

## Contested Non-Parental Custody in Island County

1. **To request non-parental custody, you must obtain and prepare the necessary forms.** Forms may be downloaded for free at the following websites:

[www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)

(for standardized State forms)

[www.islandcounty.net/superiorcourt](http://www.islandcounty.net/superiorcourt)

(for Island County forms and rules)

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 parties.
- There is a \$40 (cash only) fee per one hour appointment, payable to the Island County Superior Court Clerk before your appointment.
- To make an appointment call (360) 678-7981 or email [d.mehlhaff@co.island.wa.us](mailto:d.mehlhaff@co.island.wa.us)

2. Start by completing and signing the following forms:

\_\_\_\_\_ **Non-Parental Custody Petition (PTCUS) (WPF CU 01.0100)**

\_\_\_\_\_ **Summons for Non-Parental Custody Proceeding (SM) (WPF CU 01.0200)**

\_\_\_\_\_ **Confidential Information Form (INFO) (WPF DRPSCU 09.0200)**

\_\_\_\_\_ **Addendum to Confidential Information Form (AD) (WPF DRPSCU 09.0210)**

You might also want to file "**Declarations**" from yourself and anyone else who has information which supports your case. Remember that it is your burden of proof to show why the child or children should be with you and not with their parents.

\_\_\_\_\_ **Declaration (Optional) (WPF DRPSCU 01.0100)**

If you want to address visitation, you may do that in Section 1.9 of the **Non-Parental Custody Petition** or you may fill out a separate "proposed" **Residential Schedule**. In addition, if you want to address child support, you may file proposed **Child Support Worksheets**.

\_\_\_\_\_ **Residential Schedule, Proposed (PRS) (WPF DRPSCU 01.0100)**

\_\_\_\_\_ **Washington State Child Support Worksheets (CSW) (WSCSS Worksheets)**

Note that when you are filling out your captions on each form, the person or persons requesting custody are the "**Petitioner(s)**" and the other parties are the "**Respondents**". Both the mother and the father of the children of whom you are requesting custody must be listed as Respondents (unless one of the parents is deceased). Make 3 copies of all documents except for the **Confidential Information Form** and **Addendum to Confidential Information Form**.

3. **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 at Island County Superior Court Administration.
4. **Have the other parties served with copies of all the documents you have filed except for the *Confidential Information Form* and *Addendum to Confidential Information Form*.** You may have anyone over the age of 18, who is not a party to this case, personally hand the other parties copies of the documents. The person who hands the copies to the Respondents must fill out and sign a ***Return of Service*** for each Respondent.

\_\_\_\_\_ **Return of Service (RTS) (WPF DRPSCU 01.0250)**

**You cannot serve the documents yourself.** Make sure that you list all the forms that were served on the other parties on the ***Return of Service***. File the ***Return of Service*** documents with the Clerk's Office because they are your proof that the other parties were properly served with copies of the documents.

If the parties were served in Washington, they have 20 days to respond to your Petition. If the other parties were served in another state or country, they have 60 days to respond to your Petition.

5. **After filing your beginning documents listed above, complete and present to the Judge in an *Ex Parte* hearing, these documents:**

\_\_\_\_\_ **Order Directing DCFS/CPS to Release Information to the Courts (WPF CU 03.0500)**

\_\_\_\_\_ **Cover Sheet for Authorization to Release Information to the Court (WPF CU 03.0540)**  
*One for each adult in the Petitioner's household.*

\_\_\_\_\_ **Authorization to Release Information to the Court**  
*One for each adult in the Petitioner's household.*  
*List the designee as Island County Clerk, 101 NE Sixth Street, Coupeville, WA 98239*

\_\_\_\_\_ **Cover Sheet for DCFS/CPS Background Check Information (WPF CU 03.0520)**  
*One for each adult in the Petitioner's household.*

The *Ex Parte* Calendar is heard on Mondays at 9:30 a.m. and Tuesdays through Fridays at 1 p.m. You must check in with the clerk's office at least 30 minutes prior to the court time. Go to the courtroom assigned for the *Ex Parte* Calendar and present your orders to the Judge. After the Judge or Commissioner signs the ***Order Directing DCFS/CPS to Release Information to the Courts***, file it at the clerk's office.

