

**Superior Court of Washington
County of**

In re:

and

Petitioner,

Respondent.

No.

**Order Re
Modification/Adjustment
Of Custody Decree/Parenting
Plan/Residential Schedule
(ORMDD/ORDYMT)**

I. Basis

This order is based on:

- ☐ a finding that adequate cause had been established for hearing the petition.
- ☐ an agreement of the parties.
- ☐ an order of default entered on _____ [Date].

II. Findings

The Court Finds:

2.1 Jurisdiction

This court has jurisdiction over this proceeding for the reasons below.

- ☐ This court has exclusive continuing jurisdiction. The court has previously made a child custody, parenting plan, residential schedule or visitation determination in this matter and retains jurisdiction under RCW 26.27.211.

- ☐ This state is the home state of the children because
- ☐ the children lived in Washington with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of this proceeding.
 - ☐ the children are less than six months old and has lived in Washington with a parent or a person acting as parent since birth.
 - ☐ any absences from Washington have been only temporary.
 - ☐ Washington was the home state of the children within six months before the commencement of this proceeding and the children are absent from the state but a parent or person acting as a parent continues to live in this state.
- ☐ The children and the parents or the children and at least one parent or a person acting as a parent, have significant connection with the state other than mere physical presence; and substantial evidence is available in this state concerning the children's care, protection, training and personal relationships and:
- ☐ The children have no home state elsewhere.
 - ☐ The children's home state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under RCW 26.27.261 or .271.
- ☐ All courts in the children's home state have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the children under RCW 26.27.261 or .271.
- ☐ No other state has jurisdiction.
- ☐ This court has temporary emergency jurisdiction over this proceeding because the children are present in this state and the children have been abandoned or it is necessary in an emergency to protect the children because the children, or a sibling or parent of the children is subjected to or threatened with abuse. RCW 26.27.231.
- ☐ There is a previous custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. The requirements of RCW 26.27.231(3) apply to this matter. This state's jurisdiction over the children shall last until _____ [date].
 - ☐ There is no previous custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under RCW 26.27.201 through 26.27.221. If an action is not filed in _____ [potential home state] by the time the child has been in Washington for six months, _____ [date], then Washington's jurisdiction will be final and continuing.
- ☐ Other:

2.2 Modification Under RCW 26.09.260(1), (2)

- ☐ Does not apply.
- ☐ The custody decree/parenting plan/residential schedule should not be modified because none of the statutory reasons in RCW 26.09.260(1) and (2) apply.
- ☐ The custody decree/parenting plan/residential schedule should be modified because a substantial change of circumstances has occurred in the circumstances of the children or the nonmoving party and the modification is in the best interest of the children and is necessary to serve the best interest of the children. This finding is based on the factors below.
 - ☐ The parties agree to the modification.
 - ☐ The children have been integrated into the moving party's family with the consent of the other party in substantial deviation from the decree or parenting plan/residential schedule.
 - ☐ The children's environment under the custody decree/parenting plan/residential schedule is detrimental to the children's physical, mental or emotional health and the harm likely to be caused by a change in environment is outweighed by the advantage of a change to the children.
 - ☐ The other party has been found in contempt of court at least twice within three years because the person failed to comply with the residential time provisions in the court-ordered parenting plan, or the person has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

The following facts, supporting the requested modification, have arisen since the decree or plan/schedule or were unknown to the court at the time of the decree or plan/schedule:

2.3 Modification or Adjustment Under RCW 26.09.260(4) or (8)

- ☐ Does not apply.

- ☐ The custody decree/parenting plan/residential schedule should not be modified because:
- ☐ none of the statutory reasons in RCW 26.09.260(4) apply.
- ☐ none of the statutory reasons in RCW 26.09.260(8) apply.
- ☐ The custody decree/parenting plan/residential schedule should be **modified** because the reduction or restriction of the residential time for the person with whom the children do not reside a majority of the time would serve and protect the best interests of the children using the criteria in RCW 26.09.191. The following facts support the request for modification:
- ☐ The custody decree/parenting plan/residential schedule should be **adjusted** because the nonresidential party has voluntarily failed to exercise residential time for one year or more and the adjustment is in the best interest of the children.

