



Northwest Justice Project

Responding to a Petition for Establishment of Parentage

**Instructions and Forms
July 2011**

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, July 2011.

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Section 1: Introduction and Important Information

This packet will help you fill out and file the forms and papers that you need to respond to a Petition for Establishment of Parentage on form number WPF PS 01.0100. (To find out the form number, look at the first page of the Petition in the bottom left-hand corner.)¹ If the Petition for Establishment of Parentage you received has a different form number, do not use this packet. See “*What if I Have Questions That Are not Answered by this Packet,*” below.

◆ **Note on reading this packet:** You will see footnotes in this packet. Footnotes will tell you the law or court case that supports the statement that comes before the footnote, or will give you special tips, links to relevant websites, or other additional information. Use the legal references in the footnotes to look up the law at your local law library, or to tell the court when you are trying to make a legal argument. CR is the Civil Rules of Washington. GR stands for General Rules. RCW stands for Revised Code of Washington, which is the law of Washington State. Court cases have names, such as *In re Custody of Child*. The references to the law are up to date as of the date this packet is published. The law sometimes changes before the packet can be updated.

This packet does not cover other types of claims for child custody/visitation that a person who’s not a biological or adoptive parent might make, such as a petition for recognition as a “de facto” parent².

Before you use this packet:

- 1) **Talk with an attorney.** The law about parentage has changed in Washington effective July 22, 2011. Figuring out what your legal rights are in the parentage case is hard. Even if you cannot afford to pay an attorney to represent you, you should try to meet with an attorney once for advice. There are many important legal rights that can be affected in a parentage case. See “What if I Have Questions That Are not Answered by This Packet” below, for free and reduced-cost resources if you are low income. For general information, visit our web site (www.washingtonlawhelp.org) and read our publication called [*Parentage and Parenting Plans for Unmarried Parents in Washington*](#). Even if you cannot afford to pay an attorney to handle your

¹ There are different Petitions for Establishment of Parentage used in WA. You should have been served with form WPF PS 01.0100 ONLY IF:

- ✓ There is no Paternity Affidavit which establishes parentage of your child; OR
- ✓ Your child has a Washington State Paternity Affidavit that was signed before July 1, 1997; AND
- ✓ There is no court order in any state that establishes parentage of your child.

² See *In re Parentage of L.B.* 155 Wn. 2d 679, 122 P.3d 161 (2005), cert denied, 547 U.S. 1143 (2006), *In re Parentage of J.A.B.*, 146 Wash.App. 417, 191 P.3d 71 (2008). and *In re Parentage of M.F.* 141 Wn. App. 558 (2007).

case for you, an attorney may advise you about important legal rights that may be affected by your case. See also “What if I Have Questions that Are not Answered in this Packet?” below.

- 2) **Find out if your county has local Do-it-Yourself Parentage Resources.** Some counties have their own do-it-yourself packets on responding to a parentage action, which are available from your local Courthouse Facilitator or court clerk. It may be easier for you to attend a class or use a local publication because they will include the rules and forms for your county.

A. Respond on time!

When you are served with legal papers, you must take steps right away to figure out how to respond. In many cases, if you do not respond on time, the other party will automatically win what they’re requesting. **If the other party has served you with a motion in addition to the petition, you may have a very short time to respond to the motion (a few days, or in an emergency, even less).** It may take time to locate legal resources and to read through this packet. Begin as soon as you receive the papers. If you cannot respond in time, you must file a *Notice of Appearance* and try to get a *continuance of any upcoming hearings* (explained below).

B. What if I do not think Washington has jurisdiction over me?

If you have not lived in Washington, Washington may lack personal jurisdiction over you. If Washington does not have jurisdiction over you, the Washington court may not be able to order certain things, such as determining that you are the child’s parent, or ordering you to pay child support. **If you think that Washington lacks jurisdiction over you, you must challenge Washington’s jurisdiction before you file anything with the court.** For help deciding whether Washington has jurisdiction over you, talk with an attorney. Our publication [*Parentage and Parenting Plans for Unmarried Parents in Washington*](#) and the section of this packet “Dealing with Deadlines and a Few Legal Issues to Consider” have general information.

C. What If I do not think Washington has jurisdiction over my children?

If another state or tribal court has already entered a custody order about your children, or your children have not lived in Washington for very long before the other party filed the parentage case, Washington may lack jurisdiction over your children. If Washington does not have jurisdiction, then the court here should not decide custody. However, you usually need to raise this issue yourself. For more information about the UCCJEA, talk with an attorney. Our publication [*Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether a Washington Court has Jurisdiction*](#) has basic information.

D. What if I agree with the Petition for Establishment of Parentage?

If you agree that you are the child’s parent, but you do not agree with everything the other party asked for in the legal papers you received, then follow the instructions in this packet for filing a

Response. If you agree with EVERYTHING the other party is asking for, you, see the section of this packet “What if I Agree with Everything in the Petition?” below.

E. What if I have questions that this packet does not answer?

You should talk to an attorney familiar with family law before you file anything with the court. Many counties have family law facilitators who can help you fill out forms, or have free legal clinics where you may get specific legal advice about your case. If you are low-income and live outside in King County, call CLEAR at 1-888-201-1014. If you live in King County, call the King County Bar Association’s Neighborhood Legal Clinics at (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday, to schedule a free half-hour of legal advice (ask for a family law clinic). Or go to the website (www.washingtonlawhelp.org) to read our legal information publications about your particular family law case and information about legal aid programs in your area.

You should talk with an attorney familiar with family law before you file anything with the court. Many counties have family law facilitators who can help you fill out forms, or have free legal clinics where you may get specific legal advice about your case. If you are low-income and live outside King County, call CLEAR at 1-888-201-1014. If you live in King County, call the King County Bar Association’s Neighborhood Legal Clinics at (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday, to schedule a free half-hour of legal advice (ask for a family law clinic). Or go to the website (www.washingtonlawhelp.org) to read our legal information publications about your particular family law case and information about legal aid programs in your area.

F. What if I am in the military or am the dependent of a military service member?

If you are on active duty in the military or are the dependent of certain active duty service members, you may have special legal protections. Before you file any papers with the court and well before your deadline for filing, get legal advice about your rights. Talk with your JAG office or an attorney who knows about the federal and state Service Members Civil Relief Acts. For general information, see the section on military service members and their dependents later in this packet.

Section 2: Words You May Need To Know

This list of words is in our parentage, dissolution, and parenting plan modification self-help materials. You may not need every definition in this section.

Adequate Cause Hearing: (sometimes called a threshold hearing) a hearing required before trial in some kinds of cases, such as parenting plan modifications. The purpose of the hearing is to decide whether or not the requesting party has presented enough basis to allow the case to go to trial.

Acknowledgment of Paternity: See Paternity Affidavit.

Alleged father - The man (or men) who might be the father of a child, but whose paternity has not been legally established. See [RCW 26.26.011\(3\)](#).

Appearance: Informing the court and the parties of your whereabouts and your desire to participate in your case, either in person at a Court hearing, or in writing, usually by filing and serving a Notice of Appearance. Certain informal actions, such as negotiating, telephoning about the case, or writing a letter, that show a knowledge of the claims in the case and an intent to defend, might also be considered an appearance.

Assisted Reproduction: means a pregnancy that was not conceived through sexual intercourse. Examples include egg or embryo donation, in vitro fertilization, and sperm injection.

Attachment: a document stapled to a court form and referred to in the form. Attachments should follow any format rules for court forms. (Basic information about the format rules is in the General Instructions section of this packet.)

Bailiff: A member of the judge's staff who's in charge of courtroom procedure and security. The bailiff may sometimes be the same person as the clerk.

Calendar: The court's schedule of cases to be heard. Also called a Docket.

Caption: The heading of each legal document, containing the name of the court, the names of the parties, the case number, the name of the document itself, and, sometimes, the type of case.

Case Schedule: A printed schedule issued by the court in some counties, showing major dates and deadlines in your case.

Certified Copy: A copy of a document from the court file made by the court clerk that has an official stamp on it stating It is a true copy. Usually, you pay for a certified copy.

Clerk of the Court: An officer of the court who handles clerical matters like keeping records, entering judgments and providing certified copies. Each courthouse has a Superior Court Clerk's Office. Someone from the clerk's office staff is also usually in the courtroom during hearings.

Commissioner/Court Commissioner: This person is similar to a judge, but only makes decisions relating to a specific subject matter. Many counties have family law commissioners who decide only family law cases³.

Confirm a Hearing or Trial: Notifying the court that you still plan to have the hearing or trial scheduled in your case. The way to confirm your hearing or trial differs from county to county, and is not required in all counties. Often a phone call to the court a few days before the hearing or trial is required. Local rules explain each county's requirements. If notice is required and not given, the hearing or trial may be cancelled.

Conformed Copy: A copy of any court document that has been filed with the clerk. It must be stamped with the date filed. If the document is an order, it must also have the name of the judge who signed it written or stamped on it.

Contested Case: A case in which opposing parties participate and disagree about the outcome of the case.

Continuance: Delaying your court hearing to a later date. In some counties, the judge must approve any request for a continuance.

Custodian (also Custodial Parent): The person the children live with most of the time.

Custody Decree: a court order, other than a parenting plan or residential schedule, that decides custody of a child. Since the law changed in 1987, most court orders in Washington dissolution and parentage cases are called "residential schedules" or "parenting plans," not custody decrees. (The final order in a nonparental custody case is still called a decree.) Orders from other states may still be called custody decrees, and in some circumstances, a Washington court has the right to modify another state's custody decree.⁴

DCS: Division of Child Support: The state office (part of DSHS) that establishes, enforces and sometimes modifies child support obligations in many cases. DCS used to be called CSD, OSE and SED.

Declaration: A written statement made to the court under oath.

Decree: One type of final court order.

Default: The failure to respond to court papers within the legal deadline.

Default Order: An order that can be requested if

- the respondent (or in modification cases, the nonmoving/nonrequesting party) fails to file a Response before the deadline, or,
- if s/he has appeared in the case, if s/he fails to file a Response after being served with a Motion for Default.

³ Many decisions in family law cases are made by court commissioners instead of judges. However, to make this packet simpler, in most places we just use "judge."

⁴ Our publication, [Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether or Not a Washington Court Has Jurisdiction](#) gives general information about when Washington has the right to consider modifying another state's custody decree and when it does not.

Dispute Resolution: the part of the parenting plan that states how the parties will try to resolve disagreements about the parenting plan (examples: mediation, counseling, court action). A Residential Schedule form usually has no dispute resolution provision.

Dissolution: The legal word in the state of Washington for divorce.

Docket: the court's schedule of cases to be heard on a particular day.

Domestic Partner: When a court form refers to "domestic partner," it usually means a domestic partnership registered with the Secretary of State under [RCW Ch. 26.60](#).

Ex Parte: Going before the court without notifying the other party. Sometimes also refers to the courtroom where you see a judge without notifying the other party.

Ex Parte Restraining Order: An order signed by the judge if emergency circumstances require protection before a temporary hearing can be held.

Exhibit: Documents, records, and photographs introduced into evidence at trial or hearing. Attachments to legal forms might also be called exhibits. If so, they should follow the format rules for court forms. (Basic information about the format rules is in the General Instructions section of this packet.)

Filing: Giving court papers to the Court Clerk to place in the case file.

Guardian ad Litem (GAL): a person the court appoints in some cases to investigate the issues and make recommendations to the court about the children's best interests. If a GAL is appointed, you must serve him/her with any papers filed. The GAL may be considered a party, and his/her signature may be required on court orders.

Hearing: Going before a judge to request a court order or to defend against another party's request. Hearings usually take place before the trial date and concern specific issues (example: temporary relief). Hearings on important issues (example: motions to dismiss) may end the case. In many counties, the court does not allow live witness testimony at hearings. Instead, the parties must file and serve materials in advance in writing. In some counties, the outcome of certain types of modification cases may be decided by hearing rather than by full trial.

Judgment: One type of final court order.

Jurisdiction: The court's authority to make decisions regarding certain people and issues. If a court does not have jurisdiction, it has no authority to make orders over the person or subject affected.

LEIS: abbreviation for Law Enforcement Information Sheet.

Maintenance: (used to be called "alimony"): The amount one spouse is ordered to pay for the support of the other spouse while the case is pending and/or after it is over. [RCW 26.09.090](#) lists some factors to use when deciding if maintenance is to be ordered and, if so, in what amount and for how long. [RCW 26.09.060](#) authorizes the court to order temporary maintenance, where appropriate.

Mediation: A meeting between the parties to a court case and a neutral third party (examples: a mental health professional, judge, retired judge, or attorney not otherwise involved in the case),

during which the parties try to mediate, or reach an agreement, about all of the legal issues in their case.

Modification/adjustment case: a court case for a major or minor modification or an adjustment of a parenting plan/residential schedule/custody decree. Modification/adjustment cases are also sometimes filed to change child support.

Motion: A formal request to the court for an order, usually about a specific issue.

Motion Docket: The court's schedule of motions to be heard.

Moving Party:

- in modification/adjustment cases, the moving party is the person who files the petition for modification/adjustment.
- in motions, the moving party is the person who filed the motion.

The moving party can be either a Petitioner or the Respondent in the original case. *Note*: Some court forms have been changed to say "requesting party" rather than "moving party."

Noncustodial parent: The parent the child does not live with most of the time.

Nonmoving party:

- in modification/adjustment cases, the nonmoving party is the party who **didn't** file the petition for modification/adjustment.
- in motions, the nonmoving party is the person who **didn't** file the motion.

The nonmoving party can be either a Petitioner or the Respondent in the original case.

Depending on the case, there could be one or more nonmoving parties, such as your spouse, the other parent, the State of Washington, a Guardian ad Litem, or someone with custody of a child in the case. *Note*: Some court forms use "nonrequesting party" rather than "nonmoving party."

Nonrequesting party:

- in modification/adjustment cases, the nonrequesting party is the party who **didn't** file the petition for modification/adjustment.
- in motions, the nonrequesting party is the person who **didn't** file the motion.

The nonrequesting party can be either a Petitioner or the Respondent in the original case.

Depending on the case, there could be one or more nonrequesting parties, such as your spouse, the other parent, the State of Washington, a Guardian ad Litem, or someone with custody of a child in the case.

Note/Notice of Hearing/Note for Motion Docket: A form which lets the clerk know to schedule a hearing and tells the other parties the subject of the hearing and when and where the hearing will take place.

Notice of Appearance: A paper filed with the court and served on the other parties showing that a party wants to participate in the case and where to send papers filed about the case in the future.