6. **Next, complete the criminal history background check.** You will need to obtain ***Washington State Patrol Criminal History Record Information*** for each Petitioner and for each adult member of the Petitioner's household. The two ways to obtain the required records are explained below. Attach the ***WSP Criminal History Records*** to the ***Cover Sheet for SWP Criminal History Record*** and file them.

- Obtain criminal history immediately online at <http://watch.wsp.wa.gov/>. There is a \$10 fee for each CHRI search. A credit card is required to complete the search.

**OR**

- Mail a completed Request for Conviction Criminal History Record with a check or money order for \$35 for each person to the Washington State Patrol, Identification and Criminal History Section, P.O. Box 42633, Olympia, WA 98504-2633. The request form is available online at <http://watch.wsp.wa.gov/> or from the Court Facilitator. Allow 3 – 10 weeks for receipt of the CHRI(s) by mail.

7. **Default Orders:** If either of the Respondents in your case do not file a **Response** to your Petition within the allowed time, you may appear on the *Ex Parte* Calendar with a **Motion for Default**, and an **Order of Default** which will enable you to finalize the case without the parties' participation. If an **Order of Default** is received, follow the procedures listed in #11 to finalize your case.

\_\_\_\_\_ **Motion and Declaration for Default (MTDFL) (WPF DRPSCU 03.0100)**

\_\_\_\_\_ **Order on Motion for Default (ORDFL) (WPF DRPSCU 03.0200)**

8. Once the allotted time for responding has passed, if either of the Respondents has filed a **Response** then you must schedule an Adequate Cause Hearing. To schedule an Adequate Cause Hearing file a **Petitioner's Notice of Hearing for Adequate Cause Determination**.

\_\_\_\_\_ **Petitioner's Notice of Hearing for Adequate Cause Determination (WPF CU 02.0300)**

When completing the **Notice**, pick a Monday at 9:30 a.m. which provides at least 12 days notice to the other parties. **The parties must have at least 12 days notice of the hearing** (include weekends and holidays in the count) so pick a Monday that is far enough away that the other parties can be served and have the appropriate notice. On the form, note that the "place" is "Island County Superior Court" and the "room" is "as assigned". Send copies of the **Notice** to the other parties at the address listed in their **Responses**. Complete a **Declaration of Mailing** to prove that you mailed the **Notice** to the other parties.

\_\_\_\_\_ **Proof of Mailing (AFML) (WPF CU 01.0255)**

\_\_\_\_\_ **Declaration of Mailing (Local Court Form)**

At your Adequate Cause Hearing, the Judge will decide whether or not your case can proceed. If the Court finds there is no adequate cause, your case will be dismissed. If the Court finds that there is adequate cause, you may proceed with your case.

9. **Once adequate cause has been established**, you and the other parties should try and reach an agreement. **If you cannot work out an agreement with the other parties, you must schedule Mediation**. Mediation is required by Local Court Rule. A list of approved mediators is available from Court Administration or online at the Island County Superior Court website: [www.islandcounty.net/superiorcourt](http://www.islandcounty.net/superiorcourt).

10. **Attend the Parenting Class required by Island County Local Court Rule SPR 94.04** and obtain a Certificate, file the Certificate with the Court. The Parenting Seminar "**Helping Children Through Divorce**" will fulfill this requirement. Sign up for this seminar by calling (360) 279-9222 (North Whidbey) or (360) 341-1955 (South Whidbey).

11. **If the other parties default, or if you reach an agreement whether on your own or through mediation, complete and have all parties sign the following documents:**

\_\_\_\_\_ **Finding of Fact and Conclusions of Law (FNFL) (WPF CU 02.0100)**

\_\_\_\_\_ **Non-Parental Custody Decree (DCC) (WPF CU 02.0200)**

\_\_\_\_\_ **Residential Schedule, Final Order (RS) (WPF CU 01.0450) if needed**

\_\_\_\_\_ **Washington State Child Support Worksheets (WSCSS - Worksheets) if needed**

\_\_\_\_\_ **Non-Parental Custody Order of Child Support (ORS) (WPF CU 01.0500) if needed**

***(Note that if you obtained a default against one of the parties you do not need their signature on the final orders.)***

By Local Court Rule, the Court Facilitator must review and initial any documents pertaining to visitation and/or child support. Schedule an appointment by calling (360) 678-7981.

