

ISLAND COUNTY COURT FACILITATOR
Darcy Mehlhaff
501 N Main Street
Coupeville, WA 98239
(360) 678-7981 * d.mehlhaff@co.island.wa.us

MODIFY CHILD SUPPORT

(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

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.

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 with understanding forms or procedures, the Court Facilitator may review forms you have prepared yourself, answer questions, or help you with procedures.

- For additional assistance, review the self-help packets on this subject at www.washingtonlawhelp.org.
- The Court Facilitator does not represent you and may also assist the other party.
- Court Facilitator fees are paid directly to the Court Clerk **BEFORE** you see the Court Facilitator: **\$20 for ½ hour walk-in appointments** and **\$40 for scheduled hourly appointments**. You will be asked for your receipt at the appointment.
- **Walk-in appointments are Mondays 1 - 4 and Wednesdays 11 - 4.** Keep in mind these walk-in hours are periodically cancelled and notice of cancellation will appear in the foyer of the Juvenile and Family Court building.
- **Scheduled appointments are Tuesdays and Thursdays 10 - 4.** If needed, alternate days and times may be arranged.
- To schedule an appointment and/or ask questions, email: d.mehlhaff@co.island.wa.us

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

www.courts.wa.gov/forms

(Standardized Washington State Forms)

www.islandcountywa.gov/SuperiorCourt

(Island County Local Court Rules and Forms)

(**Note:** Documents must comply with GR 14 (format for pleadings and other papers), be on one side only, double spaced and legibly hand-printed in blue or black ink or typed in at least 12 point type.)

2. **To *Modify Child Support*, the following forms must be completed, signed and filed:**

_____	Petition to Modify Child Support	FL Modify 501
_____	Summons: Notice about Petition to Modify Child Support (do not need if "Joinder" is signed)	FL Modify 500
_____	Confidential Information Form	FL All Family 001
_____	Financial Declaration	FL All Family131
_____	Sealed Financial Source Documents	FL All Family 011
_____	Child Support Worksheets (Proposed)	WSCSS Worksheets

The Court Facilitator can help you calculate child support or you can prepare a Child Support Worksheet using the Child Support Calculator found at: <https://fortress.wa.gov/dshs/dcs/SSGen/Home>

(**Note:** If the other party completes the ***Agreement to Join Petition*** or ***Service Accepted***, or agrees to join the ***Petition*** by signing the agreement on the last page of the ***Petition***, service of the ***Petition*** and ***Summons*** is not necessary.)

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 preparing final documents for your final Hearing.
4. **File the original documents with the Island County Superior Court Clerk in Coupeville** (101 NE Sixth Street). The Superior Court Clerk will inform you of the current fee amount; the filing fee must be paid to the Superior Court Clerk. 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.

(IMPORTANT: You may not complete the service; it must be by a third party.)

_____ **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 Modify Child Support Order*** and do not agree, you must file a:

_____ **Response to Petition to Modify Child Support Order**

FL Modify 502

Your ***Response*** must be filed within **20 days** (if served within Washington State) or **60 days** (if served outside 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 ***Child Support Worksheets***.

7. **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 modification. If the Judge signs an ***Order on Motion for Default*** you can finalize your modification 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.

8. To complete the *Modification of Child Support*, 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.

- _____ Final Order and Findings on Petition to Modify Child Support Order FL Modify 510
- _____ Child Support Worksheets WSCSS Worksheets
- _____ Child Support Order FL All Family 130

9. Review of Final Documents.

LOCAL COURT RULE SPR 94.04(i) Parenting Plans and Child Support Orders Submitted by Pro Se Parties - Review. 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.

Bring the following to the final review of Parenting Plan and/or Child Support:

- _____ **6 months** of pay information or **2 years** of income tax information (W-2s)
- _____ Verification of amount paid each month for the children’s health insurance.
- _____ Verification of Child Care expenses, if any.
- _____ Proposed Parenting Plan **AND** Final Parenting Plan
- _____ Parenting Seminar Certificates

To clarify: You must schedule an appointment with the Court Facilitator to have your final *Child Support Worksheet* and *Child Support Order* reviewed and initialed **BEFORE** your final Hearing.

10. Schedule your Hearing.

- Call the Superior Court Clerk’s Office (360) 679-7359 and ask to be put on the *Pro Se* 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.

11. If parties are not in agreement, the following must occur:

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 case circumstances.
- (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 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 RCW5.60.070] 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.

(14) **Effective Date.** This rule shall apply to all cases described herein filed after January 1, 1997.

12. **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 Court 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 Administration will be reviewing your file and assigning you a **Readiness Hearing** and **Trial Date**.
- If there are dates that you will not be available for trial, fill out and file a **Notice of Conflict Dates** (Local Court 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 30 days before your Trial.
- 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.

13. **Courtesy (Working) Copies.** Approximately one (1) week before your Trial date, it is requested that you 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.

