Trial Setting (a Local Court Form available from the Clerk's Office). On page 1 write in the date the other party filed his/her Response form. On page 2 you must write in a Friday date at line 1. 'Nature of Case' is Change Parenting Plan/Residential Schedule or Custody Order 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 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 a 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.

10. 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 MODIFICATION OF PARENTING PLAN, RESIDENTIAL SCHEDULE OR CUSTODY ORDER

STEP 1 – Starting the case

Case Information Cover Sheet
Confidential Information Form
Summons: Notice about Changing a Parenting Plan, Residential Schedule or Custody Order
Petition to Change a Parenting Plan, Residential Schedule or Custody Order
Declaration about Public Assistance
Proposed Parenting Plan or Residential Schedule
Information for Parenting Plan
Proposed Child Support Worksheets
Proposed Child Support Order
Financial Declaration
Sealed Financial Source Documents Cover Sheet

STEP 2 – Adequate Cause

Motion for Adequate Cause Decision (to change a parenting/custody order)
Declaration Form
Proposed Order on Adequate Cause to Change a Parenting/Custody Order
Note for Motion

STEP 3 – Serving the papers

Service Accepted
Agreement to Join Petition (Joinder)
Response to Petition to Change a Parenting Plan, Residential Schedule or Custody Order
Proof of Personal Service

STEP 4 – If a Response is NOT filed

Motion for Default
Order on Motion for Default
Note for Motion
Proof of Mailing or Hand Delivery

OR – If a Response IS filed

Note for Trial Setting
Proof of Mailing or Hand Delivery

STEP 5 – Finalizing the Modification

Final Order and Findings on Petition to Change a Parenting Plan, Residential Schedule or Custody Decree
Final Parenting Plan
Final Child Support Order
Final Child Support Worksheets
JIS Background Search Form
Note for Motion
Proof of Mailing or Hand Delivery