12. **Set a Hearing for the Court to enter your agreed final orders** by calling the Superior Court Clerk's Office at (360) 679-7359 and asking to be put on the ***Pro Se Agreed Dissolution Calendar***. Once you have confirmed the date and time with Court Clerk's Office, complete a ***Note for Calendar*** which is a local court form available online at the Island County Superior Court website or from the Facilitator.

- On the ***Note for Calendar***, list all parties under the part that says "TO THE CLERK OF THE COURT AND TO:" (If you obtained a default against one of the parties, then you do not have to list them on the ***Note for Calendar*** and you do not have to send them a copy of the ***Note for Calendar***).
- Write on line 1 "Entry of Agreed Final Orders on Non-Parental Custody."
- On line 2, fill in the date and time provided by the Court Clerk.
- You must send a copy of the "Note for Calendar" to the other parties so they have notice of the Hearing.
- Go to your Hearing with the documents listed above.
- Make sure each party has signed the Final Orders. If you obtained a default against one of the parties, you do not need their signature.
- If your final documents are in order, the Judge will sign your agreed Orders at the Hearing.

13. **If you still cannot agree after mediation**, either party can set a Trial by filling out and filing a ***Note for Trial Assignment*** (local court form available from the Court Facilitator or online at the Island County Superior Court website).

- On the ***Note for Trial Assignment*** pick a Monday that is at least 2 weeks away. The Monday that you pick is not a Hearing that you attend. Instead, on that date, the Court Administrator will pull your file, check for conflict dates, set a trial date, and send you and the other parties a letter listing the trial date.
- All parties should file a ***Notice of Conflict Dates*** (local court form) if they know there are dates they will not be available for trial.
- You must send a copy of the ***Note for Trial Assignment*** to each party of the case.

14. Once the Court Administrator picks a Trial date, both parties will receive a letter from the Court Administrator stating the date and time of the Trial. All parties should appear at the Trial.

**You must confirm your Trial with the Court Administrator by no later than 12 noon two (2) court days prior to the Trial or it will be stricken. Call (360) 679-7361 to confirm.**

15. **Approximately one week before your Court date**, it is requested that you provide the Judge with a "courtesy copy" of the documents you will be presenting at Trial.

(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 provide herein.

*(Instructions from Local Court Rules)*

16. Purchase or download (from [www.islandcounty.net/superiorcourt](http://www.islandcounty.net/superiorcourt)) a copy of the “Island County Local Court Rules” and review the rules related to Trials. Go to your Trial with all the completed paperwork listed in #11 above in addition to any evidence that you want the Court to consider and any witnesses that you want to testify on your behalf. **Please note that this outline does not fully cover Trial preparation. When preparing for your Trial, you may want to seek legal advice.**

### **Helpful Phone Numbers and Websites**

Island County Court Facilitator	(360) 678-7981
Island County Superior Court Clerk’s office	(360) 679-7359
Island County Court Administration	(360) 679-7361
CLEAR <i>Volunteer Lawyer Program</i>	(888) 201-1014

<a href="http://www.courts.wa.gov/forms">www.courts.wa.gov/forms</a>	to download standard family law forms
<a href="http://www.washingtonlawhelp.org">www.washingtonlawhelp.org</a>	for general information on a variety of legal topics
<a href="http://www.nwjustice.org">www.nwjustice.org</a>	for general information and resources
<a href="http://www.islandcounty.net/superiorcourt">www.islandcounty.net/superiorcourt</a>	Superior Court website
<a href="http://www.dshs.wa.gov/dcs">www.dshs.wa.gov/dcs</a>	Washington Division of Child Support

**THIS LIST OF INSTRUCTIONS 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. Your specific situation may require additional forms and procedures which may not be listed in this outline. The Court Facilitator and the Clerk’s Office cannot give legal advice. Only an attorney can give legal advice.**