

Island County Court Facilitator
501 N. Main Street
Coupeville, WA 98239
(360) 678-7981

UNMARRIED PARENTS

CONTESTED VERSION: **Establishing a Parenting Plan and/or Child Support where no change of custody is being sought and:**

- **When there is a Paternity Affidavit; or**
 - **When there was a Judgment and Order Determining Parentage entered and it has been over 24 months since that Order was entered.**
1. Obtain and prepare the necessary forms. You can purchase a packet of forms from the Island County Superior Court Clerk or you can download forms for free at the following websites:

www.courts.wa.gov/forms (for standardized State forms)
www.islandcounty.net/superiorcourt (for Island County forms and rules)

Start your case by filling out and signing the following forms:

_____ **Petition for Residential Schedule/Parenting Plan/Child Support WPF PS 15.0100**

_____ **Summons WPF PS 15.0200**

_____ **Confidential Information Form WPF DRPSCU 09.0200**

_____ **Sealed Acknowledgment of Paternity (Cover Sheet) WPF PS 15.0150** with attached copy of your Paternity Affidavit; OR a Certified Copy of your Judgment and Order Determining Parentage (unless your Order was entered in Island County in which case you will only need to know the case number from that Order).

A certified copy of your Paternity Affidavit/Acknowledgment of Paternity may be obtained by contacting the Department of Vital Health and Statistics (360) 236-4336.

_____ **Parenting Plan – Proposed WPF PS 15.0600**

If you are requesting child support you will also need:

_____ **Sealed Financial Source Documents (Cover Sheet) (SEALFN)** *(attach current proof of income)*

_____ **Financial Declaration (FNDCLR) WPF DRPSCU 01.1550**

_____ **Child Support Worksheets – Proposed WSCSS Worksheets**

When preparing the Child Support Worksheets you will need to put in an amount for the other party's income. If you do not know their current income you can impute their income (*See the **Washington State Child Support Schedule***), make a reasonable estimate as to their income or use the same numbers used in the most recent order. If your original Child Support Order is being enforced by the State of Washington, you can request the other party's financial information from your enforcement officer. For more information on calculating child support please see the **Washington State Child Support Schedule, Definitions and Standard, Instructions and Economic Table (WSCSS-Schedule)** and/or www.courts.wa.gov/ssgen.

Make 2 copies of all forms, except the Confidential Information Form and the Supplemental Confidential Information Form, after you have completed them. The Superior Court Clerk's Office will keep the original documents for your court file. You will need a set of copies for yourself and another set to serve on the other party.

2. **File the original documents with the Island County Superior Court Clerk in Coupeville** (101 NE Sixth Street). The filing fee is payable only in cash, money order or cashier's check; the Superior Court Clerk can inform you of the current fee amount. The fee can be waived in some cases. The forms necessary to obtaining a fee waiver are available on the State website, at Court Administration, or from the Court Facilitator.
3. **Serve the other person:** Personal service must be done by a person over the age of 18 and not involved in the case. The person doing the service must complete a

Return of Service WPF DRPSCU 01.0250

Make sure all the proper boxes are marked as to what documents were served and that the date, time, and place of service are filled out. Once this form is completed, make a copy and file the original with the Superior Court Clerk.

The Island County Sheriff's Office can also serve the documents for a fee if the other party lives in Island County. If the other party does not live in Island County, contact the Sheriff's Office, or a Process Server, in the county in which he/she lives.

The other party has **20 days** (if served in Washington) or **60 days** (if served outside Washington) to file a **Response** to your Petition. If you need to serve by publication or by mail, you must ask the Court for permission to do so.

4. If you need assistance with understanding forms or procedures, the Court Facilitator can review forms you have prepared yourself, answer questions, or help you with procedures.
 - **The Court Facilitator cannot give legal advice.**
 - The Court Facilitator does not represent you and may also assist the other party.
 - There is a \$40 (cash only) fee per one hour appointment, payable to the Island County Superior Court Clerk before your appointment.

- **People are seen by appointment only; “walk-in” hours are not available.**
 - To make an appointment call **(360) 678-7981** or email **d.mehlhaff@co.island.wa.us**
5. **Both parties must attend an approved Parenting Seminar.** The Parenting Seminar *“Helping Children through Divorce”* is the only class available on Whidbey Island that satisfies this requirement. Sign up for the seminar by calling (360) 279-9222 (North Whidbey) or (360) 341-1955 (South Whidbey).
- Local Court Rule requires that you attend this class prior to a final parenting plan being entered even if you are not married to the other party.
 - **Failure to comply with this requirement may result in a finding of contempt and imposition of sanctions.**
 - **Island County does not accept online parenting seminars.**
 - Permission to attend another parenting seminar must be obtained from the court by presenting a Motion and Order to the Judge at an *Ex Parte* Hearing **before** you attend your final Hearing.
 - File your certificate of completion with the Superior Court Clerk’s Office.
6. **Respondents:** If you are served with a **Petition** and **Summons** you must file a

_____ **Response to Petition for Residential Schedule/Parenting Plan/Child Support
WPF PS 15.0300**

within **20 days** (if served within the State) or **60 days** (if served outside the State). If you do not respond in the appropriate amount of time, a Default Order and other final Orders may be entered without your knowledge or signature.

You may also want to file and send your own Proposed Parenting Plan

_____ **Parenting Plan – Proposed WPF PS 15.0600**

If Child Support is at issue, you should file

_____ **Sealed Financial Source Documents (Cover Sheet) (SEALFN) (*attach current proof of income*)**

_____ **Financial Declaration (FNDCLR) WPF DRPCU 01.1550**

_____ **Child Support Worksheets – Proposed WSCSS Worksheets**

File your **Response** and any other documents you have prepared with the Court Clerk and send a copy of your filed documents certified mail return receipt requested to the other party at the address indicated on the Summons. The Court Facilitator can help you calculate child support and can answer questions about the forms or procedures. In addition, sign up for and attend the required parenting seminar.