Order: A court document signed by a judge that requires someone to do (or not do) something. Examples: restraining orders, orders re adequate cause, Residential Schedules or decrees. The judge must have signed them for them to take effect. If you disobey an order of the court, you may be held in contempt of court. Note: An order is not in effect until a judge has signed it. Check if an order you are served with is only a proposed order or if the judge has actually signed it. (See “proposed order” definition.)

Order to Show Cause: A court order scheduling a hearing and requiring a person to come to court at the time and place set for the hearing.

Other party: Every party to the case, other than yourself. In court forms, the “other party” can also mean one particular party. Example: when the Motion for Default says “other party,” it means the party you believe is in default.

Parent the child lives with most of the time: Many people would say this means the parent who has “custody.” However, the law does not usually use the words “custody” and “visitation” between parents anymore. The “parent the child lives with most of the time” is usually the one the parenting plan/residential schedule in paragraph 3.1 or 3.2 says the child “resides” with.

Parent the child does not live with most of the time: Many people would say this is the parent who has “visitation.” However, the law does not usually use the words “custody” and “visitation” between parents anymore. The parent the child does not live with most of the time is usually the parent whose residential time is shown in paragraphs 3.1 or 3.2 of the parenting plan/residential schedule after the words “except for the following days and times when the child(ren) will reside with or be with the other parent:”

Parentage: Is the legal name for the legal relationship between an unmarried parent and their child. Also the name of the type of court case.

Parentage Case: A court case to determine parentage (paternity) of a child of unmarried parents, or a court case to establish a parenting plan/residential schedule for a child whose paternity was established by paternity affidavit, or a modification of a parenting plan/residential schedule order in one of these types of cases.

Parenting Plan: A proposal or, if signed by a judge, a court order which states when the child will be with each party, who will make major decisions about the child, and how future disputes about the child will be resolved. In parentage cases, the parties may ask the court for either a parenting plan or a residential schedule. (The residential schedule form has no dispute resolution or decision-making parts. A parenting plan form does.)

Party: A Petitioner or Respondent. GALs and the State of Washington may also be parties.

Paternity Affidavit: A special form, known after July 22, 2011 as a Paternity Acknowledgment, typically used by unmarried parents to state who the father of the child is. In Washington, these forms are often offered to the mother in the hospital right after a child’s birth. The form must be signed by the mother and the father (and presumed father) of a child and filed with the Washington State Department of Health. If the form is filed after July 1, 1997, and is not rescinded, it is a final legal determination of parentage. If the form was filed before July 1, 1997, there is a legal presumption that the father named on the form is the child’s father, but the form is not a final legal determination of parentage.

Petition: The document that starts a case and asks the court for a decree, judgment, or final order. (Parentage cases filed by the State of Washington are often filed as “the State of Washington on behalf of” the child.)

Petitioner: The person who first files a legal case. The petitioner in the caption of a form does not change, even when motions are filed later by the other party.

Presumed parent. A person who is recognized under law as the parent of a child until the parent-child relationship is established (or disestablished) by court order or paternity affidavit or acknowledgment. Under the UPA, generally, you can become the presumed father parent of a child in one of these ways: (1) you are married to or in a domestic partnership with the child’s other parent before, at the time of, or 300 days before a child’s birth; (2) you signed a paternity affidavit before July 1, 1997; (3) for the first two years of the child’s life, you lived in the same home as the child and openly held the child out as yours.

Pro Se: Acting without an attorney; representing yourself in court.

Process: Written notice to appear in court.

Proposed Order: A document one party will be asking the judge to sign. It will not yet have the judge’s signature on it. Many counties require the parties to file and serve proposed orders with motions or responses to motions, to show how that party wants the court to decide the motion. Even where proposed orders are not required, we recommend that you prepare and serve them and deliver copies to the court. A proposed order becomes an order if the judge signs it.

Requesting Party:

- in modification/adjustment cases, the requesting party is the person who files the petition for modification/adjustment.
- in motions, the requesting party is the person who filed the motion.

The requesting party can be either a Petitioner or the Respondent in the original case.

Residential Schedule: A proposal or, if signed by a judge, a court order which states when the child will be with each party.

- In dissolution cases, the Residential Schedule is one part of the Parenting Plan.
- In parentage cases, the parties may have a Residential Schedule without the decision-making or dispute resolution parts of a Parenting Plan, or the parties may have a full Parenting Plan.

Respondent: The person against whom a legal case was originally filed.

Response: A formal written answer to a Petition filed with the court. The term can also be used to describe the papers a person files in response to a motion, so it can be confusing. Here, “Response” with a capital “R” refers to the Response form. We’ll say “response” with a small “r” for all types of responses, including for example, responses to motions as well as to petitions.

Restraining Order: A court order to prevent a party from doing some act that may harm the other party or child.

Ruling: A decision by the court.

Service: Giving court papers to the other party. The law defines ways of service that are legally acceptable. When a petitioner starts a case, such as dissolution or parentage case, or files a petition to modify a parenting plan/residential schedule, s/he must arrange for the Summons and Petition and other papers that begin the case to be properly hand-delivered or, in some cases, and with advance court permission, sent by certified mail or published in a newspaper. After the initial Summons and Petition have been served, many later papers can be served by first class mail, with legally sufficient advance notice.

Settlement Conference: A formal meeting between the parties to a court case and a neutral third party (such as a judge, retired judge, or attorney not otherwise involved in the case), during which the parties try to settle, or reach an agreement, about all of the legal issues in their case. Some counties require parties to family law cases to have a settlement conference before going to trial. Some counties have programs to provide family law settlement conferences available free of charge.

Summons: A written notice that a case has been started.

Temporary Order: An order entered after a case is filed and before it is finished, which is only in effect while the case is going on. Some temporary orders may end at a fixed time, even before the case ends.

Time to Respond (or deadline to respond): The length of time a party has to respond to something filed by another party. The length of time to file a Response to a Summons is 20 to 90 days after service, depending upon the type and location of service. The length of time to respond to motions is usually much shorter.

Transfer Payment: the amount of money one parent is ordered to pay as that parent's share of basic child support.

Trial: The proceeding at which the judge listens to live testimony from parties and witnesses, considers evidence properly introduced, hears argument, and decides the outcome of the case.

Venue: The county where the case should be filed. Proper venue depends upon the type of case.

Waiver: Asking to be excused from something. When you file a motion for a fee waiver, you are asking the court for permission to not have to pay the fee.

Section 3: Steps to Take to Respond to a Petition for Establishment of Parentage

Following are the steps to follow to respond to a Petition for Establishment of Parentage. Many of the steps listed in the paragraphs below are explained in more detail later in this packet. Check the boxes as you go through the process.

1. Figure out How Much Time you have to Respond. Look at all of the papers that you received. The Summons should tell you how much time that you have to file your Response, but look also at the rules in the “deadlines” section below to make sure that you know your deadlines. Also, look carefully through all of the papers to find out if you were served with a motion (sometimes a Motion for Temporary Orders or Ex Parte Restraining Order/Order to Show Cause) as well as a petition. If you were, get the packet called [*Responding to Motions for Temporary or Emergency Orders in a Parentage Case*](#). You usually will have less time to respond to a motion than to a petition.

- **Petition:** My deadline to Respond to the Petition is _____.
 - **Temporary Orders/Orders to Show Cause** (If you received, or later receive, a Motion for Temporary Order or an Ex Parte Restraining Order/Order to Show Cause).
 - The Temporary Orders/Show Cause hearing date is _____.
 - The deadline to respond to a Motion for Temporary Orders or an Ex Parte Order/Order to Show Cause is _____.
 - See our packet [*Responding to Temporary or Emergency Orders for Parentage Cases and for Custody/Parenting Plan Modifications of Parentage Cases*](#).
 - **Notice re: Dependent of a Person in Military Service**

If you received this notice and are the dependent of a military service member as explained in the notice, notify petitioner and the court within 20 days after you received the notice.

 - The deadline to respond to this notice is _____.
 - **I do [] do not [] need to deliver working papers to the judge.**
 - **Write other deadlines here:** _____
-

If you cannot respond on time, file and serve a Notice of Appearance, and try to get a continuance of any upcoming hearings. If you cannot get a continuance, file and serve a Notice of Appearance and prepare for the hearings. (See the “Dealing with Deadlines” section and the instructions about the Notice of Appearance form.)

2. Read the Papers Carefully. Read the papers carefully to find out what the other party is asking for. Use a yellow highlighter pen to mark things that the other party wrote in the papers that you want to respond to. Try to take the papers to an attorney to read through them and give you advice about what to write in your response.

3. Gather Your Evidence and other Forms not in this Packet. If possible, get the evidence you will need now, so that you can use it when you are filling out your forms. Think carefully about whether there is information that will help show that what you are telling the court is correct or that what the other party is telling the court is not true. Examples include:

- Declarations of Witnesses – Declarations (sworn written statements) by you and from other people who have personal knowledge about you or the other parties or the children. See the section on Declarations below.
- Records – bills, records of past criminal convictions, medical or mental health treatment, grades and other school records, and daycare records are among the types of records to include.
- Photographs – if they help prove or disprove one of the issues in the case.
- Financial Information – if financial issues are included, get evidence of your income and assets, and perhaps evidence of the other party’s income and assets. Examples: federal income tax returns, official letters from Social Security, L&I, Employment Security or DSHS saying how much you receive in benefits, bank account statements, and business records, or 1099 forms.

4. Check for and use Special Local Forms, Procedures and Rules.

Learn about Local Requirements. Local court requirements will affect how to handle your case. Many counties have special forms, or have other local rules you must follow. Many counties require case schedules, classes, or settlement conferences. **You must learn and follow local court requirements.**

Call the court clerk’s office or family law facilitator for the court where your case is taking place to find out about these local requirements. Tell them the kind of family law case you have (examples: dissolution with or without children, nonparental custody petition, parentage case, contempt, modification of child support or parenting plan, a motion for _____). Requirements may differ, based upon the type or stage of your case.

Read your local court rules. They are available at your county’s law library and often online at http://www.courts.wa.gov/court_rules/?fa=court_rules.local&group=superior

Look at the “*Words You may Need to Know*” section of this packet if you do not know any words used here.

Find out about at least the following:

- whether the county has its own packets or forms for your type of family law case. If so, use those instead of ours. If you use our packet, get any additional local forms that you will need

- whether case schedules are used (and whether the court requires the person filing the case to serve the schedule on the other parties)
- whether parenting classes, mediation, or settlement conferences are required
- what the deadlines are for filing and serving motions and responses to motions
- whether there is a limit on the number or length of documents you file with motions or responses
- if you want or need a GAL to be appointed, whether there is any program allowing a GAL or evaluator to be appointed at no or reduced cost, and whether there are special local forms to have a GAL or evaluator appointed
- procedures for the court to check the judicial information system and databases before entering a permanent parenting plan to identify any information relevant to placing the child⁵ and
- in cases where a limiting factor such as domestic violence or child abuse is claimed, local court procedures for having both parties screened to determine whether a comprehensive assessment is appropriate to determine the effect of the limiting factor on the child and the parties⁶

If you have been served with a motion, make sure that you know any special deadlines for responding to family law motions in the county where your case is filed. (Also see the section of this packet “Deadlines and Some Legal Issues to Consider.”)

- ❑ **5. Get Any Additional Packets and Forms That You Need.** Most people will need our packet called [*Parenting Plans, Residential Schedules and Child Support for Parentage \(Paternity\) Cases and for Modifications of Parentage Cases*](#). If you have been served with a motion, get our packet called [*Responding to a Motion for Temporary or Emergency Orders in a Parentage Case*](#). You may need the packet [*Serving Papers on the State*](#). Get the packets from our website.

◆ **Note for Survivors of Domestic Violence:** If another party has a history of physically harming you or the children, or has threatened to do so, and if you have had a dating, roommate, marital, or family relationship with that party, then think about filing a petition for an Order for Protection if you need immediate protection. Orders for Protection offer strong safety restraints (and may be taken more seriously by the police than a restraining order). For more information, see our publication [*Domestic Violence: How the Legal System Can Help Protect You*](#), contact your local domestic violence program, or call the 24-hour domestic violence hotline at 1-800-562-6025.

⁵ [RCW 26.09.182](#)

⁶ [RCW 26.09.191\(4\)](#)

- ◆ If you obtain an Order for Protection during your case and want to ask that it be made permanent and/or to cover the child/ren for longer than one year, see the instructions later in this *Responding* packet for how to make this request in your Response form.
- ◆ If you do not have a protection order now, and do not need one right away, but do want to request one to take effect at the end of your case and to continue permanently after that for you and/or the child/ren, see the instructions later in this packet for how to make this request at the same time you complete your Response.
- ◆ Talk with an attorney before filing for an Order for Protection if the court has entered a temporary parenting plan or custody order very recently.

- 6. Make any challenges to the court’s jurisdiction or other legal motions.** This packet does not describe jurisdiction or motions in detail, because the reasons for legal challenges are too varied. The section called “Deadlines and a Few Legal Issues to Consider” lists a few issues that might be raised in appropriate cases. Talk with an attorney about these issues.
- 7. Follow the General Instructions** and fill in the captions of all of the forms you plan to use.
- 8. Complete All of the Forms You Plan to Use from This and Other Packets.**
- 9. Make the Necessary Copies of the Completed Forms.**
- 10. File Your Response with the Court Clerk’s Office** in the Superior Courthouse of the county where your case was filed.
- 11. Serve the Papers on the Other Parties.** Often, the other parent is the only other party. However, many parentage cases are filed by the State of Washington. If that is true in your case, you must serve the state as a party. Examples of other parties include someone besides a parent who has custody of the child, or the State (if a child has received TANF or Medicaid, or is in foster care or out of home placement, even if the State did not file this case.) Or some cases include more than one alleged parent or an alleged parent and a presumed parent. If you need or want to ask for a Guardian ad Litem (GAL), or if the court appoints one, the GAL will also need a copy of any papers you file with the court.
- 12. File any motions that you need.** There are several types of motions you may file in your parentage case. Although we have separate packets for some motions, you typically may file more than one motion at the same time and ask that your motions be heard by the court at the same time. This will save you and the other party time and money. Among the motions you may choose to file are:
 - **Motion for Genetic Testing.** If the alleged parent claims that s/he is not the parent, or there is any doubt about who should be named the child’s legal parent, genetic testing may be ordered. The court is likely to order one or more of the parties to pay for the genetic tests, which often cost several hundred dollars and are not covered by health insurance. Forms for genetic testing motions are available at

<http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14>. (See genetic testing forms beginning with WPF PS 02.0200.)

