

ISLAND COUNTY COURT FACILITATOR
501 N Main Street
Coupeville, WA 98239
(360) 678-7981

MODIFY A PARENTING PLAN

(This outline includes both "contested" and "un-contested" instructions.)

Ignorance of the law excuses no man: Not that all men know the law, but because 'tis an excuse every man will plead, and no man can tell how to refute him.

John Selden
English antiquarian & jurist

As a *Pro Se* Litigant you are representing yourself and therefore are responsible for all documents you file with the Court or present to the Judge. Please read all documents and instructions carefully. If you need assistance understanding forms or procedures, the Court Facilitator may 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 your spouse.
- There is a \$40 (cash only) fee per one hour appointment, payable to the Island County Superior Court Clerk before your appointment.
- Walk-in hours are Wednesdays between the hours of 11 a.m. and 4 p.m., 15 minutes per person.
- To schedule an appointment call **(360) 678-7981** or email **d.mehlhaff@co.island.wa.us**

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1. **Obtain and prepare the necessary forms.** You may purchase a packet of forms from the Island County Superior Court Clerk or you may download forms for free at the following websites:

www.courts.wa.gov/forms (Standardized Washington State Forms)
www.islandcounty.net/superiorcourt (Island County Local Court Rules and Forms)

2. **To file for *Modification of Parenting Plan*, the following forms must be completed:**

_____ Petition to Change a Parenting Plan	FL Modify 601
_____ Summons: Notice about Petition to Change a Parenting Plan, Residential Schedule or Custody Order	FL Modify 600
_____ Confidential Information Form	FL All Family 001
_____ Attachment to Confidential Information <i>(additional parties or children)</i>	FL All Family 002
_____ Parenting Plan (Proposed)	FL All Family 140

If requesting a *Modification of Child Support* with the *Modification of Parenting Plan*, add:

_____ Financial Declaration	FL All Family 131
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_____ **Sealed Financial Source Documents**

FL All Family 011

_____ **Child Support Worksheet**

WSCSS Worksheets

3. **Make copies of all forms you have completed, except the Confidential Information Form.** 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. It is important to keep a copy of these documents, you will need to refer to them when you prepare for your final Hearing..
4. **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 will inform you of the current fee amount. The fee may be waived in some cases. The forms necessary for obtaining a fee waiver are available on the State website or at Island County Superior Court Administration. (**Note:** If you obtain a fee waiver to file your documents, the Court Facilitator fees will also be waived.)
5. **Serve the other party with a copy of the documents you prepared; do not include the Confidential Information Form.** Personal service must be completed by a person who is over the age of 18, a United States citizen, and not involved in the case. (**Note:** You may not complete the personal service; it must be by a third party.) The person completing service must complete a:

_____ **Proof of Personal Service**

FL All Family 101

Proof of Personal Service is very important; all documents being served must be noted along with the date, time, and location service is completed. Make a copy and file the original ***Proof of Personal Service*** at the Superior Court Clerk's office.

The Island County Sheriff's office may serve the documents for a fee if the other party resides in Island County. If the other party does not reside 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 mail or publication, you must ask the Court for permission to do so and follow the instructions in the ***Order*** allowing this alternate type of service.

6. **Respondents:** If you are served with a ***Petition to Change a Parenting Plan***, and do not agree you must file a:

_____ **Response to Petition to Change a Parenting Plan, Residential
Schedule or Custody Order**

FL Modify 602

You must respond within **20 days** (if served within Washington State) or **60 days** (if served outside of Washington State). File your ***Response*** with the Superior Court Clerk's office and send a copy "certified mail return receipt requested" to the party requesting the modification at the address indicated on the ***Summons***. You may also want to file and send your own ***Proposed Parenting Plan*** and ***Child Support Worksheets***.

7. **If a party files a *Response* and does not agree with the *Change a Parenting Plan*, you must schedule an *Adequate Cause Hearing*.** Complete and file a:

_____ **Motion for Adequate Cause Decision (to change a
parenting/custody order**

FL Modify 603

_____ **Note for Motion Calendar**

Local Form

Pick a Monday at 9:30 a.m. allowing at least 12 days notice for the other parties.

At the ***Adequate Cause Hearing*** the Judge or Commissioner will decide whether or not adequate cause exists to go forward with a ***Non-Parent Custody*** case or whether the case should be dismissed.

Bring to the *Adequate Cause Hearing* an:

_____ **Order on Adequate Cause to Change a Parenting Plan,
Residential Schedule or Custody Order** **FL Modify 610**

If the Commissioner or Judge finds that adequate cause exists, you and the other party may proceed with the contested case.