7. **Default Orders:** If the other party does not file a Response to your Petition within the allowed time, then you may set a Hearing and have your case finalized without the other party's participation. Before setting a Hearing you must make an appointment with the Court Facilitator so that she can review and sign off on your Final Parenting Plan, and your Child Support Worksheet if you have asked for Child Support. Call (360) 678-7981 to make an appointment.

LOCAL COURT RULE REQUIRES THAT THE PARENTING PLAN AND CHILD SUPPORT DOCUMENTS BE REVIEWED AND SIGNED BY THE COURT FACILITATOR BEFORE BEING PRESENTED TO THE JUDGE.

To set a Hearing, fill out and file a

_____ **Motion for Default WPF DRPSCU 03.0100** and a

_____ **Note for Calendar (Local Court Form)**

On the **Note for Calendar** pick a Monday at 9:30 a.m. for your hearing and under "Nature of Hearing" put "Default and Entry of Final Orders." The Clerk's Office must have 7 days notice of Hearing so before picking your Hearing date; count out the correct number of days.

Bring to your Hearing for the Judge to sign a completed

_____ **Order on Motion for Default WPF DRPSCU 03.0200**

8. **Both parties must fill out and file a:**

_____ **Supplemental Confidential Information Form (Local Court Form)**

Each party must provide the required information on all people (including their selves) over the age of 11 living in their household. Submit the form to the Superior Court Administration at least 10 days before the date of your Hearing.

9. Prepare your final Orders and take them to your Hearing.

_____ **Residential Time Summary Report WPF DR 01.0410**

_____ **Parenting Plan – Final WPF PS 15.0600 Filled out the same as your Proposed Parenting Plan but marked “Final” and initialed by the Court Facilitator.**

_____ **Order of Child Support WPF DR 01.0500**

_____ **Child Support Worksheets – Final WSCSS Worksheets**

_____ **Findings of Fact and Conclusions of Law on Petition for Residential Schedule/Parenting Plan or Child Support (FNFL) WPF PS 15.0400**

_____ **Judgment and Order Establishing Residential Schedule/Parenting Plan/Child Support (JDORS) WPF PS 15.0500**

10. **Mandatory Mediation:** If you and the other party cannot work out an agreement on all issues, then you must schedule mediation. Mediation is required by **Local Court Rule**. If you reach an agreement, either on your own, or after mediation, then fill out the final paperwork listed in #9 pursuant to your agreement.
11. **Schedule your Hearing after meeting with the Court Facilitator.**
- The Court Facilitator **must** review and initial Final Parenting Plans, Child Support Worksheets, and Child Support Orders **before** your Hearing date.
 - Schedule a Hearing to enter your agreed orders: Call the Superior Court Clerk’s Office (360) 679-7359 and ask to be put on the **Pro Se Dissolution Calendar**.
 - Prepare the final documents needed to present to the Judge at your Hearing. Please review the outlines provided on the Island County Superior Court Website, Courthouse Facilitator page for guidance on which forms are needed in each Family Law matter.
 - Bring your final documents to Court on the day of your Hearing and give them to the Court Clerk when you check in.

After the Hearing you will have an opportunity to purchase a certified copy of the final documents signed by the Judge.

12. **If Mediation does not resolve your contested issues and if you can’t come to an agreement on your own, then fill out and file a Note for Trial Setting** (local form). The **Note for Trial Setting** is your request to have a Trial Date assigned to your case.
- On the line that says “Date requested for trial assignment” pick a Monday that is at least two weeks away. You will not have to appear in court on that Monday, it is just the date that the Court Administrator will be reviewing your file and assigning you a Trial Date and a Readiness Hearing.

- If there are dates that you will not be available for trial, fill out and file a **Notice of Conflict Dates** (local form) when you file your Notice of Trial Setting. **You must serve the other party with a copy of the Note for Trial Setting and any Notice of Conflict Dates.**
 - The Court will send you and the other party notice of your Readiness Hearing and your Trial Date.
13. **There are specific requirements and procedures related to trial preparation.** Purchase a copy of the **Local Court Rules** at the Court Administrator’s Office, or download a copy from the Superior Court website. Be sure you are familiar with the rules related to trials and that you follow the required procedures. **This outline does not cover trial preparation.**
14. Go to your trial with all the completed and signed paperwork listed in #9 above.

Island County Superior Court “Ex-Parte” Calendar:

Mondays at 9:30 a.m.

Tuesdays through Fridays at 1 p.m.

You must check in with the Superior Court Clerk’s Office at least 30 minutes before the court time.

Helpful Websites:

- www.islandcounty.net/superiorcourt (general information, local forms and rules)
- www.nwjustice.org (general information and links to other resources)
- www.washingtonlawhelp.org (general information and sample forms)
- www.courts.wa.gov (forms and other information)
- www.dshs.wa.gov/dcs (information on child support & calculator)

Helpful Phone Numbers:

- Clerk’s Office Island County Superior Court (360) 679-7359
- Island County Superior Court Administration (360) 679-7361
- CLEAR Referral line for Volunteer Lawyer Program: (888) 201-1014

THIS CHECKLIST IS NOT A SUBSTITUTE FOR LEGAL ADVICE.

Before starting any legal action, it is always wise to consult an Attorney regarding your rights and responsibilities. Many Attorneys offer consultations. The Court Facilitator cannot give legal advice. Only an Attorney can give legal advice.