- **Motion to Appoint a Guardian ad Litem, if you need or want one.** Effective July 22, 2011, state law requires a GAL in your parentage case if your children are over two years old⁷. Even if your children are younger, you may want a GAL in your particular case. To file a motion to appoint a GAL, get the forms and instructions in our packet called [Filing a Motion for Temporary Orders](#).
- **Motion for Temporary Orders or a Motion for Emergency Orders,** if you want one. In general, file a motion for emergency orders only if you need a court order immediately (such as when the other party is harassing you, is endangering the children or you). Get the forms and instructions to do this in our packets called [Filing a Motion for Temporary Orders in a Parentage Case](#) or [Filing a Motion for Emergency Orders in a Parentage Case](#).
- ❑ **13. Ask for Discovery, if you want it.** Discovery is the process of gathering information that may be needed to reach a settlement or be able to present your case at trial. Through the discovery process, you can learn about how the petitioner views the case, and you can ask the other parties or witnesses for information and documents that could help you prove your case if you go to trial. To find out about discovery and how to request it, see an attorney. The family law facilitator may be able to give basic information.
- ❑ **14. Participate in locally required conferences, classes, or mediations.** Many counties require the parties to attend parenting classes. Some counties require mediation, settlement conferences, or status conferences. Find out the procedures in your county and follow them.
- ❑ **15. Follow court orders entered during the case.** Examples include temporary orders, orders appointing a GAL, orders requiring genetic testing.
- ❑ **16. As the case goes on, make sure you give other parties proper notice of other papers you file in your case.**
- ❑ **17. Keep a copy of all documents that you file with the court or that you receive from other parties for your own records.** Create your own file folder for these papers. Take them with you when you have hearings in your case.

⁷ RCW 26.26.555(1) and (2). But see *State v. Santos*, 104 Wn. 2nd 142, 146, (1985), and *In re Parentage of Q.A.L.*, ___ Wn. App. ___ (2008), Docket # 36564-2, decided Sept 3, 2008, regarding the child's constitutional rights.

◆ State law⁸ says that the court must:

*check the judicial information system and databases to identify any information relevant to placing the child before entering a permanent or modified parenting plan, and

*in cases where a limiting factor such as domestic violence or child abuse is claimed, have both parties screened to determine whether a comprehensive assessment is appropriate to determine the effect of the limiting factor on the child and the parties.

Ask your local court clerk or family law facilitator about procedures your court is using under this law. You may need to use local forms and procedures not described in this packet.

- **18. Finish your Parentage Case.** The case is only over once the court enters a final order. See our packet called [Finishing Your Petition to Establish Parentage](#).

⁸[Ch 496, Laws of 2007](#)

Section 4: What is in this Packet?

This packet contains the following instructions and blank forms for responding to a Petition for Establishment of Parentage, Form WPF PS 01.0100:

A. Forms that you will need that are in this packet:

Form Title	Form Number
Response to Petition for Establishment of Parentage	WPF PS 01.0300
Confidential Information Form and Addendum	WPF DRPSCU 09.0200 & WPF DRPSCU 09.0210
Pro Se Notice of Appearance	WPF DRPSCU 01.0320
Declaration of a Party to the Action to Establish Parentage	WPF PS 01.0150
Certificate of Mailing or Personal Delivery	No mandatory form is available. ⁹

B. Forms that you may also need that are in this packet:

Form Title	Form Number
Joinder of Respondent	WPF DRPSCU 01.0330
Waiver of Rights Under Service Members Civil Relief Act	Non-Mandatory Form
Notice of Military Dependent	No mandatory form is available.

If you file certain confidential information any time during the case, use the following forms to protect the private information from being included in the public court file.

Sealed Personal Health Care Records (Cover	WPF DRPSCU 09.0260	In the packet Responding to
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⁹ A mandatory form is a legal form created by the Washington State Office of the Administrator of the Courts. In family law cases, there are mandatory forms that must be used in every case. In some situations, no mandatory form exists, so we have created some forms for your use. You will see just below the title of the form the words “No Mandatory Form is Available.”

Sheet)		<i>Motions for Temporary or Emergency Orders for Parentage Cases</i>
Sealed Confidential Reports (Cover Sheet)	WPF DRPSCU 09.0270	In the packet <i>Responding to Motions for Temporary or Emergency Orders for Parentage Cases</i>
Sealed Financial Source Documents Cover Sheet	WPF DRPSCU 09.0220	In the packet <i>Parenting Plans and Child Support</i>

Section 5: What other Packets or Forms Will I Need That are not Included this Packet?

Our do-it-yourself packets should provide you with only the forms you need at the stage you need them. You may need more than one packet to file and finish your case. How many other packets you need depends on the facts of your case.

Read the information below carefully. Check the boxes by the other packets you will need. Then get the other packets you need from www.washingtonlawhelp.org or, if you are low-income, by calling CLEAR at 1-888-201-1014.

A. Additional packet you will need:

- [Parenting Plans, Residential Schedules and Child Support for Parentage \(Paternity\) Cases and for Modifications of Parentage Cases](#) – Almost everyone responding to a petition to establish parentage will need this packet to respond to the other party’s request to the court to enter orders about custody, visitation, and/or child support. If parentage is established, the court must usually enter these orders even if all the parties agree about custody, visitation, and child support. If you believe that you are not the parent of the child and you are asking the court to disestablish parentage, you may not need to file a parenting plan/residential schedule or child support worksheets.

B. Packets or forms you may need that are not in this packet:

- [Filing a Motion for Temporary Orders in a Parentage Case or Filing a Motion for Emergency Orders in a Parentage Case](#) –Use one of these packets to ask the court to enter an order that will be effective before your final parentage orders are signed. For help deciding whether to ask for temporary or emergency orders, talk with an attorney. You may also use these packets to request appointment of a **Guardian Ad Litem**. The court may not be able to enter certain kinds of temporary relief (example: order an alleged parent to pay child support) if parentage is denied and there is no genetic testing that proves parentage.¹⁰
- [Responding to a Motion for Temporary or Emergency Orders in a Parentage Case](#) – Use this packet if another party files a motion for temporary or emergency orders.
- Declaration Regarding Public Assistance: WPF SRPSCU 01.0600: We do not include this form in our packets. It is an optional form. Our instructions tell you to serve the State in any case where TANF, Medicaid, or foster care are involved, and we instruct you to get the state’s signature on all default and agreed orders where the state might have an interest in the child support obligation in your case. However, some people may need the form if required in your county, or if you need to verify that no public assistance has been paid or that the

¹⁰ See [RCW 26.26.590](#).

children are not in foster care or out of home placement. If so, get it at the Administrator of the Courts website <http://www.courts.wa.gov/forms/index.cfm?fa=forms.static&staticID=14>.

- Serving Papers on the State** - if any party is asking for an order regarding child support, and any of the children has received public assistance (TANF), or medical coupons/Medicaid or is in foster care or out of home placement, get this packet. You must include the state as a party and serve them with papers you file.
- Petition for Order for Protection**– Fill out this form, and perhaps related forms, if you are asking for an Order for Protection from domestic violence as part of your Response to the Petition. Get the forms from your county clerk’s office, domestic violence advocacy program, or online at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=16>. (Note: the “Petitioner” on the Protection Order form is always the protected person, even if the person is the respondent in the family law case.)
- County Local Court Forms and Rules** – Some counties have special rules for parentage cases, which are not in this packet. Check with the court clerk’s office or Family Law Facilitator in your county for more information.
 - ◆ **Some county clerk’s offices have forms and local rules available online.**
Find out whether your county’s local rules or forms are online at the OAC website <http://www.courts.wa.gov/rules/local.cfm?group=superior>.
- How to Subpoena Witnesses or Documents** –to make sure important witnesses or documents are at trial.
- Motion for Genetic Testing** - We do not have a packet for this motion. Forms for genetic testing motions are available at <http://www.courts.wa.gov/forms>
- Finishing Your Petition to Establish Parentage** – Use this packet to finish your case by agreement or after trial.

In addition to these packets, we also offer many other publications, both in family law and other areas of law. Visit the Washington Lawhelp web site at www.washingtonlawhelp.org, where you can view and download all of our publications for free.

Section 6: Dealing with Deadlines, and a Few legal Issues to Consider

- ◆ If the other party did not give you all of the legal papers s/he should have, you can ask the court not to give him/her the relief s/he is asking for.
- ◆ First, write a letter to the other party or his/her attorney and list the legal papers that you believe you should have received but did not. If you get the papers late or do not get them, write in your responses that you did not get all the papers as required, and attach a copy of your letter.

A. Figure Out How Much Time You Have To Respond

Responding to the Petition:

Find the form called a Summons, which you should have received with the Petition for Establishment of Parentage. Your Summons should say how many days you have to Respond after the date you received the papers, or look at the deadlines that follow.

- ◆ IF you were personally served with the parentage papers in Washington (someone who's not the other party handed them to you, or an adult handed them to a teenager or adult who lives with you), you have 20 DAYS from the date you received the papers to file your Response.¹¹
- ◆ IF you were personally served in a state other than Washington, you have 60 DAYS from the date you received the papers to file your Response.¹²
- ◆ IF you were served by publication (a copy of the summons was published in the newspapers) in or outside of Washington, you have 60 DAYS from the first date the summons was published in the newspapers to file your Response.¹³
- ◆ IF you were served by certified mail in or outside of Washington, you have 90 days from the date you received the papers to file your Response.¹⁴

The deadline for responding to motions is different:

- a. **Responding to Motions other than a Motion for Default.** If you were served with a Motion for Temporary Orders or an Ex Parte Restraining Order/Order to Show Cause when you received the Petition, you will have much less time to file and serve a response to the motion than you have to

¹¹ [Civil Rule \(CR\) 4\(a\)\(2\)](#).

¹² [Revised Code of Washington \(RCW\) 4.28.180](#).

¹³ [RCW 4.28.110](#).

¹⁴ [CR 4\(d\)\(4\)](#).

file the Response to the petition. You may have only a few days (or for emergency motions, perhaps even less). You must find out the deadline for responding to the motion, and not miss your hearing date. For non-emergency motions, the moving party (also called the requesting party) must give you notice as many days before hearing as is required by your county's local rules. For some counties, you must receive the papers for a motion at least five court days before the hearing, not including weekends or the date that the papers are given to you.¹⁵ For some counties or some motions, you must get longer notice. **Make Sure You Received Enough Notice. If the notice does not state your deadline, immediately call the court clerk's office or your family law facilitator, or check your local court rules, to find out the deadlines.** In most counties, you must file and serve your response to a motion no later than one court day before the hearing on that motion.¹⁶ In some counties, however, the response must be filed and served four or more days before the hearing. For information about how to file a response to a motion, see our packet called [Responding to Motions for Temporary or Emergency Orders](#). There is more below about deadlines and responding.

- b. **Responding to a Motion for Default.** If you are served with a Motion for Default, you must file and serve your declaration in response to the motion and your Response to the petition before the deadline on this motion, or all the moving party's requests may be granted. If you are served with a Motion for Default and have not yet appeared in the case, in addition to preparing a Declaration and a Response, you may also need to get court permission to file and serve your Response.¹⁷

Also see the information on dealing with deadlines below.

◆ If you do not respond on time, the moving party may get an order in which the judge automatically gives that party everything s/he asks for. In addition, even if you file and serve a Response, if you do not attend a hearing, the court may give the other party what s/he has asked for at that hearing.

¹⁵ [CR 6\(d\)](#).

¹⁶ [CR 6\(d\)](#).

¹⁷ [See CR 55\(a\)\(2\)](#). This packet does not tell you how to request court permission. If you are unable to file a formal motion for court permission before the hearing on the motion for default, at least prepare your Response and declaration, file and serve both, go to court for the default hearing, and ask the judge for permission to participate at the hearing.

B. Jurisdiction

Does the court in Washington have jurisdiction over me (personal jurisdiction)?

The Washington court may be able to decide paternity and custody, even if you have never lived in Washington. There are other reasons besides residence which can establish personal jurisdiction¹⁸.

One common reason for jurisdiction in parentage cases is if the parties engaged in sexual intercourse in the State of Washington, as a result of which the child might have been conceived. This means if the parties had sex in Washington State around the time that the mother got pregnant with the child.

If you have not had the minimum contacts with this state required under the law, Washington may not have personal jurisdiction over you. Without personal jurisdiction, the Washington Court may not be able to order certain things, such as a determination that you are a child's parent, or order you to pay child support.¹⁹

◆ If you think that Washington may lack jurisdiction over you, you must challenge Washington's jurisdiction before you file anything with the court. For help deciding whether Washington has jurisdiction over you, talk with an attorney.

Does the court have jurisdiction to decide custody of the child/ren (subject matter jurisdiction)?

If another state or tribal court has already entered a custody order about your child/ren, or your child/ren have not lived in Washington for very long before the petition is filed, the Washington court may lack jurisdiction to decide custody of the child/ren. (Washington might still be able to decide parentage and other issues.) Whether Washington has jurisdiction to decide custody (subject matter jurisdiction) is determined by the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), [RCW Ch. 26.27](#).

If Washington lacks jurisdiction, then the court here should not decide custody. For more information about the UCCJEA, talk with an attorney. Our publication [Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether a Washington Court has Jurisdiction](#) has basic information.

What should I do if I think the court lacks jurisdiction?

If you think the court in Washington lacks personal or subject matter jurisdiction, talk to a lawyer. If you are low-income, call CLEAR at 1-888-201-1014 or, in King County, call the King County Bar Association Neighborhood Legal Clinics program at (206) 267-7070 between 9:00 a.m. and noon, Monday – Thursday to ask for an appointment with a free family law clinic.

¹⁸ [RCW 26.21A.100](#)

¹⁹ Interstate procedures may, however, be available for doing so.

If you think the court lacks personal jurisdiction, you must not do anything that could give the court jurisdiction, such as signing agreed orders, requesting something from the court, filing papers that fail to raise your jurisdiction defense, or showing up at a hearing WITHOUT CONTESTING JURISDICTION AT THE BEGINNING OF THE HEARING. If you do not tell the court that you do not think it has personal jurisdiction right at the beginning, you will probably lose your chance to object.²⁰ Although you can object to jurisdiction over your children (subject matter jurisdiction) at any time, it is best to do this early in the case.²¹

You may decide to file a motion to dismiss for lack of jurisdiction. Talk with an attorney for more information about motions to dismiss. This packet does not have such information.

C. Decide Whether to File Your Own Motions

You may need or want to file your own motions if, for example:

- you believe the court lacks jurisdiction or
- you are on active duty in the military or are the dependent of a service member on active duty or
- you want emergency or temporary orders, or a custody evaluation/appointment of a GAL (see discussion above), or
- you want to request genetic testing.

If you decide to file motions, you should file them before the hearing on motions scheduled by another party. If you do that, you may be able to schedule your motions to be heard on the same day as the other party's.

If you do not know whether you need to file a motion, talk with an attorney. (See also the list of self-help publications in this packet for resources on emergency and temporary orders and GALs.)