8. **Default orders:** If the other party does not file a *Response* to your *Petition* within the allowed time, you may complete a:

_____ **Motion for Default** **FL All Family 161**

_____ **Order on Motion for Default** **FL All Family 162**

Present these documents to the Judge on the Court's *Ex-Parte* Calendar or on the *Pro Se* Dissolution Calendar when finalizing your case. If the Judge signs an *Order on Motion for Default* you can finalize your case without the other party's participation or signature. If obtaining a default, it is important to remember that all your final documents must match the documents originally filed and served to the Respondent.

9. **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 themselves) over the age of 11 living in their household. Submit the form to the Island County Superior Court Administration at least **10 days** before the date of your Hearing.

10. **Review of Final Documents - LOCAL COURT RULE SPR 94.04**

(i) Parenting Plans and Child Support Orders Submitted by *Pro Se* Parties – Review. In any action in which the residential care or child support of a minor child or children is at issue and in which none of the parties are represented by counsel, the parenting plan and child support documents shall first be reviewed, approved and initialed by the Court Facilitator in the county in which the action is pending, or if there is no Court Facilitator, by the Juvenile Court Administrator. A proposed parenting plan does not need to be initialed and approved before filing, but any parenting plan submitted for Court approval must be so initialed and approved before the Court will consider it.

*(Note: You must schedule an appointment with the Court Facilitator to have your **final Parenting Plan, Child Support Worksheet, Child Support Order, and Residential Time Summary Report** initialed BEFORE your final Hearing.)*

11. **To complete your case, prepare the final documents.** If you obtained an *Order on Motion for Default*, or if you and the other party have reached an agreement, complete and sign all documents listed below. If you are finishing by default, make sure all your final orders are filled out **exactly the same** as the documents the other party was served with in the beginning.

For *modification of your parenting plan*, bring to your Hearing:

_____ **Final Order and Findings for a Parenting Plan, Residential
Schedule and/or Child Support** **FL Parentage 333**

_____ **Parenting Plan (Final)** **FL All Family 140**

_____ **Residential Time Summary Report** **FL Divorce 243**

If you included a request for *Modification of Child Support*, complete and bring to the Hearing:

_____ **Child Support Worksheets**

WSCSS Worksheets

_____ **Child Support Order**

FL All Family 130

12. **Mediation - LOCAL COURT RULE SPR 94.04**

(f) Mandatory Mediation.

- (1) **Requirement for Mandatory Mediation.** In all cases specified in SPR 94.04 (a) with unresolved issues, both parties shall in good faith engage in mediation with a court-approved mediator in an effort to resolve the case, unless waived as set forth herein. Mediation shall be completed at least 60 days prior to the scheduled trial date.
- (2) **Waiver of Mandatory Mediation.** Mediation shall not be required in the following cases:
 - (A) **Good Cause.** For good cause shown upon motion and approval by the Court; or
 - (B) **Restraining or Protection Order.** Where a domestic violence restraining order or protection order (excluding *ex parte* orders) involving the parties has been entered by a Court at any time within the previous 12 months;
 - (C) **No Contact Order.** Where a domestic violence no contact order exists pursuant to RCW 10.99;
 - (D) **Domestic Abuse.** Where the Court upon motion finds that domestic abuse has occurred between the parties and that such abuse would interfere with arm's-length mediation.
 - (E) **Order to Require Mediation.** Notwithstanding the foregoing, either party may by motion seek a Court order requiring mandatory mediation in a case where it would not be required if the moving party believes that the parties would be able to mediate their dispute at arm's length under the particular circumstances of the case.
- (3) **Settlement Conference After Mandatory Mediation.** If, after mediation in good faith or where mediation is not required, there remain unresolved issues in any case specified by in SPR 94.04 (a), the parties may participate in a settlement conference pursuant to LCR 16 (d).
- (4) **Effect on Court Proceedings.** Mediation does not stay or otherwise affect the rights and duties of the parties established by statute, court rule, or court order. The Court may enter temporary orders and the parties may conduct discovery prior to or during the mediation process.
- (5) **Cost of Mediation.** Mediators shall be paid by the parties in accordance with the agreement of the parties, or in the absence of agreement, as determined in mediation.
- (6) **Responsibility for Compliance.** The parties shall be responsible for arranging for and completing all mediation requirements established under this rule.
- (7) **Failure to Comply with Mandatory Mediation.** Willful refusal to participate in mediation or willful delay in completing mediation may result in a finding of contempt and imposition of sanctions.