(e)(3) Courtesy Copies for Judges. Courtesy copies of pleading 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.

14. **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.

15. **Go to your Trial with all the completed documents listed in #8 above.**

Island County Superior Court Ex-Parte Calendar

Monday 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 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:

www.islandcountywa.gov/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:

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

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COURTHOUSE FACILITATOR INFORMATION

Make the most of your time with the facilitator:

Your time is valuable, so make the most of your visit with the court facilitator. If you have already purchased a "do it yourself" kit, read the instructions carefully and make a note of the questions you have. Use pencil to complete the first draft of your paperwork, or make a copy that you can use as a rough draft. Complete your documents as much as possible. That way the facilitator will be able to review documents with you to see if they are filled out properly. Try to answer the facilitator's questions clearly and briefly. Take notes during your visit with the facilitator.

For information about the services the facilitator may provide, read “How Courthouse Facilitators Can Help.” The court facilitator cannot give you legal advice or predict what the court will do in your case. Only an attorney in private practice or in a volunteer legal services program can advise you about your rights and responsibilities, and which course of action is best for you.

If you need the facilitator to compute child support for you, bring financial information with you. This includes pay stubs for you (and for your child’s other parent, if available), health insurance premium amounts, child care payment amounts, and special expenses (school sports fees, dance or music lessons, automobile insurance costs for your teen driver, etc.). If you need help modifying an existing order, be sure to bring a copy of the order with you (the original child support, parenting plan, or custody decree).

Please try to arrange child care for young children. Courthouses do not offer child care services. DO NOT bring a child who is the subject of the case being discussed with you to the appointment. CHILDREN SHOULD NOT HEAR DISCUSSIONS OF THE CASE IN WHICH THEY ARE INVOLVED.

How court facilitators can help:

Court facilitators can provide information about procedures and assist you with legal forms (sometimes referred to as “pleadings”) in your family law case if you are not represented by an attorney. If a party in a legal proceeding does not have an attorney, that person is referred to as “self-represented” or acting “*pro se*.” THE FACILITATOR IS NOT YOUR LAWYER AND CANNOT GIVE YOU LEGAL ADVICE. If you are acting *pro se* in your case, it is often a good idea to consult with a lawyer about what is best for you in your situation.

The facilitator can help you with your family law case under Title 26 RCW. Types of cases in Title 26 include dissolution of marriage (divorce), dissolution of domestic partnerships, child support parentage (paternity), non-parental custody, and modification of parenting plans, child support, and maintenance.

GR 27 is the court rule that defines the basic services facilitators may provide to self-represented parties. Services provided by the court facilitator may vary from county to county.

Generally, court facilitators may provide some or all of these services:

- referral to legal, social service, and alternate dispute resolution resources;
- assistance in calculating child support based on financial information provided by the *pro se* party;
- process interpreter requests;
- assistance in selection as well as distribution of approved forms and instructions;
- assistance in completing approved forms;
- explanation of legal terms;
- information on basic court procedures including requirements for service, filing, scheduling hearings and complying with local procedures;
- review of completed forms to determine whether forms have been completely filled out but not as to substantive content;
- previewing *pro se* pleadings prior to Hearings to determine whether the procedural requirements have been complied with; and
- attendance at *pro se* Hearings to assist the Court with *pro se* matters.

**ISLAND COUNTY SUPERIOR COURT
CONDUCT AND DRESS CODE
LCR 77(b)(1)(A)**

THE FOLLOWING CONDUCT AND DRESS CODE SHALL APPLY WHEN COURT IS IN SESSION:

1. No firearms, or other weapons, including knives, shall be allowed in the courtroom.
2. No food or drinks, except water, shall be allowed in the courtroom.
3. All persons shall turnoff all cell phones, pagers, and other electronic devices when in the courtroom.
4. No audio or video recording of any kind shall be allowed in the courtroom, except by official court personnel.
5. All persons in the courtroom shall be attired in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules shall apply:
 - Men shall wear shirts, trousers and shoes.
 - Women shall wear shoes and either dresses, skirts and tops, or pants and tops.
 - Shorts, halter-tops, tank tops, hats, caps, torn clothing, shirts or other clothing with obscene or profane pictures or messages, and “flip-flop” footwear, shall not be worn.
 - Male attorneys shall wear coats, slacks and ties.
 - Women attorneys shall wear professionally appropriate attire.
6. All persons in the courtroom shall in their speech and actions conduct themselves in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules apply:
 - Spectators and persons not then actively engaged in court proceedings shall be quiet; any speech which does occur shall be as unobtrusive as possible.
 - All persons shall refrain from any gestures and from conduct or behavior, which manifest disrespect for the court, counsel, litigants, witnesses, court staff, law enforcement personnel or other persons.
 - Children shall be closely controlled by adults inside and outside the courtrooms.