D. Dealing with Deadlines

◆ If you are in the military service, or if you are the dependent of a military service member, you may have special legal rights. This packet does not describe those rights in detail. A later section of this packet contains some very basic information. If this is your situation, get individual legal advice before filing any papers with the court and well before your legal deadline to respond to the legal papers you received.

If you deny that the court has jurisdiction, make sure to contest jurisdiction before you file and serve your other court forms. Or, if that is not possible, at least contest jurisdiction at the beginning of your responses.

²⁰ [CR 12 \(b\),\(g\),\(h\)](#).

²¹ [CR 12 \(h\)\(3\)](#).

Meet your Deadlines

Review the deadlines you calculated. Make sure you file and serve papers before those deadlines. Remember: the deadline for responding to a motion is often shorter than the deadline to file a Response to the Petition. If hearings are coming up in your case, be sure to deliver working papers in advance for the judge, if required in your county.²²

◆ Check with the court clerk or family law facilitator about the deadlines and the need for working papers. If you miss a deadline, file and serve your papers anyway and go to the hearing. If the other party objects at the hearing, try asking for a continuance of the hearing so that the court will consider your papers.

What to Do If You Need More Time

- ***To Respond to the Petition:*** If you do not have your Response to the Petition prepared, at least file and serve a Notice of Appearance and respond to motions that have been filed. If you file and serve a Notice of Appearance, or if you file and serve motions, or if you appear at hearings, the petitioner should give you notice before asking the court for an order of default against you. You should then file your Response as soon as possible. **If you are served with a Motion for Default, see the information “to respond to a Motion for Default.”**
- ***To respond to motions (other than a Motion for Default):*** Make sure you have filed and served a Notice of Appearance. Do not ignore a hearing, even if you were given short notice! If you did not get legally adequate notice of the hearing on a motion, the court should not enter an order against you on the hearing date. However, the court will not always know that you received short notice. You must explain this in a declaration you file in response to the motion and in person at the hearing. You can ask for a continuance (delay) of the hearing, but you should still be as ready as possible for the hearing, in case the court denies your request for a continuance.

If you did get enough notice according to the rules, but you simply cannot respond in time, you can still ask for a continuance. As soon as you know that you want a continuance, contact every other party if possible (or their attorney, if they have one).

You can call if there is not much time until the hearing, but contacting the person by email or fax is best. State that you need more time to respond to the papers. Ask for a new hearing date. Depending on your reasons for asking for the delay, you could ask for a week or longer.

◆ You must ask for a continuance in advance if you know that you need one. If you do not, and you just show up for the hearing and

²² “Working papers” are described in packets describing upcoming hearings, such as the packet [Responding to Motions for Temporary or Emergency Orders in Parentage Cases](#).

ask there, the judge may order you to pay the other party for having to waste time appearing for the hearing if you could've asked for a continuance in advance. This is especially true if another party has an attorney. The other party will need to pay the attorney for his/her time whether or not there is a hearing.

If the moving party agrees to the continuance, ask for a letter, fax, or e-mail stating that they've rescheduled the hearing. If you do not receive written confirmation, you should assume the hearing is still taking place. Prepare for it and attend it. In a few counties, the court might need to approve any continuance.

If the other party will not agree to the continuance of the hearing, you have a few options:

- a. **Respond as best you can, and prepare for the hearing.** Respond in some way if you can. Your declaration should first say that you want a continuance. If you did not get enough notice, say that. If you did, but you need more time, say that. Explain why. Describe your efforts to get an agreement for the continuance. Also, file and serve a Notice of Appearance, if you have not already.
- b. **Make a Motion for Continuance.** You may not have enough time to give the other parties the amount of notice required for a motion for continuance. You may need to get an Order Shortening Time (an order allowing you to bring your motion on less than the required time.) This packet does not cover this type of motion. Your family law facilitator may have more information.
- c. **Ask for a continuance at the hearing.** Go to the hearing. When your case is called, stand up. State your name, and that you would like a continuance. The judge may ask for your reasons, and may listen to the other party's reasons why s/he objects. If you tried to get the other party to agree before the hearing, let the judge know.

The court will not always allow a continuance, so be as ready as you can be to have the hearing on the original date.

- ***To respond to a Motion for Default.*** You may try to get a continuance of the hearing date as described above. However, if the hearing is not continued (postponed), you must:
 - a. file and serve your Response to the petition before the deadline to respond to the motion for default and
 - b. file and serve your declaration in response to the motion for default before the deadline to respond to it, and
 - c. if the motion for default was filed before you appeared in the case, you may need court permission (called "leave of court") to Respond. This packet has no forms for requesting leave of court.

d. attend the hearing, or make sure it is been cancelled.

If you do not do these things, a default judgment may be entered against you. In your declaration, request that the motion be denied. Explain that a Response to the Petition is now filed and served. Also include any explanation for the late filing of your Response.

What to do if you are already late in filing a Response to the Petition

If your deadline for filing your Response to the petition has passed, you might still be able to Respond to the **Petition**. Check with the court clerk's office to see if there is a Motion for Default, an Order of Default or final orders in your court file.

If not, file and serve a Notice of Appearance (or file and serve your jurisdictional defenses) immediately, and then file your Response as soon as possible.

If you are served with a Motion for Default, or if a Motion for Default has been filed with the court, filing a Notice of Appearance is not enough. See the information above, called "to respond to a motion for default."

However, when you check with the clerk's office, if you learn that an order of default or final orders have already been entered against you, you must act very quickly to ask the court to cancel those orders. Read our packet called [*Filing a Motion to Vacate*](#) and talk to an attorney.

What to do if the hearing on a motion has already happened

If you find out that a hearing on a motion already happened, or that orders have been entered against you, for example on a motion for temporary orders, talk with an attorney as soon as possible. If you cannot afford an attorney and live outside of King County, contact CLEAR 1-888-201-1014. If you live in King County, contact the King County Bar Association Neighborhood Legal Clinics program.

You may be able to ask the court to vacate (cancel) the orders, if you act quickly. The longer you wait, the harder it may be for you to vacate the orders.

Even if you missed the hearing on a motion, you can still file and serve a Response to the Petition, unless an Order of Default has been entered against you. (See the additional caution above, if a motion for default has been filed but you have not appeared in the case.)

Section 7: General Instructions

These general instructions will apply to all the forms you complete. The instructions cover all types of family law cases, so some of the information may not be used in your particular case. A Sample form at the end of this section may help you understand these instructions better.

The caption. The caption includes the name of your case, the case number, the name of the court, the title of the court paper, and, sometimes, the type of case. It appears at the top of the first page of every form.

Name of the court: The name of the court is placed on the top of the first page in the space where the form reads "Superior Court of Washington County of _____." Fill in the name of the county shown on the petition you received

Case name. Copy the case name from the petition.

Case number. When the petitioner first files the papers to begin the case and pays the filing fee (or has the fee waived), the court clerk will assign a case number. All parties must write that case number on every paper they file with the court and serve on the other parties during the case. Write the case number near the top on the right hand section of the first page of every form after "No." (abbreviation for "number"). When the petitioner first files the case, s/he may be able to use a special stamp at the court clerk's counter to stamp the case number on each paper. It does not matter if the case number is written or stamped. If you are filing a modification/adjustment case in the same court that entered the order you are asking to modify/adjust, use the case number on that order.

◆ You must write or stamp the case number on the first page of every copy of every paper you file with the court and on the copies you make for other parties. If you do not, your papers may be lost, or they may be returned to you. Some courts will also fine you for filing incorrect forms.

Title. Each form has a title. The title is on the right-hand side of the form under the case number. Sometimes the full title is pre-printed on the form. Sometimes you must add more information to finish it. (Example: on a declaration, you write in the name of the person completing the declaration.)

◆ **Format:** Pleadings (legal forms) that you file with the court and attachments to those pleadings must follow the court rules about size and margins (GR 14(a)). You must use regular size (8 ½ x 11") white paper and you may write on only one side of the paper. The first page of each paper that you file must have a 3-inch margin (3 inches of space) at the top. The other margins (left, right and bottom, and the top from the second page on) must be at least one-inch wide. Use black or dark blue ink. If your forms do not follow these rules, the court clerk may refuse to file them or may make you pay a fine.

The contents. Fill out each form according to the instructions for that form. In most counties you may print or type the information, but it must be readable and you must use BLACK OR DARK BLUE INK. A few counties require that all documents be typed. After filling out each form, re-read it to be sure you have correctly filled in all the blanks you need to. If you have to make corrections, be sure the correction is neat and readable. Do not write in the margins of any page or the clerk may reject your form.

Dates. On the last page of most forms (not including orders), there is a space for the person who fills out a form to write the date that the form is signed. Dates in orders will be filled in by the judge when s/he signs the order.

Signatures.

- **Your signature**

After you fill out a form, look for the place(s) requiring your signature:

- Some forms have one signature line for “petitioner” or “respondent.” After you fill out a form such as the petition, sign at the place that applies to you. Look carefully. Some forms require you to sign in more than one place. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
 - When you prepare and file motions, you are the moving party. After you prepare a motion look for each place marked “signature of moving party or lawyer.” Look carefully. Some forms require you to sign in more than one place. Some forms require a date, and the place (city, state) that you signed the form, as well as a signature.
 - When you prepare an order and plan to present it for the judge to sign, look for each place marked “presented by.” Sign in the space underneath.
- **Judge’s Signature:** Leave the judge’s signature line and the date blank.
 - **Other party’s signature:** Certain forms you prepare have a place for other parties to sign. You cannot force another party to sign a court paper – s/he can choose to sign, or not. However, if you have prepared an order after a hearing, the other party may be willing to sign the form you have prepared if s/he agrees it accurately states the judge’s decisions (or the judge may require the other party to sign), even if the party is not happy with the decision itself.
 - Agreed orders. If the other party agrees with the orders you have written, that party should sign in the appropriate place (petitioner/respondent/moving or nonmoving party) on each court order that is agreed.
 - Approved for entry/Notice of Presentation Waived. If you are the respondent or nonmoving party, or if you didn’t prepare the order, you may be asked to sign in a blank under these words. If you check “Approved for entry,” this means that you are agreeing that the judge should sign the order as it is written. If “Notice of Presentation Waived” is checked, that means that you are agreeing that the other party can give the order to the judge for him/her to sign without letting you know when the other party is going to take that order to the judge.

- **Other signatures/Declarant’s Signature:** If someone else must sign a form (such as a witness or the person serving papers), be sure they fill out all information correctly and sign in the proper space provided. In a declaration form, the “declarant” is the person who’s writing the declaration.

Place signed. Declarations and Returns of Service must include the place they are signed, as well as the date (example: Signed this 10th day of October 2005 at Seattle, WA).

Identifying Information. Court rules try to protect privacy but also allow for public access to certain information in court files. The three boxes discuss these rules: [GR 15](#), [GR 22](#) and [GR 31](#).

Box #1**Things You Should Not Write in Most of Your Court Papers:**

General Rules [22](#) & [31](#) try to protect privacy in family law cases. Almost all pleadings, orders and other papers filed with the court are available to the public (except for some aspects of parentage cases), and may be available to the public on the internet.

Except where instructions about a specific form tell you otherwise (example: the forms in Box #3), use these rules for papers you file with the court.

Residence Address (Where you Live) and Telephone Number: You do not have to write these in court papers. However, you do need to write in an address where you can get mail from the court. Also, It is a good idea to give the court a phone number where you can be reached.

Social Security/Driver’s License, ID Numbers of Adults and Children: You are not required to write these in court papers. If you do, write only the last four digits, not the whole number.

Dates of Birth of Children: Do not write them in court papers.

Bank Account, Credit Card Numbers: Write the bank name, type of account (savings, checking, etc.), and only the last four digits of the account number.

Box #2:**Private Information That Should Be Filed With Sealed Cover Sheets:**

If a sealed cover sheet is used, this information is usually available to the other party and the court but is not placed in the public file.

Financial Information: If you file paystubs, checks, loan applications, tax returns, credit card statements, check registers, W-2 forms, bank statements, or retirement plan orders, attach them to a Sealed Financial Source Documents form to ensure that they will not be available to the public.

Medical or Mental Health Records or Information: If you file papers containing health or mental health information (information about past, present, or future physical or mental health of a person, including insurance or payment records), you must attach the papers to a Sealed Personal Health Care Records form so that they will not be available to the public.

Confidential Reports: Reports such as Parenting Evaluations, CPS Reports, Domestic Violence Assessments, and Guardian ad Litem Reports that are intended for court use must have two sections, a public section and a private section. The private section of the report should be attached to a Sealed Confidential Reports Cover Sheet.

Retirement Plan Orders: Certain retirement information belongs in the public file, but “Retirement Plan Orders” do not. Use the Sealed Financial Source Documents Cover Sheet for the Retirement Plan Order. See [GR 22](#) for the definition or see an attorney if this affects your case.

Other Kinds of Confidential or Embarrassing Information Not Mentioned Above. If the paper that you want to keep confidential is not in the above list, you may need to file a motion with the court to ask permission to have that paper, or part of a paper, sealed under General Rule [\(GR\) 15](#). There’s no packet that tells you how to do this and there are presently no mandatory forms for this type of motion. Talk to an attorney.

Box #3

When You Should Write Private Information In Court Forms:

These forms are not placed in the public file, and information in them is usually not available to the other party.

You are required to fill in your personal information completely (including children’s full names, dates of birth, your residence address, social security numbers, etc.): Confidential Information Form, Vital Statistics Form, Domestic Violence Information Form, Foreign Protection Order Form, and Law Enforcement Information Sheet. If you are afraid to give your address on these forms, consult an attorney, or call CLEAR at 1-888-201-1014.

SAMPLE FORM

Fill in the county where you are filing or where your case was already filed.

Fill in the name of the Petitioner here.

or Court of Washington
County Of Evergreen

In re the Marriage of:

JANE DOE,

and

JOE DOE,

Petitioner,

Opposing party.

This sample case name is for dissolution cases. This information may be different depending upon the type of case.

Your court case number. Assigned by the court when you file your case.

NO. 08-3-99999-9

Form title.

Note for Motion Docket

(No Mandatory Form Developed)

TO THE CLERK OF COURT AND TO: **Joe Doe**
99 Railway Lane
Treelane, WA 98000

Please take notice that this case will be heard on the date below and the clerk is requested to note this issue on the docket for that day.

HEARING DATE: **Monday, October 4, 2008**

HEARING TIME: **10:00 a.m.**

LOCATION: **Treelane Superior Courthouse**

COURTHOUSE ROOM: **2**

ADDRESS: **102 West Broadway**
Treelane, WA 98000

NATURE OF MOTION: **Temporary Orders regarding parenting plan, child support, and restraining orders.**

Jane Doe, Petitioner
1212 S. Harriet Drive
Treelane, WA 99999

Section 8: Instructions for filling out Each Form

A. Response to Petition for Establishment of Parentage – WPF PS 01.0300

The Response to Petition ("Response," for short) is your chance to answer what the other party says in the Petition for Establishment of Parentage. Look at the Petition you got from the other party while filling out the Response form.

