

If you have an existing parenting plan/child support order to be modified, one generally files in the same court in which the order is filed, in which case the filing fee will be \$56 (unless filing through Lincoln County, where the fee is \$86).

If you are petitioning to establish a parenting plan, you will need to file the documents in the county in which the child(ren) resides. The filing fee for all counties is \$260. If both parties agree, you can file the documents in Lincoln County and avoid a court appearance, *but all parties must agree*. The fee for filing in Lincoln County is \$290. A Petition for Third party custody will need to be filed in the County in which the children reside. This filing fee is \$260.

If both parties agree with the modification or the establishment of a parenting plan/child support, both parties will sign all the documents and one (or both) of you can take the documents to court, appear before a judge "ex parte" (without notice) and get the documents signed the same day. If both parties are not in agreement, you will need to have the other party served, wait a required amount of time, and then set a hearing date to go before a judge.

In a Third-Party Custody matter, even if all parties agree, many things will still be required (including hearings scheduled before a judge, completed background checks and a Guardian ad litem).



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Custody

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- Modify Child Custody - \$199.00
- Modify Child Support - \$199.00
- Modify Child Custody & Child Support - \$299.00
- Third Party (Non-Parental) Custody - \$349.00
- Responding (objecting) \$219.00



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MODIFICATION OF PARENTING PLAN

An existing Parenting Plan may be modified if facts arise since the entry of the prior parenting plan (or were unknown to the court at the time of the entry of the prior decree or plan) that suggest a substantial change has occurred in the circumstances of the child or the nonmoving party, that the modification is in the best interest of the child and that the modification is necessary to serve the best interests of the child.

If the above applies, then the person requesting the modification must show that at least one of the following also applies:

- ✓ The parties agree to the modification; or,
- ✓ The child has been integrated into the family of the moving party with the consent of the other party; or,
- ✓ The child's present environment is detrimental to the child's physical, mental or emotional health and the harm caused by the change of environment is outweighed by the advantage of the change to the child; or,
- ✓ The nonmoving party has either been found in contempt at least two times in the past three years for failure to comply with the residential time provisions in the parenting plan or has been convicted of custodial interference.



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MODIFICATION OF CHILD SUPPORT ORDER

An existing Child Support Order may be modified if:

- ✓ The previous order was entered more than two years ago and there has been a change in the income of the parents.
- ✓ A child needs post-secondary educational support because the child is in fact dependent and relying upon the parents for the reasonable necessities of life.
- ✓ A child is a dependent adult child and support should be extended beyond his or her 18th birthday.
- ✓ The previous order was entered by default.
- ✓ The action was commenced by DSHS for a child who is receiving public assistance money and modification pursuant to RCW 26.09.170(8) is appropriate.
- ✓ The previous order was entered more than a year ago and:
 - ✓ The order works a severe economic hardship.
 - ✓ The child has moved to a new age category for support purposes.
 - ✓ The child is still in high school and there is a need to extend support beyond the child's 18th birthday to allow the child to complete high school.
- ✓ An automatic adjustment of support should be added consistent with RCW 26.09.100.
- ✓ Both parents should be required to maintain or provide health insurance coverage consistent with RCW 26.09.105.
- ✓ You must be able to give a "substantial change" in circumstances for the purpose of a modification. Note that an increase in income to the parent receiving child support is not considered a "substantial change in circumstances for the purpose of modifying a child support order.

PETITION TO ESTABLISH PATERNITY (PARENTING PLAN)

If you are not married to the other parent of your child and you want to create a parenting plan, you can start a court case to ask the court to establish the parentage (paternity) of your child. The following will need to apply:

- (1) There is no Paternity Affidavit that establishes parentage of your child **OR** Your child's Washington State Paternity Affidavit was signed before July 1, 1997; **AND**
- (2) There is no court order in any state that establishes parentage of your child.

In a parentage case, you must ask the court to legally establish the paternity of your child. Additionally, if the court has jurisdiction, you may get a custody order (called a parenting plan or residential schedule) and/or ask that child support be set.

THIRD PARTY (NON-PARENTAL) CUSTODY

This service is used to request legal custody of a child (or children) by a person who is not the parent (nonparent). This type of service may only be used if the child(ren) is not in the physical custody of either parent or if it can be stated that neither parent is a suitable custodian. The case will need to be filed in the county in which the child lives or can be found.

The court will award legal custody to you only if you can prove that the parents are unfit or that the child's growth and development would be detrimentally affected by living with an otherwise fit parent. The court may deny the petition if it decides there are problems in your own background or the background of any adult in your own household (e.g., a drug abuse problem) or if the court decides it is not in the child's best interest to live with you.