- (8) **Approval of Mediators.** Mediators performing mediation services pursuant to this rule must fulfill certain minimum qualifications established by the Court. The Court Administrator shall maintain a list of such minimum qualifications for distribution to the public. In order to fulfill the mediation requirements of this rule, the parties must use the services of a Court-approved mediator. The Court Administrator shall maintain a list of approved mediators, either persons or agencies, for distribution to the public. The list shall contain the following information: each mediator's name, organization, if any, address and telephone number, and fee schedule.

<https://www.islandcountywa.gov/superiorcourt/pages/mandatorymediation.aspx>

- (9) **Selection of Mediator; Right of Mediator to Decline.** The parties may either agree to a mediator from the Court-approved list or the mediator will be determined by use of a strike list. A mediator has the right to decline to serve in a particular case. If a mediator declines to serve, the parties shall select a different mediator, using the same selection process by which the preceding mediator was selected.
- (10) **Authority of Mediator.** The mediator has the authority to determine the time, place, manner, and duration of mediation. In appropriate cases, the mediator shall have the authority to terminate the mediation prior to completion.
- (11) **Attendance at Mediation.** The parties shall personally attend all mediation sessions, unless the mediator permits telephonic or other attendance. The mediator shall have the authority to require other persons to attend.
- (12) **Declaration of Completion of Mediation.** Within seven (7) days of completion of mediation, a declaration that mediation has been completed shall be filed with the Court by the mediator. The mediator shall advise counsel and the parties of the results of mediation in writing. The mediator shall advise the Court only whether an agreement has been reached on some or all of the issues.
- (13) **Confidentiality. (See RCW 5.60.070).** The work product of the mediator and all communications during the mediation shall be privileged and confidential and not subject to compulsory disclosure. The mediator shall not appear to testify in any Court proceedings.

13. **Schedule your Hearing.**

- Call the Superior Court Clerk's Office **(360) 679-7359** and ask to be put on the **Pro Se Agreed Dissolution Calendar**. All family law cases completed by either agreement or by default are heard on the *Pro Se* Dissolution Calendar, Wednesdays at 8:30 a.m.
- **Take all your prepared orders to the final Hearing.**

14. **If Mediation does not resolve your contested issues and if you cannot come to an agreement on your own, 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 **Note 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**.

- **If you are not represented by an attorney, you must meet with the Court Facilitator to review your final orders PRIOR to trial.** Arrange an appointment at least 2 weeks before your Hearing.
- **You must confirm your trial with Court Administration by not later than 12 noon two (2) days prior to the trial or it will be stricken. Call (360) 679-7361 to confirm.**

15. **Courtesy (Working) Copies.** Approximately one (1) week before your trial date, you must provide the Judge with a *Courtesy Copy* of the documents you will be presenting at trial.

LCR 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.

(3) **Courtesy Copies for Judges.** Courtesy copies of pleadings and other papers shall be provided to the Court Administrator’s office for the Judge assigned to the case at the same time as such pleadings and other papers are required to be served on the opposing party. Such courtesy copies shall have the words “Judge’s Courtesy Copy” in the upper right hand corner of the first page, the Judge’s name, and the date and time of the Hearing. Courtesy copies are discarded after ten (10) days from the assigned Hearing date. It is the responsibility of the parties or counsel to provide new courtesy copies to the Judge thereafter as provided herein.

16. **There are specific requirements and procedures related to trial preparation.** It is strongly suggested that you purchase a copy of Island County’s *Local Court Rules* at the Court Administrator’s Office, or download a copy from the Island County 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. You may want to seek legal advice from an attorney.**

17. **Go to your trial with all the completed documents listed in #11 above.**

IMPORTANT: 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.

Island County Superior Court Ex-Parte Calendar

Mondays at 9:30 a.m.

Tuesdays through Fridays 1 p.m.

You must check in with the Superior Court Clerk’s Office at least 45 minutes before the court time.

Island County Pro-Se Dissolution Calendar

Wednesdays at 8:30 a.m.

You must check in with the Superior Court Clerk’s Office no later than 8:15 a.m.

HELPFUL WEBSITES:

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| 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/doc | (information on child support & calculator) |

HELPFUL PHONE NUMBERS:

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| Island County Court Facilitator | (360) 678-7981 |
| Island County Superior Court Clerk’s Office | (360) 679-7359 |
| Island County Superior Court Administration | (360) 679-7361 |
| CLEAR Referral Line for Volunteer Lawyer Program | (888) 201-1014 |