Caption. Fill out the caption as shown in the General Instructions. After you complete the rest of the form, come back to the caption.

If you are attaching a petition for an order for protection to your Response, check the appropriate box on the right side below the title.

Section 1. Admissions and Denials.

To complete this part of the Response, read through each corresponding paragraph of the Petition for Establishment of Parentage. If you agree with the statement in the Petition, check the box to the left of the word "Admitted." If you disagree, check the "Denied" box. If you do not know, check the "Lacks Information" box. Do this for each paragraph of the petition.

If you disagree with ANY PART of the information in a paragraph, check the "Denied" box for the whole paragraph. For any paragraphs you are marking "Denied," explain why you are denying them in the space provided at the end of part 1.1.

Listed below are the paragraphs of the petition that you are responding to.

Paragraph 1.1. Cause of Action.

Look at paragraph 1.1 of the Petition for Establishment of Parentage. If the information about the child or children's name(s), birth date(s), and the county and state where they live is correct, check the "Admitted" box next to 1.1.

If any part of the information is not correct, check the "Denied" box next to 1.1. Then go to the sentence on the Response form that says "**The allegations of the petition which are denied, are denied for the following reasons.**" Write the number of the paragraph denied (1.1). Then write in the reasons you checked the "denied" box.

If you do not know whether it is correct or not, check the "Lacks Information" box.

Paragraph 1.2. Parties to Action.

If all of the information written in paragraph 1.2 of the petition is correct, check the "admitted" box next to 1.2.

If any part of the information is not correct, check the "denied" box next to 1.2. Then go to the sentence on the Response form that says "**The allegations of the petition which are denied, are denied for the following reasons.**" Write the number of the paragraph denied (1.2). Then write in the reasons you checked the "denied" box.

If you do not know whether it is correct or not, check the “lacks information” box. If you need to know the meaning of a word in this Response form, see the “Words You May Need to Know” section.

Continue filling out the rest of Section 1.1 in the same way as described in paragraphs 1.1 and 1.2.

Paragraph 1.3. Presumed Parent.

Read paragraph 1.4 of the petition carefully. Make sure that all of the boxes that are checked about each party are correct. If any boxes should not have been checked, or if any of the information written in is not correct, then mark this paragraph “Denied.” Explain which is not correct. Our “Words You May Need to Know” section may help.

Paragraph 1.4. Jurisdiction.

Read paragraph 1.4 of the petition carefully. Make sure that all of the boxes that are checked about each party are correct. If any boxes should not have been checked, or if any of the information written in is not correct, then mark this paragraph “Denied.” Explain which is not correct. The following may help you:

“Engaged in sexual intercourse . . . as a result of which the child may have been conceived” means had sex around the time that the mother got pregnant with the child. Note: the sex must have happened in Washington State.

A person “submits to jurisdiction of this state by consent . . .” by signing a Joinder form & checking the “submits to jurisdiction” box, or by agreeing in writing that Washington may have jurisdiction over him or her.

◆ If you question whether Washington has jurisdiction over you, talk with an attorney. For general information, see our publication [*Parentage and Parenting Plans for Unmarried Parents in Washington*](#) to read about the things that the court may not be able to do if Washington lacks jurisdiction over you.

Paragraph 1.5. Jurisdiction over the Child.

Read paragraph 1.5 of the petition carefully. Make sure that all of the boxes that are checked are correct.

If any boxes should not have been checked, then mark this paragraph “Denied.” Explain which is not correct. For more information on deciding whether Washington has jurisdiction over your children, consult an attorney. Our publications [*Parentage and Parenting Plans for Unmarried Parents in Washington*](#) and [*Which Court has the Right to Enter a Custody Order: Frequently Asked Questions and Answers about Whether a Washington Court has Jurisdiction*](#) have general information.

Paragraph 1.6. Child Support and Residential Placement.

If the court has jurisdiction, this is a standard paragraph. Most people check “Admitted.” But if you do not agree with any part of this paragraph, check “Denied.” Explain why you did so.

Paragraph 1.7. Current Residence of the Child.

“Resides” means lives the majority of the time with.

Paragraph 1.8. Reimbursement.

To reimburse the State or a person means to pay them back.

Paragraph 1.9. Continuing Restraining Order.

The other party may have asked for a restraining order, either to take effect during the case, or to be in effect at the end of the case. (If the other party asks for a restraining order to be in effect during the case, you should also receive a separate motion.)

Paragraph 1.10. Protection Order.

The other party may have asked for a protection order, either to take effect during the case, or to be in effect at the end of the case. (If the other party asks for a protection order to be in effect during the case, you would also receive a separate RCW 26.50 or RCW 10.14 Petition for a Protection Order with a notice of hearing.)

If the other party asks for a new protection order to take effect at the end of the parentage case, read the Petition for a Protection Order, if attached to the Parentage Petition, before deciding how to respond to this paragraph.

Paragraph 1.11. Other.

If the other party filled in paragraph 1.11 of the petition, respond to it. If s/he left paragraph 1.11 of the Petition blank, then mark a line through line 1.11 on your Response. Write “Does not apply.”

Each allegation of the petition which is denied is denied for the following reasons. In the blank space after this sentence, write a sentence or two about why you denied each paragraph of the petition for which you marked “Denied” on your Response. Write the number of the paragraph denied (example: 1.1). Then write in the reasons you checked the “denied” box.

If you do not know whether it is correct or not, check the third box: “lacks information.”

Section 2. Parentage. If you are the child’s parent, check the “I admit that I am the parent” box. If you are not, or you are not sure, check the “I deny that I am the parent” box.

If you are the child’s mother, check the fourth box. Write “I admit that I am the child’s mother.”

Section 3. Other Possible Parents. If there are other possible parents of the child, check the box “the following persons.” Write the names of the other possible parents in the blank space. Talk to an attorney for advice for having those other men “joined” to the court action. Your county may have its own procedures.

If there are no other possible fathers, check “does not apply.” Skip to the next section.

Section 4. Genetic tests. There two choices in the text of the sentence. Check the first box - “I do request” - if you want genetic testing. Check the second “do not request” box if you do not.

If you have any doubt about whether the child is your biological child, and you do not want to be the child’s legal parent if you are not the child’s biological parent, ask for the testing. However,

if you request testing and the tests confirm that you are the child’s biological parent, you may be ordered by the court to pay the costs of the tests – which are typically at least \$300-\$400.

Section 5. Dismissal. If you do not want parentage of the child to be determined by the court, check the box asking for the case to be dismissed. Otherwise, check the “does not apply” box.

Section 6. Request for Relief. This section tells the court what you want it to order in your parentage case.

If you want the court to deny the petition, check the box, “the court should deny the petition.” If you agree that the person named as the child’s father in the Petition should be the child’s legal father, check the third box, “the court should grant the petition”. Check the appropriate indented boxes if you want the court to enter your parenting plan or an order child support.

Information about Protection Order item:

- ◆ The law allows domestic violence survivors and victims of unlawful civil harassment to request a long-term Order for Protection as part of their parentage case. Protection orders can cover yourself and your children. However, the procedures for combining protection orders with family law cases can be confusing.
- ◆ Requesting a protection order in your response does not give you any protection before your case is final. For immediate protection, fill out the appropriate protection order forms. Start a separate protection order case and go to the hearings associated with that case. For information on requesting an immediate Order for Protection, call the WA State Domestic Violence Hotline at 1-800-562-6025.
- ◆ The main benefit of combining protection orders with family law cases is that a judge in a family law case can enter an Order for Protection that restrains a person from contact with his/her minor children for more than one year.²³ Orders for Protection issued outside a family law case can only restrain contact between a parent and his/her minor child for one year at a time, although those orders can be renewed.

If there is already a protection order between you and another party to this case, check the box, “there is a protection order.” Fill in the requested details about that protection order. You must inform the court about any existing protection order.

If you want the judge in the parentage case to issue a new protection order, or to extend or make changes to an existing protection order, at the end of the parentage case, check the box, “the court should grant . . . the petition for an order for protection.” It is better to have one in this case, rather than in a separate protection order case, if you need a protection order for longer than one year. Or, if the other parent will be in prison until the case is finalized, you do not need

²³ [RCW 26.50.060\(2\)](#).

immediate protection. If you check this box, check the text box showing what kind of protection order you are asking for. Then check one of the indented boxes.

- To get a new protection order at the end of your dissolution case, check the first indented box, “attached to this petition.” Fill out and attach a petition for a protection order showing what you want, and how long you want the protection order to be in effect. Protection order forms are available from the court clerk or from a local domestic violence program (call 1-800-562-6025 for more information). Name yourself as the petitioner on the protection order petition, even if you are the respondent in the parentage case.
- To extend or change your existing protection order, check the second indented box, “filed separately under.” Then check the second box in the middle of the sentence, “case number.” Fill in the case number of the separate protection order case you now have. Follow the additional instructions under the “other” and the “requests for relief” paragraphs below to describe the specific extension or changes you want the court to make to your existing protection order. **Caution:** there is no settled state-wide procedure for combining a protection order you have in another case into your parentage case, so if possible, ask about the procedure in your county before you begin.

◆ Requesting a protection order in your parentage response does not give you any immediate order. If you want to request an immediate Order of Protection or an Order to be in effect during your parentage case, file a separate protection order case and follow the hearing procedures under RCW 26.50 (domestic violence) or RCW 10.14 (unlawful harassment). Our packets give no instructions on combining a protection order you get after the dissolution case is filed into your parentage case. Adding a protection order request to your parentage case after the parentage case has been filed may require amending the parentage response and re-serving the other party. Consult an attorney.

If you do request a new protection order as part of the parentage case, or if you are asking the judge in the parentage to change the protection order you now have, arrange to have the Response form, the Petition for a Protection Order and your other papers personally served upon the other party (the person to be restrained), rather than served as described in the service section of this packet. Instructions on personal service are in the packet [Filing a Petition for Establishment of Parentage](#).

Other. Most people can leave this blank. However, if you are applying for a permanent or changed protection order, explain your request.

- If you have a Protection Order that was entered under a different case number, and you want to change it or extend the expiration date, write in what you want the court to do. Example: “The Protection Order entered on [date] under Case No. XXXX should be consolidated under this case and should be modified: 1) The custody provisions should be changed to follow the Final Parenting Plan; and 2) the expiration date should be

changed so that the Protection Order is permanent, as authorized by RCW 26.09.050(1) and RCW 26.50.060(2).”

Section 7. Other. Leave this blank, unless you have other requests that you want to include in your response.

Section 8. Notice of Further Proceedings. Write your mailing address in the blank.

◆ If you do not want to list your residence, give an address where you can receive papers immediately, such as a PO box or a friend or relative’s address. If you later change your address for service of legal mail, follow the instructions for preparing an updated Notice of Appearance. (See the instructions for the Notice of Appearance form.)

Signature. Date the form. Fill in the city and state. Sign where it says “Signature of Responding Party.” Then print your name in the blank.

B. Confidential Information Form and Addendum - WPF DRPSCU 09.0200 & 09.0210

In family law cases, you must give the court information about your address and telephone number, your social security number, date of birth, driver’s license, and the name and address of your employer, as well as certain information about the other people involved in the case.²⁴

Complete this form. File it with the court clerk. Keep a copy for yourself. **Do not serve the Confidential Information Form and Addendum upon the other parties.**

The Confidential Information Form is normally not available to the other parties or the other parties’ attorneys. However, note: the form could be provided to DCS (Division of Child Support) and to other divisions of DSHS (Washington State Department of Social and Health Services). Under some circumstances, they may release information in this form to another party. In addition, another party could get access to the Confidential Information Form by following certain court procedures.

◆ Update the court by filing a new Confidential Information Form when your address changes, even after your case is finished. If you do not, legal papers may be sent to you at your old address and orders may be entered against you without actual notice to you.²⁵

1. Write in the county where the case is filed and the case number. If you have no case number yet, write in the case number when the clerk gives it to you.
2. Check the first box (*divorce/separation...nonparental*)

²⁴ [RCW 26.23.050\(5\)\(l\) & \(7\); GR 22\(g\) & \(h\).](#)

²⁵ [RCW 26.23.055\(2\) & \(3\).](#)

- custody/paternity/modification...*). If you are updating a form you filed earlier in the same case number, check the box “Information Change.”
3. If restraining orders or protection orders are in place, check the related boxes on the form. Show who is protected. If they go into effect later, file a revised and updated form.
 4. If you believe the safety of an adult or child would be in danger by giving out address information, even if you do not have a restraining order or a protection order, check the box “[t]he health, safety, or liberty...” Explain the risk of harm.
 5. The law requires a residential address on page 2 of the Confidential Information Form. If you are afraid to give your residential address, try to give an alternate address and see if the court clerk will accept it. If the court clerk will not accept your Confidential Information Form, talk with an attorney, your local domestic violence program, or call CLEAR at 1-888-201-1014.
 6. Write in the information requested on the form concerning the petitioner and respondents and the child/ren. Fill in the information about yourself, including your driver’s license number and social security number (if you have one). If you are filing this form as part of a nonparental custody case, list the other adults in petitioner’s household on page 2 in the place indicated.
 7. Fill out the information requested about the adults the child/ren have lived with in the last 5 years (and the current address of each of those adults), and the names and current addresses of people besides petitioners and respondents who have custody or who claim rights to custody or visitation with the children.
 8. If there is any information you do not have, explain why you could not provide it in the space after “This information is unavailable because...” right above the signature line.
 9. If there are more than 2 children in your case, or there is more than one petitioner or more than one respondent, write the information about those children or parties in the Addendum. Check the box near the bottom of the second page of the Confidential Information form next to “Addendum to Confidential Information Form Attached.”
 10. Sign and date the form and write in the place it was signed.

◆ If you are afraid to fill in any of the information requested in this form, talk with an attorney about what to do.

C. Pro Se Notice of Appearance – WPF DRPSCU 01.0320

If you are in the military, or the protected dependent of a military service-member, talk with an attorney or the JAG office before filing and serving a Notice of Appearance and before your deadline to Respond to the petition.

This form tells the court that you are going to participate in the court case and you want to get notice of what is happening.

If the mailing address you use in the Response or Notice of Appearance later changes, prepare an updated Notice of Appearance. Use the Notice of Appearance form in this packet. Write “Amended” above “Notice of Appearance.” State the new address the court and other parties should use. File this notice with the court and provide a copy to the other parties. Use the Certificate of Mailing or Personal Delivery form and procedure to show that notice has been given.