2.4 Adjustments to Residential Provisions Under RCW 26.09.260(5)(a) and (b)

- ☐ Does not apply.
- ☐ The custody decree/parenting plan/residential schedule should not be adjusted because none of the statutory reasons in RCW 26.09.260(5)(a) and (b) apply.
- ☐ The custody decree/parenting plan/residential schedule should be adjusted because a substantial change in circumstances of either parent or of the child has occurred and the proposed modification to the custody decree/parenting plan/residential schedule is in the best interest of the children and is a minor modification in the residential schedule that does not change the residence the children are scheduled to reside in the majority of the time and:
- ☐ is not more than 24 full days in a calendar year.
- ☐ is based on a change of residence of the parent with whom the child does not reside a majority of the time or an involuntary change in work schedule by a party which makes the residential schedule in the custody decree/parenting plan/residential schedule impractical to follow.

2.5 Adjustments to Residential Provisions Under RCW 26.09.260(5)(c), (7), (9)

- [] Does not apply.

This section only applies to a person with whom the child does not reside a majority of the time who is seeking to increase residential time.

2.5.1 Parent subject to limitations under RCW 26.09.191(2) or (3)

- ☐ The residential time of _____ [Name] is not subject to limitations.
- ☐ The residential time of _____ [Name] is subject to limitations. This parent ☐ has ☐ has not demonstrated a substantial change in circumstances specifically related to the basis for the limitations.

2.5.2 Parent Required to Complete Evaluations, Treatment, Parenting or Other Classes

- ☐ _____ [Name] is not required under the existing parenting plan/residential schedule to complete evaluations, treatment, parenting or other classes.
- ☐ _____ [Name] is required by the existing parenting plan/residential schedule to complete evaluations, treatment, parenting or other classes. The following facts show this parent ☐ has ☐ has not fully complied with such requirements:

2.5.3 Adjustment to Residential Provision Under RCW 26.09.260(5)(c)

- ☐ The custody decree/parenting plan/residential schedule should not be adjusted because none of the statutory reasons in RCW 26.09.260(5)(c) apply.
- ☐ The custody decree/parenting plan/residential schedule should be adjusted because a substantial change in circumstances of ☐ _____ [Parent's Name] ☐ _____ [Child(ren)'s Name(s)] has occurred. The proposed modification to the custody decree/parenting plan/residential schedule is in the best interest of the children. It is a minor modification in the residential schedule that does not change the residence the children are scheduled to reside in the majority of the time. The increase is more than 24 full days but less than 90 overnights per year total. The custody decree/parenting plan/residential schedule does not provide reasonable time with the nonprimary residential party.

2.6 Adjustments to Nonresidential Provisions Under RCW 26.09.260(10)

- ☐ Does not apply.
- ☐ The custody decree/parenting plan/residential schedule should not be adjusted because none of the statutory reasons set forth in RCW 26.09.260(10) apply.

- ☐ The following nonresidential aspects of the parenting plan/residential schedule should be adjusted because there is a substantial change of circumstances of either party or of the children and the adjustment is in the best interest of the children:

- ☐ Dispute resolution.
- ☐ Decision making.
- ☐ Transportation arrangements.
- ☐ Other:

2.7 Substantial Change in Circumstances

(Complete this part if a modification or adjustment is based on paragraphs 2.2, 2.4, 2.5.1, 2.5.3 or 2.6)

The following substantial change has occurred in the circumstances of either party or of the children:

2.8 Protection Order

- ☐ Does not apply.
- ☐ A domestic violence protection order, with an expiration date of _____, protecting _____ [Name] from _____ [Name] is necessary based upon declarations in the file or attached and should be entered.
- ☐ If the duration of this order exceeds one year, the court finds that an order of one year or less will be insufficient to prevent further acts of domestic violence.

III. Order

It is Ordered:

- ☐ The petition to modify/adjust the custody decree or parenting plan/residential schedule is denied.
- ☐ The petition to modify/adjust the custody decree or parenting plan/residential schedule is granted. The custody decree or parenting plan/residential schedule signed by the court and filed on _____ [Date] is approved and incorporated as part of this order. This decree or parenting plan/residential schedule supersedes all previous decrees or parenting plans/residential schedules.
- ☐ Child support shall be modified in accordance with the custody decree or parenting plan/residential schedule approved by the court. The order of child support signed by the court and entered on _____ [Date] is approved and incorporated as part of this order. This order of child support supersedes all previous child support orders.
- ☐ The parties shall comply with the Order for Protection signed by the court on this date, _____ in this cause number. The Order for Protection signed by the court is approved and incorporated as part of this decree.
- ☐ Other:

Dated: _____

Judge/Commissioner

Presented by:

Approved by:

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

Print or Type Name

Date

Print or Type Name

Date

Signature of Party or Lawyer/WSBA No.

Signature of Party or Lawyer/WSBA No.

Print or Type Name

Date

Print or Type Name

Date

Signature of Party or Lawyer/WSBA No.

Print or Type Name

Date