Caption. Fill out the caption as shown in the General Instructions.

Service Address. Write in the name and full address where you want the court or other parties to send you legal papers. If you do not use your home address, give a reliable address, such as a post office box, your work address, or a friend or relative’s address. Make sure that you get mail at that address very quickly after it arrives.

Signature. Sign and date the form. Print your name.

D. Declaration of a Party to the Action to Establish Parentage – WPF PS 01.0150

If there is more than one child in your case, fill out a separate form for each child.

Caption. Fill out the caption.

Section I: Declaration.

Write your name before “declares.”

Paragraph 1.1.

Check the box that best describes you. Our “Words You May Need to Know” section may help. Fill in the child’s name and birth date.

Paragraph 1.2.

This section of the declaration is to give the court important evidence about who the parent of the child might be.

Check the first box if you are the mother and there is only one possible father of the child. Fill in the dates when the child must have been conceived. If you do not know exactly when you got pregnant, count back 10 months from the due date (if the baby was born early or late), or the date of birth. Put the 10th month in the first blank and the 8th month in the second blank. Example: if the baby was born in June 1998, the section should read, “Within the period from September 1997 to November 1997, this child was conceived.” In the blank after “I had sexual intercourse only with,” fill in the name of the man you had sex with during that time period.

Check the second box if you are the mother and there is more than one possible father. Fill in the dates when the child must have been conceived. If you do not know when you got pregnant, count back 10 months from the due date (if the baby was born early or late) or the date of birth. Put the 10th month in the first blank and the 8th month in the second blank. Example: if the baby was born in June 1998, the section would read, “Within the period from September 1997 to

November 1997, this child was conceived.” In the blank after “I had sexual intercourse with,” fill in the name of every man you had sex with during that time period. Go to the instructions for the third box.

Check the third box if you believe you are the child’s father. Fill in the dates when the child must have been conceived. Write in the mother’s name after “I had sexual intercourse with.” Write in the child’s name after “I believe I am the father of.” Write in the child’s birth date after “born on.”

If the child was conceived while you were in the State of Washington, check the fourth box. Fill in the name of each of the men you listed above with whom you had sex during that time in Washington.

◆ Why Does the Court Want to Know if the Mother Got Pregnant in Washington? If a person has sex in Washington that may have resulted in a pregnancy, that sexual act gives Washington personal jurisdiction over that person.

Check the last box in this section if the child was not conceived through assisted reproduction. (See “Words You May Need to Know” for help.)

Paragraph 1.3.

In this paragraph, you will say that you are or are not a presumed parent. The “Words You May Know” section may help you decide whether you think you are a presumed parent. Read this section carefully before checking any boxes.

If any of the boxes under the sentence “is a presumed parent of this child because” applies to you, check them. Then go back to the top and check the first box next to “is a presumed parent of this child because.” (Exception: Do not check the first box if the only box you checked underneath is “This child was not conceived by surrogacy contract.”) Fill in the child’s name.

If none of the boxes under “is a presumed parent” applies to you, read the other boxes at the bottom of page 2. “Cohabitate” means living together. Check any boxes that apply. By doing so, you are saying that you are not a presumed parent.

At the top of page three, check either of the two boxes if you think you are a presumed parent and you think either of these boxes applies.

Paragraph 1.4.

Most people can leave this paragraph blank. However, if you have more information about the child’s parentage that you believe is important for the court, it goes next to Other.

Section II: Military Service

If there is more than one possible father, photocopy this page. Fill in this item for each. Attach the page to this form.

Use this paragraph to show the military status and the military dependent status of the other party. (See the section “If the Other Party is a Member of the Military” for definitions of active duty, armed forces, and dependent of a service member.)

If you have no idea, check the “other” box. Write “I have no idea whether or not _____ (other party’s name) is on active duty in the armed services or is the dependent of a service member.”

Section III: Statement of Non-Representation

Read this section only if the State (usually the Prosecuting Attorney) is involved in your case.

If the State is not involved in your case, ignore this section.

Section IV. Uniform Child Custody Jurisdiction and Enforcement Act Statement

This item applies just to the child/children in this case.

“*During the past five years . . .*” In this section, if the child/ren have lived **only** in Washington and only with you or another named party (a person listed as a petitioner or respondent) in this case for the past five years, check the first box. Skip to “*Claims to Custody...*”

If the child/ren have lived outside of Washington sometime in the last five years, or if the child/ren have lived with someone other than a named party (a petitioner or respondent) in the last five years, check the second box. Then list by date, starting with the most recent place the child/ren lived, each city and state where the child/ren have lived, who else lived there, and for how long. Include as much information as you can. Example:

Date(s) lived there	Place the children lived between those dates	Person(s) the children lived with between those dates
6/07– present	Treelane, Washington	Mother
2/07 – 6/07	Portland, Oregon	Mother and Father
2-06 – 2-07	Longview, Washington	Jim and Gloria Johnson (mother’s parents)
9-03 – 2-06	Seattle, Washington	Mother and father

If the children lived in the custody of anyone other than a named party in that last five years, include the name and current address of that person on the Confidential Information Form.

“*Claims to custody and visitation.*” If anyone **besides** the petitioner or respondent in this case has physical or legal custody of the child/ren, or court-ordered visitation, or claims to have custody or visitation rights with the child/ren, check the second box. List their name(s) and the name of the child/ren concerned. If there is no other person who has or claims custody or visitation rights, check the first box.

“*Involvement in any other proceedings concerning the children.*” If you have never been involved in any other court cases about the child/ren, check the first box. If you have been involved in ANY legal proceeding about the child/ren, check the second box. Examples: protection orders, juvenile

court cases, dependency cases (CPS), parentage cases, Division of Child Support cases. Include cases in other states. List the date of the order in each case, the child/ren concerned, the court’s name, case number, and the type of case. Example:

5/07	Grant Co. Superior Court, Oregon	Case No. 1234567	Child support
6/06	WA Div. of Child Support	IVD#123456	Child Support
4/04	Pierce Co. Superior Court, WA	Case No. 99-7-01112-8	Dependency

Other.

Leave this blank, unless there is other information you want to give the court here about UCCJEA jurisdiction.

Signature.

Write the place (city, state) and date. Sign and print your name under the sentence that says “I declare under penalty of perjury...”

“*During the past five years . . .*” In this section, if the child/ren have lived **only** in Washington and only with you or another named party (a person listed as a petitioner or respondent) in this case for the past five years, check the first box. Skip to “*Claims to Custody...*”

If the child/ren have lived outside of Washington sometime in the last five years, or if the child/ren have lived with someone other than a named party (a petitioner or respondent) in the last five years, check the second box. Then list by date, starting with the most recent place the child/ren lived, each city and state where the child/ren have lived, who else lived there, and for how long. Include as much information as you can. Example:

Date(s) lived there	Place the children lived between those dates	Person(s) the children lived with between those dates
6/07– present	Treelane, Washington	Mother
2/07 – 6/07	Portland, Oregon	Mother and Father
2-06 – 2-07	Longview, Washington	Jim and Gloria Johnson (mother’s parents)
9-03 – 2-06	Seattle, Washington	Mother and father

If the children lived in the custody of anyone other than a named party in that last five years, include the name and current address of that person on the Confidential Information Form.

“*Claims to custody and visitation.*” If anyone **besides** the petitioner or respondent in this case has physical or legal custody of the child/ren, or court-ordered visitation, or claims to have custody or visitation rights with the child/ren, check the second box. List their name(s) and the name of the

child/ren concerned. If there is no other person who has or claims custody or visitation rights, check the first box.

“*Involvement in any other proceedings concerning the children.*” If you have never been involved in any other court cases about the child/ren, check the first box. If you have been involved in ANY legal proceeding about the child/ren, check the second box. Examples: protection orders, juvenile court cases, dependency cases (CPS), parentage cases, Division of Child Support cases. Include cases in other states. List the date of the order in each case, the child/ren concerned, the court’s name, case number, and the type of case. Example:

5/07	Grant Co. Superior Court, Oregon	Case No. 1234567	Child support
6/06	WA Div. of Child Support	IVD#123456	Child Support
4/04	Pierce Co. Superior Court, WA	Case No. 99-7-01112-8	Dependency

Other. Leave this blank, unless there is other information you want to give the court about UCCJEA jurisdiction.

Signature. Write the place (city, state) and date. Sign and print your name under the sentence that says “I declare under penalty of perjury...”

◆ **Before You File Your Papers:** In most cases you will need to fill out papers from our packet called [*Parenting Plans, Residential Schedules and Child Support for Parentage \(Paternity\) Cases and for Modifications of Parentage Cases.*](#) Then, follow the directions in Section 9:

Section 9: Filing and Serving Your Response to Petition and Other Forms

A. Preparing to file and serve

Make sure you know who must be served or is a party to the case. Usually, the petitioner is the only other party. The caption should list other the parties by name. In addition, if the child/ren have ever received public assistance (TANF) or Medicaid, or if they are in foster care or out of home placement, you must serve copies on the State of Washington. (For more information, see our packet called [Serving Papers on the State](#).) If a GAL has been appointed, s/he must be served, too.

Figure out how many copies of each form you will need. Make the copies.

The original of each form will be filed with the court clerk in the county where the case has been filed. Make copies as follows: (**except**, if you have prepared the Confidential Information Form and addendum and/or LEIS,²⁶ make just make one copy, for yourself, of these 3 forms).

_____ one copy of each form for yourself

_____ one copy of each form for the other party

_____ if there are additional individual parties one copy of each form for each of these parties (1 x _____ number of additional parties)

_____ one for the State (if you are serving the State)

_____ one for the GAL if a GAL has been appointed in your case

_____ one copy as working papers, if your local court requires you to give the judge “working papers” before a hearing and if you have upcoming hearings.

_____ **: total.** This is how many copies to make of each document (except just make one copy, for yourself, of the Confidential Information Form and addendum and any LEIS. These forms are not served on any other party).

Organize Your Papers.

Make a set of the papers for the court and for each party. Put all the original forms into the set for the court. Put the copy of the Confidential Information Form and addendum and the LEIS (if you are using these forms) into your own set.

²⁶ The Confidential Information Sheet and addendum are in our basic Responding packets. They’re filed with your first court papers and must be updated when the information in it, such as your address, changes. The LEIS isn’t in this packet. Use it with restraining orders and Orders for Protection. Get it at the court clerk’s office.

Compare each set to the checklists in this packet to be sure you have what you need.

- Put each of the other parties' sets of papers in an envelope addressed to that party at the legal address they have provided.**

Add your return address for legal mail. (For your return address, use the address on your Response or Notice of Appearance.)

B. Filing your papers in court

Take the originals and the copies to the superior court clerk's office in the courthouse where the case has been filed. Give the clerk the original copies of your documents for filing. (The clerk does not put the Confidential Information form or any LEIS in the public file.) If you have any proposed orders for upcoming hearings, ask the clerk what to do with the original proposed orders and follow the clerk's instructions.

C. Serving the other parties

In addition to filing your papers with the court, you must have them properly served on (delivered to) the other parties, except **do not** serve the Confidential Information form and addendum and any LEIS.

- 1. Make sure service is completed before the deadline for your response.**

Service is required because the other parties have the right to know your response to the papers you have received.

The court does not serve the other parties for you. You must arrange for service and make sure your server delivers the papers properly.

After the Summons and Petition have been properly served, most papers prepared by either the petitioner or the respondent can be served on the other party by mail or personal delivery, as explained below.²⁷ Carefully follow the rules about service.

After service is completed, file proof of service with the court, explained below.

- 2. Mail or deliver your papers to the other parties or their attorneys.**

Because you are responding, your papers can be given to the other parties by regular mail or by personal delivery. While the case is going on, if a party has given you an address for service of legal papers (for example in the Summons form, a Notice of Appearance, or a Response), serve him/her at that address. If a party is represented by an attorney, the papers are delivered to the attorney, not the party.

²⁷ [CR 5\(b\)\(1\)-\(2\)](#). However, if you prefer, you may have a party personally served (using the same procedures as described in our Filing packets for serving the Summons and Petition), and have a Return of Service prepared and filed. This packet tells you if a form needs to be personally served.

3. Service must be completed before your deadline.

Although many county courts allow you to do your own service, other counties do not. To be safe, **do not deliver or mail the papers yourself.** Ask an adult friend or relative to do it for you.

When your friend has mailed or delivered the papers to a party, have your friend fill out the Certificate of Mailing or Personal Delivery the same day. Your friend should fill out a separate form for each person s/he mails or delivers the papers to. You then file the original certificates. Keep a conformed copy for your records.

- **Mailing.** If your friend mails the papers, make sure s/he adds three (3) days to the number of days' notice required for your response. When counting, do not count the day of service (or mailing), weekends, or court holidays. **Example: if a document is mailed on a Monday, It is considered served on Thursday.** This is important when setting up or responding to hearings. There are deadlines by which papers must be served. If the third day is on a weekend or holiday, the document is not considered to have been "served" until the next court day.

If a document is sent by regular first class mail, have an additional copy sent by certified mail, return receipt requested, for additional proof of mailing. Staple the green return receipt card to the Certificate.

- **Personal Delivery.**

The papers may be delivered to the other party, instead of mailed. "Delivering" the papers to another party or his/her attorney means:

- handing it to the attorney or to the party; or
- leaving it at his office with his/her clerk or other person in charge of the office²⁸; or,
- if no one is in charge, leaving it in a place in the office where someone can easily find it (example: on top of the front desk); or,
- If the office is closed or the person has no office, leaving it at his/her residence or usual place of abode (home) with some person of suitable age and discretion then residing there.²⁹

²⁸ Although [CR 5\(b\)\(1\)-\(2\)](#) appears to allow a person to be served at his/her office, and you can usually deliver papers to an attorney or GAL at his/her office, we recommend that you NOT serve other parties at their offices, unless they've used that as their service address in a Notice of Appearance, Petition, or Response form.

²⁹ [CR 5\(b\)\(1\)](#). A person of suitable age and discretion means someone who is an adult (or at least an older teenager) who does not have a mental impairment that would prevent him/her from understanding that the legal papers should be given to the other party.

4. Instructions for the Certificate of Mailing or Personal Delivery (no mandatory form)

Make some blank copies of this form. You may need to fill it out and file it several times. Use this form to show that copies of papers you file in court have been given to the other parties. Use a separate form for each party to whom papers were mailed or delivered.

- **Caption.** Fill in the caption.
- **In the first paragraph,** write the date the papers were mailed or delivered in the first blank, and the name of the party served in the second blank. (If you are serving an attorney for a party, write in the party's name here and information about the attorney in the paragraphs below.) After "*with the following documents:*" write the name of **every form** sent/delivered to that person. If you leave out a form, you will have no proof it was served. If the papers were served by mail, check the first box. Add the name and address of the person the papers were mailed to. If you mailed an additional copy by certified mail, write that in. If the papers were hand delivered, check the second box. Fill in the time and address of delivery in the blanks provided, and the name of the person to whom the papers were delivered.
- **Signature.** The person who delivered or mailed the papers should sign and date the form, state the place signed (city and state), and print his/her name in the places indicated.

5. Filing the Certificates of Mailing or Personal Delivery

Make one copy of each completed Certificate. Do not give copies of this form to the other parties. If you mailed a copy of the forms by certified mail, and have a certified mail receipt back from the post office, attach the original receipt to the Certificate of Mailing you file with the clerk. Make a copy for your records. If you used certified mail but do not have the green receipt back when filing the Certificate, file the receipt later, attached to a page labeled with your case caption.

Section 10: What if I Agree with Everything in the Petition?

If you agree with everything requested in the petition and related forms (parenting plan/residential schedule, child support worksheets, complete the joinder form included in this packet. If you sign the joinder form, the case may be finished more quickly and easily.

- ◆ **You are never required to sign a joinder form.**
- ◆ If you disagree with any requests in the petition or any related paper, or if you agree with all the requests but want to be sure the court does not approve final agreed papers until you sign them, **do not** sign the joinder form.
- ◆ By signing the joinder form, you give the other party permission to enter final papers without your further approval or your signature on the papers.

In most cases, we recommend that, even if you agree to everything requested, instead of signing the joinder form, ask to see and read the proposed final papers before the other party takes them to the judge. (The final papers may include, for example, depending upon the type of case, Decree, Order on Modification, Parenting Plan or Residential Schedule, Order of Child Support, etc.) If the proposed final papers correctly show your agreement, sign them. That way you can reduce the chance of misunderstanding and be more confident the final papers accurately show your agreement.

However, if you agree with everything the other party asked for in the petition and in every related paper, and do not think it necessary to sign the final orders before they're presented to the judge, complete the Joinder form included in this packet. Signing the form can make it easier and quicker to finish the case. However, it also has risks. Talk with an attorney (NOT THE OTHER PARTY'S ATTORNEY) before signing a Joinder so you fully understand any legal rights you are giving up.

1. **Instructions for the Joinder form (WPF DRPSCU 01.0330) if you decide to use it.**

The signed joinder form gives the other party permission to enter final papers without your further approval or your signature on the final papers. It also tells the judge you agree that final orders can be entered as requested in the petition and related papers. **Read the information above before deciding to sign this form.**

1. **Caption.** Fill out the caption.
2. **Paragraph 1.** Read the paragraph carefully.
3. **Paragraph 2.** You should check the second box, so that the other party must send you the notice of hearings to finish your case. Checking this box does not mean the petitioner/requesting party must get your signature on the final papers. It only means you

are asking him/her to send you notice. Write your address in the blank space. You do not need to give your home address, but make sure you use a reliable mailing address where you will immediately learn of papers arriving for you. If you are sure that you do not want the other party to give you notice before final orders are entered, check the first box.

4. **Other.** Write in other information here.
5. **Signature.** Date the form and sign where it says “Signature of Joining Party.” Print or type your name on the line below it.

2. How to file the Joinder form, if you chose to sign it.

If you signed the joinder form, follow the same steps to file and serve it as described for filing your Response and other forms. Mail or deliver a copy of the Joinder form to the other parties. Keep a copy for yourself.

Section 11: If You are in the Military or If You are the Dependent of a Military Service Member

If you are on active duty³⁰ in the United States Armed Forces, or if you are the dependent (usually the spouse or minor child of a resident of Washington who is on active duty and is a National Guard Member or Reservist, or a person receiving over half his/her support from that service member³¹), you have special protections under the Service Members' Civil Relief Acts. Protections under the law can include protection against being defaulted in some circumstances, the right to ask for a stay (delay) of a court case if the active military duty limits ability to participate in the case, and other rights.

Before you do anything else in this case, you should contact an attorney or your JAG (Judge Advocate General) right away to get advice about how to protect your rights under the SCRA. You must act quickly as your time to respond is limited – for example, if you received a Notice re: Dependent of a Person in Military Service, you must respond to it within 20 days. To find your JAG, you may want to go to the U.S. Armed Forces Legal Assistance website: <http://legalassistance.law.af.mil/content/locator.php>. Note that your JAG will know military law, but you may also need to consult a Washington attorney about your family law issues.

The form called a *Waiver of Rights Under the Service Members Civil Relief Act* can be used to give up the rights under these laws. Instructions are below, if you decide to use this form.

The form called *Notice by Military Dependent* can be used if you qualify under the law as a military dependent to notify the court and the petitioner that you are the dependent. Instructions for this form are also below

A. Waiver of Rights Under Service Member's Civil Relief Act form

You are not required to fill out this form. It is your choice. If you are concerned that you will not be able to participate in the case because of military duties, or you are thinking about signing the waiver form, you should see an attorney or the JAG office. If you sign the waiver form, you are giving up protections under this law.

³⁰ The Service Members Civil Relief Act of March 4, 1918, as amended, [50 U.S.C. App., 501 et seq.](#) protects service members including: All members on Federal active duty, including regular members of the Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); Reserve, National Guard and Air National Guard personnel who have been activated and are on Federal active duty (whether as volunteers or as a result of involuntary activation); inductees serving with the armed forces; Public Health Service and National Oceanic and Atmospheric Administration Officers detailed for duty with the armed forces; persons who are training or studying under the supervision of the United States preliminary to induction; and National Guard and Air National Guard personnel on duty for training or other duty authorized by 32 U.S.C. §502(f) at the request of the President, for or in support of an operation during a war or national emergency declared by the President or Congress. *U.S. Coast Guard Legal Assistance Service Members Civil Relief Act Guide* at http://www.uscg.mil/legal/la/topics/sscra/sscra_guide.htm#coverage. For Washington State's Service Members Civil Relief Act, see [RCW 38.42.010](#) et seq.

³¹ [RCW 38.42.010](#).

1. Instructions for filling out the Waiver form, if you choose to sign it.

Caption. Fill in the Caption.

In the first blank, write your full name.

If you decide to sign this form fill out the rest of the form with the date that you were served with the Summons and Petition, the service member's name, rank, serial number and unit. If you sign this form, do so in front of a notary public.

◆ **Finding a Notary:** Often, your local bank has a notary. If you have a bank account there, the bank will sometimes provide the notary service for free. You may also look up notary public in the yellow pages of your telephone book.

2. File the Waiver form.

If you sign this form you can then give the form to petitioner to file, or you can file it with the court clerk's office. You should keep a conformed copy for yourself and give the other parties a copy.

B. Notice by Military Dependent

If you have not yet appeared in the case, and

- you receive a form called Notice re: Dependent of a Person in Military Service, and
- you are a qualified dependent of a military service member (see definition in the Notice re: Dependent of a Person in Military Service) and
- the service member is a member of the National Guard or a military reserve component under a call to active duty service for 30 days in a row or more, and
- you want to inform the court and petitioner/moving party of your status to prevent them from assuming you are not a military dependent, then
- you may file and serve a Notice by Military Dependent form.

◆ You must notify the court and the other party of your dependent status within 20 days after you receive the Notice re: Dependent of a Person in Military Service. If you do not, the court may presume you are not a dependent of a person in military service and may enter an order of default against you.

If you are the dependent of a person in the military, we recommend that you get talk to an attorney about

- whether you are entitled to the protections of the law concerning military service members' dependents, and,
- if you are protected, whether you should or should not file a Notice of Appearance and a Response to the Petition and other documents in this packet

You may use the form in this packet or you may create your own form or letter to give notice that you are a military dependent.

1. Instructions for filling out the form.

Caption. Fill in the Caption.

Check the box that explains why you are a dependent of a service member.

Write in the name of the service member you are the dependent of, and fill in the other information about the service member that is requested by the form.

Signature. Date the form and sign where it says "Signature of Party" and then print or type your name on the line below it and show the place signed (e.g. Yakima, Washington).

Service Address. Write in your mailing address. If you are afraid to give your address to the other parties, use an address at which you will **reliably and immediately** learn about mail that arrives for you.

2. File and serve the form.

File your original form with the court clerk's office and keep a conformed copy for your records.

Serve the other the other parties with a copy. Make sure that you file and serve notice of your military dependent status within 20 days after you receive the Notice re: dependent of a Person in Military Service. Complete and file a Certificate of Mailing or Personal Delivery (see the general instructions for the Certificate of Mailing).

Section 12: Checklists of Forms

List A: Get these forms to respond to the petition:

- Notice of Appearance (In this packet)
- Response (In this packet)
- Confidential Information Form & Addendum (In this packet). Do not serve this form on the other parties.
- Declaration of a Party to the Action to Establish Parentage (In this packet)
- Locally required forms

List B: Most people will also need these forms. They're in the [Parenting Plans, Residential Schedules and Child Support for Parentage \(Paternity\) Cases and for Modifications of Parentage Cases](#) packet.

- Proposed Parenting Plan or Residential Schedule
- Child Support Worksheets
- Financial Declaration
- Sealed Financial Source Documents Coversheet with required proof of income attached
 - Last 2-3 years of income tax returns (or W2s, 1099s or other proof of yearly income if you have not filed yet)
 - Paystubs for the most recent month (or more. See your local court rules)
 - If you do not have paystubs, other proof of your income (statement showing the amount of benefits you receive, business records & expense records, etc.)
 - Other financial documents, such as bank statements, may be required by your local court rules.
 - Proof of child-related expenses, if you are asking that they be included in calculating support (examples: daycare payments, health insurance premiums, uninsured medical, etc.)

List C: Get these forms if a party requests financial relief such as attorney fees, or payment of a GAL fee.

- Financial Declaration (found in the [*Parenting Plans, Residential Schedules and Child Support for Parentage \(Paternity\) Cases and for Modifications of Parentage Cases*](#) packet).
- Sealed Financial Source Documents Coversheet with Required proof of income
- Proof of the expenses you claim (example: bills from your attorney)

List D: If you are requesting a domestic violence protection order as part of your parentage case, get the Petition for Order for Protection, and perhaps related forms available from the court clerk, or go to a domestic violence advocacy program for help. Call 1-800-562-6025 for more information.

List E: Use this form to prove service on the other parties of your Response and other papers:

- Certificate of Mailing or Personal Delivery (In this packet)

List F: If you file any confidential reports, financial records, or health care records during your case, use one or more of the following forms:

- Sealed Personal Health Care Records (Cover Sheet)
- Sealed Confidential Report (Cover Sheet)
- Sealed Financial Source Documents (Cover Sheet)

List G: If you are a military service member or the dependent of a service member, you MAY also need the following forms:

- Waiver of Rights under the Service Members' Civil Relief Act (In this packet)
- Notice by Military Dependent (In this packet)

List H: If you file or respond to motions for temporary or emergency orders, use forms from our packets on responding to motions for temporary or emergency orders.

List I: If your case goes to trial, or if you finish your case by agreement, you need additional papers not covered here.

Section 13: Blank Forms in this Packet

The rest of this packet contains blank forms for you to complete. Make a copy of each form so that you have an extra in case your first draft needs lots of changes. You may need forms from other packets, and you may not need all the forms in this packet.

**Superior Court of Washington
County of**

In re Parentage:

and

Petitioner,

and

Respondent,

and

Respondent,

Child(ren) over the age of 2.

No.

**Response to Petition for
Establishment of Parentage
(RSP)**

Check box if petition is attached for:

Order for protection DV (PTORPRT)

Order for protection UH (PTORAH)

To the Above-Named Petitioner and All Other Parties:

1. Admissions and Denials

The allegations of the petition in this matter are **admitted** or **denied** as follows (check only one for each paragraph):

Paragraph of the Petition

1.1 Cause of Action

Admitted Denied Lacks Information

1.2 Parties to the Actions

Admitted Denied Lacks Information

1.3 Presumed Parent

Admitted Denied Lacks Information

1.4 Jurisdiction

Admitted Denied Lacks Information

1.5 Jurisdiction Over the Child

Admitted Denied Lacks Information

1.6 Child Support and Residential Placement

Admitted Denied Lacks Information

1.7 Current Residence of the Child

Admitted Denied Lacks Information

1.8 Reimbursement

Admitted Denied Lacks Information

1.9 Continuing Restraining Order

Admitted Denied Lacks Information

1.10 Protection Order

Admitted Denied Lacks Information

1.11 Other

Admitted Denied Lacks Information

Each allegation of the petition that is denied is denied for the following reasons (list separately):

2. Parentage

- Does not apply.
- I admit that I am the parent of the child named in this parentage action.
- I deny that I am the parent of the child named in this parentage action.
- Other:

3. Other Possible Parents

- Does not apply.
- The following persons are possible parents of the child:

Note: This does not act as a joinder of these individuals as parties to this parentage action. A separate joinder action must be filed to accomplish that purpose.

4. Genetic Tests

I do do not request that paternity genetic tests be performed.

5. Dismissal

- Does not apply.
- I request that the case be dismissed.

6. Request for Relief

The court should grant the following relief:

- Does not apply.
- The court should deny the petition for establishment of parentage.
- The court should grant the petition for establishment of parentage and:
 - enter respondent’s parenting plan/residential schedule.
 - enter an order of child support.

Protection Order

- There is a protection order between the parties filed in case number _____, court _____, which expires on (date) _____.
- The court should grant the domestic violence antiharassment petition for order for protection:
 - attached to this response.
 - filed separately under this case number case number _____.

If you need immediate protection, contact the clerk/court for RCW 26.50 Domestic Violence forms or RCW 10.14 Antiharassment forms.

- Enter a continuing restraining order.
- Grant an award of attorneys fees and costs to responding party.
- Other:

7. Other

8. Notice of Further Proceedings

Notice of all further proceedings in this matter should be sent to the respondent in care of the following service address: (you may list an address that is not your residential address where you agree to accept legal documents.)

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____ on (date) _____.

Signature of Responding Party

Print or Type Name

Confidential Information Form (INFO)

County:	Cause Number:	Do not file in a public access file.
<i>Court Clerk: This is a Restricted Access Document</i>		

Divorce/Separation/Invalidity/Nonparental Custody/Paternity/Modifications
 Sexual Assault
 Other
 Domestic Violence
 Antiharassment
 Information Change (Check if you are updating information)

A restraining order or protection order is in effect protecting the petitioner the respondent the children.

The health, safety, or liberty of a party or child would be jeopardized by disclosure of address information because: _____

**The following information about the parties is required in all cases:
(Use the Addendum To Confidential Information Form to list additional parties or children)**

Petitioner Information	Type or Print Only	Respondent Information
Name (Last, First, Middle)		Name (Last, First, Middle)
Race	Sex	Birthdate
Driver's Lic. or Identocard (# and State)		Driver's Lic. or Identocard (# and State), (or, if unavailable, residential address)
Mailing Address (P.O. Box/Street, City, State, Zip)		Mailing Address (P.O. Box/Street, City, State, Zip)
Relationship to Child(ren)		Relationship to Child(ren)

The following information is required if there are children involved in the proceeding. (Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault).)

1) Child's Name (Last, First, Middle)

Child's Race/Sex/Birthdate

Child's Soc. Sec. No. (If required)

Child's Present Address or Whereabouts

2) Child's Name (Last, First, Middle)

Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts
List the names and present addresses of the persons with whom the child(ren) lived during the last five years:
List the names and present addresses of any person besides you and the respondent who has physical custody of, or claims rights of custody or visitation with, the child(ren):
<u>Except for petitions in protection order cases (Domestic Violence/Antiharassment/ Sexual Assault), the following information is required:</u>
Petitioner's Information
Respondent's Information
Soc. Sec. No.:
Soc. Sec. No.:
Residential Address (Street, City, State, Zip)
Residential Address (Street, City, State, Zip)
E-mail Address:
E-mail Address:
Telephone No.: ()
Telephone No.: ()
Employer:
Employer:
Empl. Address:
Empl. Address:
Empl. Phone No.: ()
Empl. Phone No.: ()
For Nonparental Custody Petitions only, list other Adults in Petitioner(s) household (Name/DOB):

Additional information: _____

Addendum(s) To Confidential Information Form attached. List other parties or children in Addendum(s).

I certify under penalty of perjury under the laws of the state of Washington that the above information is true and accurate concerning myself and is accurate to the best of my knowledge as to the other party, or is unavailable. The information is unavailable because

_____.

Signed on _____ (Date) at _____ (City and State).

 Petitioner/Respondent

Addendum to Confidential Information Form (AD)

County:	Cause Number:	Do not file in a public access file.
Court Clerk: This is a Restricted Access Document		

The following information about additional parties is required in all cases.

Additional Petitioner Information	Type or Print Only	Additional Respondent Information
Name (Last, First, Middle)		
Race	Sex	Birthdate
Drivers Lic. or Identocard (# and State)		
Mailing Address (P.O. Box/Street, City, State, Zip)		
Relationship to Child(ren)		
Name (Last, first, Middle)		
Race	Sex	Birthdate
Drivers Lic. or Identocard (# and State), (or, if unavailable, residential address)		
Mailing Address (P.O. Box/Street, City, State, Zip)		
Relationship to Child(ren)		

The following information is required if there are additional children involved in the proceeding. (Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault).)

3) Child's Name (Last, First, Middle)
Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts
4) Child's Name (Last, First, Middle)
Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts

Except for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault), the following information is required:

Additional Petitioner Information	Additional Respondent Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
E-mail Address:	E-mail Address:
Telephone No.: ()	Telephone No.: ()
Employer:	Employer:
Empl. Address:	Empl. Address:
Empl. Phone No.: ()	Empl. Phone No.: ()

**Superior Court of Washington
County of _____**

In re Parentage:

Petitioner,

and

Respondent

and

Respondent.

No. _____

**Pro se Notice of Appearance
(APPS)**

The undersigned enters an appearance in this action, and demands notice of all further proceedings. The Clerk of the Court and the opposing party will be informed of any change in address. Any notices may be sent to [You may list an address that is not your residential address where you agree to accept legal documents.]

Service Address:

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Phone Number: Listed on Confidential Information Form.

Dated: _____

Signature of Party Appearing

Print or Type Name

**Superior Court of Washington
County of**

In re Parentage:

and
and
and
and
Child(ren) over the age of 2.

Petitioner,
Respondent,
Respondent,

**No.
Declaration of a Party to the
Action to Establish Parentage
(Parentage)
(DCLR)**

I. Declaration

(Name) _____ **Declares:**

- 1.1 I am the parent of the child (name) _____ , born on
(date) _____ because I:
 - A. am the birth mother.
 - B. legally adopted the child.
 - C. signed an affidavit and filed the affidavit and physicians certificate with the Washington State Registrar of Vital Statistics within ten days after the birth of the child born through assisted reproduction.
 - D. consented to assisted reproduction by my spouse or domestic partner.
 - E. asserted in a valid surrogate parentage contract that I am the intended parent of the child.
 - F. signed a Paternity Acknowledgment.

G. am an alleged parent because within the period from (date) _____ to (date) _____ I had sexual intercourse with (name) _____ and I believe I am the father of the child.

H. am a presumed parent because (Select all that apply):

(Name) _____ and I are married to each other or in a domestic partnership with each other and this child was born during the marriage or domestic partnership.

(Name) _____ and I were married to each other or in a domestic partnership with each other and this child was born within three hundred days after the marriage or domestic partnership was terminated by death, annulment, dissolution, legal separation, or declaration of invalidity.

Before the birth of this child, (name) _____ and I married each other or entered into a domestic partnership with each other in apparent compliance with the law, even if the attempted marriage or domestic partnership is, or could be declared invalid and this child was born during the invalid marriage or invalid domestic partnership or within three hundred days after its termination by death, annulment, dissolution, legal separation, or declaration of invalidity.

After the birth of this child, (name) _____ and I married each other or entered into a domestic partnership with each other in apparent compliance with the law, whether or not the marriage or domestic partnership is or could have been declared invalid, and I voluntarily asserted parentage of the child:

in a record filed with the state registrar of vital statistics;
 and I agreed to be named as a parent on this child's birth certificate;
 and I promised in a record to support this child as my own.

for the first two years of this child's life, I resided in the same household with this child and openly held out the child as my own, as follows:

_____.

1.2 I believe (name) _____ is:
(select section A, B, or C. and check the box that applies in that section)

A. a parent because:

she is the birth mother.

he or she legally adopted the child.

- she signed an affidavit and filed the affidavit and physicians certificate with the Registrar of Vital Statistics within ten days after the birth of the child born through assisted reproduction.
- he or she consented to assisted reproduction by me.
- he or she asserted in a valid surrogate parentage contract that he or she is the parent of the child.
- he or she signed a Paternity Acknowledgment.

B. an alleged parent because (Select all that apply):

- Within the period from (date) _____ to (date) _____ this child was conceived. I had sexual intercourse only with (name) _____ within this time period and he must be the father.
- Within the period from (date) _____ to (date) _____, this child was conceived. I had sexual intercourse with: (name(s)) _____

Within this period, this child was conceived and one of these men must be the father.

C. a presumed parent because (Select all that apply):

- (Name) _____ and I are married to each other or in a domestic partnership with each other and this child was born during the marriage or domestic partnership.
- (Name) _____ and I were married to each other or in a domestic partnership with each other and this child was born within three hundred days after the marriage or domestic partnership was terminated by death, annulment, dissolution, legal separation, or declaration of invalidity.
- Before the birth of this child, (name) _____ and I married each other or entered into a domestic partnership with each other in apparent compliance with the law, even if the attempted marriage or domestic partnership is, or could be declared invalid and this child was born during the invalid marriage or invalid domestic partnership or within three hundred days after its termination by death, annulment, dissolution, legal separation, or declaration of invalidity.
- After the birth of this child, (name) _____ and I married each other or entered into a domestic partnership with each other in apparent compliance with the law, whether or not the marriage or domestic partnership is or could have been declared invalid, and (name) _____ voluntarily asserted parentage of the child:

in a record filed with the state registrar of vital statistics;
 and agreed to be and is named
as a parent on this child's birth certificate;
 and promised in a record to
support this child as his or her own.

for the first two years of this child's life, (name) _____
resided in the same household with this child and openly held out this child as his or
her own as follows:

1.3 I am not the presumed parent of the child because:

(name) _____ and I neither cohabited nor engaged in sexual
intercourse with each other during the probable time of conception, and I never held out
this child as my own.

for the first two years of the child's life, I did not reside in the same household with the
child and I did not openly hold the child out as my own.

1.4 I believe (name) _____ is not the presumed parent of the child because:

(name) _____ and I neither cohabited nor engaged in sexual
intercourse with each other during the probable time of conception, and
(name) _____ never held out this child as his own.

for the first two years of this child's life, (name) _____ did not
reside in the same household with this child and did not openly hold out this child as his
or her own.

1.5 Within the period from (date) _____ to (date) _____, sexual
intercourse with (name) _____ occurred in the state of
Washington which may have resulted in the conception of this child.

1.6 This child was not conceived through assisted reproduction.

1.7 Other:

II. Military Service

To the best of my knowledge and belief (name) _____ is not a service member or a dependent of a service member.

To the best of my knowledge and belief (name) _____ :

- is on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is on active duty and is a National Guard member or a Reservist residing in Washington;
- is not on active duty in the U.S. armed forces (excluding National Guard and reserves);
- is not on active duty and is a National Guard member or a Reservist residing in Washington.
- other:

To the best of my knowledge and belief (name) _____ :

- is a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- is not a dependent of a resident of Washington who is on active duty and is a National Guard member or a Reservist;
- other:

(Add additional pages if necessary.)

III. Statement of Non-Representation

I have been informed and understand that the attorney for the state of Washington (Attorney General/Prosecutor) does not represent me in this matter. I understand that I have the right to retain my own attorney at any time.

IV. Uniform Child Custody Jurisdiction and Enforcement Act Statement

During the last five years, this child has lived:

- in no place other than the state of Washington and with no person other than the declarant or a named party.
- in the following places with the following persons (list each place this child lived, including the state of Washington, the dates this child lived there and the names of the persons with whom this child lived. The present addresses of those persons must be listed in the required Confidential Information Form.):

Claims to custody or visitation.

- I do not know of any person other than a named party who has physical custody of, or claims to have custody or visitation rights to this child.

The following persons have physical custody of, or claim to have custody or visitation rights to this child (list their names and the child(ren) concerned below and list their present addresses in the Confidential Information Form. Do not list the responding party.):

Involvement in any other proceeding concerning this child:

- I have not been involved in any other proceeding regarding this child.
 I have been involved in the following proceedings regarding this child (list the court, the case number, and the date of the judgment or order):

Other legal proceedings concerning this child:

- I do not know of any other legal proceedings concerning this child.
 I know of the following legal proceedings which concern this child (list the child concerned, the court, case number and the kind of proceeding):

Other:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____ on (date) _____.

Signature of Party to this action

Print or Type Name

**Superior Court of Washington
County of _____**

In re Parentage:

Petitioner,
and

Respondent
and

Respondent.

No. _____

**Certificate of Mailing or Personal
Delivery**

(No Mandatory Form Developed)

I hereby certify that I am over the age of 18 and competent to be a witness.

On _____, I served _____
_____, with the following documents: _____

_____ in the following manner

Via first class U.S. Mail, postage prepaid; to
(Name & Address of Party Being Served):

Hand Delivery

At the following address:

by handing to and leaving with _____ (name) a true and correct copy of said pleadings at ____ a.m./p.m.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this _____ day of _____, 20____ at
_____(city), _____(state).

Signature

Print or Type Name

**Superior Court of Washington
County of _____**

In re Parentage:

Petitioner,
and

Respondent
and

Respondent.

No. _____
**Joinder
(JN)**

1. Joinder

I have read the petition and join in it. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition, unless prior to the entry of the decree or judgment and order a response is filed and served.

2. Notice of Further Proceedings

- I waive notice of entry of the decree.
- I demand notice of all further proceedings in this matter. Further notice should be sent to the following service address: [You may list an address that is not your residential address where you agree to accept legal documents.]

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

3. Other

Dated: _____

Signature of Joining Party

Print or Type Name

**Superior Court of Washington
County of _____**

In re Parentage:

Petitioner,
and

Respondent
and

Respondent.

No. _____

**Waiver Of Rights Under
Service Members' Civil
Relief Act And Admission
Of Service**

(No Mandatory Form Available)

My name is _____. I am the respondent/nonrequesting party in the above-entitled action. The Other party has requested a determination of parentage and related relief, which may include a parenting plan/residential schedule and/or child support court orders. I am a member or the dependent of a member of the United States military and I am informed of my rights under the Service Members Civil Relief Act of March 4, 1918, as amended and the Military Service Members' Civil Relief Act, RCW Ch. 38.42. I waive my rights under the Service Members Civil Relief Act and the Military Service Members' Civil Relief Act, RCW Ch. 38.42 and I request the court to determine whether to grant the relief requested by the petitioner/requesting party.

I received a copy of the Summons and Petition for Establishment of Parentage and Proposed Parenting Plan or Residential Schedule and Child Support Worksheets (if applicable) and other

documents listed in the Return of Service or Acceptance of Service in this matter on _____
_____.

Name of Service member: _____

Rank: _____

Serial No.: _____

Unit: _____

Signed at _____, on _____.
[Place] [Date]

Signature of Nonrequesting Party

Print or Type Name

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____.

NOTARY PUBLIC in and for
the state of _____,
residing at _____.
My Commission Expires: _____.

**Superior Court of Washington
County of _____**

In re Parentage:

Petitioner,

and

Respondent

and

Respondent.

No. _____

Notice of Military Dependent

(No Mandatory Form Available)

I declare under penalty of perjury under the laws of the State of Washington that I am the dependent of a member of the National Guard or a military reserve component under a call to active service for a period of more than thirty consecutive days. I am filing this Notice to inform the court that I believe I am entitled to protections under the Servicemembers' Civil Relief Acts and that I do not waive those protections.

I am:

the service member's spouse

the service member's minor child

an individual for whom the service member provided more than one-half of my support for the last 180 days.

I am the dependent of the following service member:

Name of Service member: _____

Rank: _____

Serial No.: _____

Unit: _____

Signed at _____, _____ (city and state) on _____ (date).

Signature

Print or Type Name

Responding to a Petition for Establishment of Parentage – 7/11

Your comments are appreciated and will help to make this packet more useful to others. Please take a moment to complete this form and return it to:

Danielle Rebar
Northwest Justice Project
500 W. 8th, Suite 275
Vancouver, WA 98660

1. Where did you get this packet? _____
2. What's your primary language? _____
3. Are you a *low-income person? yes no
[*\$1800 per month for household of 1; \$2400 for 2; \$3000 for 3; \$3675 for 4; \$4300 for 5]
4. What's the last grade you completed in school? _____
5. Did you read the instructions? yes no
6. Did you also need the help of an agency, court facilitator, or advocate to complete your case?
 yes no
6a. If yes, what agency or individual helped you? _____
7. Did you use the legal forms? yes no
8. Did you find anything difficult to understand? yes no
8a. If yes, please tell us what. _____

9. Did you find any mistakes? yes no
10. Today's Date: _____
Other Comments or Suggestions: