

# YAKIMA COUNTY CLERK

OFFICE OF COUNTY CLERK & EX-OFFICIO CLERK OF SUPERIOR COURT  
128 NORTH SECOND STREET, ROOM 323  
YAKIMA WA 98901

[Back To Clerk's Home Page](#)

## Family Law Matters:

The majority of information herein is taken from the Washington State Courts web site.  
It is your responsibility to check the RCW's to ensure proper legal procedures.

The following items fall under "Family Law" litigation.

- ❖ Divorce
- ❖ Legal Separation
- ❖ Child Custody – Parental and Non Parental
- ❖ Paternity – to establish who the father of a child is or is not.

Please select from one of the above for additional information.

[Forms / Books](#)

[Court Facilitator](#)

[Parenting Class](#)

[Visitation Guidelines](#)

**DIVORCE:** (this is referred to as a "Dissolution Of Marriage" by the Court)

### General Information About A Dissolution of Marriage:

In the state of Washington a person may get a divorce without having to prove any wrongdoing. A person can petition the court to end his or her marriage because it is not working. The court decides how to divide your property and debts and whether to order spousal maintenance (alimony) if it is requested. The court must also establish a parenting plan and child support for any child who is dependent on the parties.

### Starting the Case

A dissolution is started by filing a Summons and Petition with the clerk of the superior court and by serving copies of these papers on the other spouse. If the case is agreed, a dissolution is started by filing a Petition also signed by your spouse or a separate Joinder form signed by your spouse. The spouse filing the Petition is the "petitioner." The Petition asks the court to "dissolve" the marriage. It makes no difference who files the Petition.

The Petition also tells the court what the petitioner would like the court to do concerning the parties' child, property, and debts. A petitioner must be a resident of Washington at the time the Petition is filed. There is a filing fee for filing the Petition, unless the court decides the petitioner is unable to pay the fee.

Please refer to the Yakima County's Fee Schedule for appropriate fees.

[Fee Schedule](#)

The person filing or starting the dissolution is called the "Petitioner". The spouse responding to the Petition is called the "respondent." The court cannot enter a decree of dissolution until 90 days after the Summons and Petition have been served on the respondent. The respondent has a limited time in which to file a written response with the clerk of the superior court. The response must be filed within 20 days after being served the Summons and Petition (or 60 days if the respondent is served out of state; or 60 days if the responding parent is served by publication pursuant to an order allowing service by publication; or 90 days if the responding parent is served by mail pursuant to an order allowing service by mail). The respondent must also make

arrangements to have copies of the written response served on the petitioner or the petitioner's lawyer within the same time period. If the respondent does not file or serve a written response within the required time period the court may enter a default judgment against the respondent.

All papers you or your spouse file with the court will become part of a permanent record. Most of the papers you or your spouse file with the court will be filed in a public court file. You can view your public court file and obtain copies of any documents in the file at the court clerk's office.

**The following papers will be filed in a restricted access file:** Confidential Information Form, Addendum to Confidential Information Form (if applicable), Sealed Financial Source Documents cover sheet and the financial documents filed under the coversheet. You and your spouse will be able to view and obtain copies of these papers, except for the Confidential Information Form and the Addendum to Confidential Information Form, which cannot be viewed by the other party unless the court grants an order allowing access to the forms. The public cannot view any of the papers in the restricted access file without a court order allowing access to the papers or information on the papers. **It is required by local court rule that, at the time you file these documents, you must provide a cover page to each of these documents which contains your case information and the name of the pleading.** This cover page (1 sheet of paper) will then be placed in the public file, while the rest of the papers will be placed in the restricted access file.

#### Sealed Financial / Cover Page

#### Use the Pattern Forms for Dissolution

Washington has pattern legal forms you must use in dissolution and other family law cases. These are the instructions to help you fill out the dissolution pattern forms. There are many more forms in the domestic relations forms packet than you may need for a dissolution.

Here is where you can get forms and instructions:

- ❖ The Yakima County Clerk's Office sells booklets which have been prepared specifically for the Yakima County Superior Court. These booklets are prepared by the Court Facilitator and are available in Room #323, 128 North 2<sup>nd</sup> Street, Yakima Washington WA 98901 (this is on the 3<sup>rd</sup> floor of the County Courthouse).

#### Forms / Books

- ❖ The Administrative Office of the Court in Olympia Washington, by calling the forms line at: (360) 705-5328
- ❖ The Internet at <http://www.courts.wa.gov/forms>;
- ❖ Northwest Justice Project's Web site: <http://www.nwjustice.org>.

Please review the **General Rules** to make sure your forms are the proper size and format.

#### General Rules (GR's)

It's a good idea to either make a spare copy of each form you will need and use one as a rough draft. Your finished forms must be completed neatly. You may type them, or print them using **black ink**. **Only documents with original, ink signatures can be filed** in the clerk's office or given to the judge in the courtroom.

You should make photocopies of all the completed documents you will file with the court so you have copies for yourself and for serving on the other party. When you file the original documents at the clerk's office, be sure to stamp the **copies** you've made with the clerk's "Filed" stamp.

Stamping your copies in this way is called “conforming copies” and can help prove that you actually filed the documents. **Do NOT stamp any of your originals that you file with the Clerk.**

Keep an organized file of all court papers, letters, other documents, and notes of conversations with others concerning your case. It is especially important to keep proof that documents were served on the other party. You may need to work on your case at home when the courthouse may not be open. Your personal file may also be important if a Judge in your case wants to see a document that is not in your court file.

#### **A Note About Domestic Violence Protection Orders**

If you are the victim of domestic violence, you may ask the court to enter an Order for Protection in your dissolution case. There are separate forms and instructions for requesting an Order for Protection. For more information contact a Domestic Violence Advocate or find additional information at the link below. **If you intend on filing these documents in your dissolution case, please refer to the section titled: “Restraining Order - Initiated in Family Law cases.”**

[Domestic Violence](#)

**If you are the victim of domestic violence, there may be additional programs through the bar association to help you obtain free legal advice, or you may call the statewide Domestic Violence Hotline, (800) 562-6025.**

#### **A Note About The Parenting Seminars**

The county in which you file your petition may require divorcing parents to attend a seminar about the impact of divorce on the children and how parents can take care of the children's emotional needs during the divorce. The mandatory seminar must be completed within a specific time period. To find out your county's parenting seminar requirements, check your county's local court rules on the Internet at: [www.courts.wa.gov/](http://www.courts.wa.gov/) or on the link below. You may also ask the county clerk about the parenting seminar when you file your petition or response or check the link below.

[Parenting Class](#)

[Local Rules \(LGR's\)](#)

[Back To Clerk's Home Page](#)

#### **A Note About the Case Information Cover Sheet and the Vital Statistics forms.**

[Forms / Books](#)

**Case Information Cover Sheet:** Petitioners are required to file a completed Case Information Cover Sheet with their summons and petition. The cover sheet may be obtained from the clerk's office. Before you file your summons and petition:

1. Complete the cover sheet by filling in the caption (names of parties involved in the action). The Clerk will stamp the Case Number on the form for you.
2. Select on the form the type of domestic action you are filing (such as “dissolution with children”).

3. Give the form to the clerk along with your petition.

**Vital Statistics form:** Petitioners are also required to complete a Vital Statistics form. When you bring your summons and petition to the clerk's office for filing, a Vital Statistics form will be given to you to complete. (You may want to obtain a copy in advance since the form requires personal information you may not have with you.) **You must use permanent black ink** to fill out the form or the Department of Health will not accept it. Give the completed form to the clerk along with the summons, petition and other documents. If you are unable to fill in all the information at the courthouse, or if any information changes while you are waiting to enter your decree, please fill out a new Vital Statistics form with the new or updated information and give it to the clerk after your final hearing. When your divorce is final, the clerk will forward the Vital Statistics form to the Department of Health.

### **Hearings in Dissolution cases**

The party responding to the Petition (the Respondent) has a limited time in which to file a response with the clerk of the superior court. The Response must be filed within 20 days after being served the Summons and Petition (or 60 days if the responding parent is served out of state; or 60 days if the responding parent is served by publication pursuant to an order allowing service by publication; or 90 days if the responding parent is served by mail pursuant to an order allowing service by mail). The petitioner or petitioner's attorney must also be served a copy of the Response within the same time period. Declarations in support of the response should be filed with the Response. Failure to file the answer on time may result in the court entering a default judgment, which gives the petitioner parent everything requested in the Petition.

Once the responding parent has filed and served a Response, either party may set a hearing date for a preliminary hearing. The hearing is scheduled by filling out and filing with the Clerk, a form entitled "Note For Motion." These matters are set for specific days and times, so please check the Court Schedule and remember to 'confirm' your matter. If you need assistance with this, please contact the Court Facilitator or click [HERE](#).

At the hearing(s), the court decides whether to change the parent with whom a child resides a majority of the time or modify or adjust the residential provisions or nonresidential provisions of any temporary Custody Decree/Parenting Plan/Residential Schedule. A Petition to modify or adjust the final orders on Custody Decree/Parenting Plan/Residential Schedule can be filed at a later date as your situation(s) may change.

### **Should You Hire a Lawyer?**

You are not required to have a lawyer to dissolve your marriage. The decision to proceed with or without a lawyer is up to you. Many people find that the paperwork required is complex. If you decide not to use a lawyer, your spouse may still use a lawyer and you may be at a disadvantage if you proceed without a lawyer. If you do not have a lawyer you will be expected to know all the laws and court rules which apply to your case as if you were a lawyer.

The court may make decisions that could have a significant impact on you, such as requiring you to pay money to your spouse, garnishing your wages, or limiting when you can see your child. **If you are the victim of domestic violence, there may be additional programs through the bar association to help you obtain free legal advice, or you may call the statewide Domestic Violence Hotline, (800) 562-6025.**

[Back To Clerk's Home Page](#)

## Court Facilitator:

Yakima County has a "Court Facilitator" that can offer limited assistance in completing the necessary paperwork but cannot provide legal advice. The Yakima County Court Facilitator conducts an "Orientation To The Courts" class which many people find helpful. For more information please contact the [Court Facilitator directly at \(509\) 574-2695](#) or click on the below link.

**JUDGES, COURT COMMISSIONERS AND CLERKS MAY NOT GIVE YOU LEGAL ADVICE OR ASSIST YOU WITH YOUR PAPERWORK OR FORMS.**

[Court Facilitator](#)

If you have questions or need assistance you should contact a lawyer or use one of the free or low cost services mentioned below. For help in finding a lawyer contact the local bar association for your county. Free legal advice may be available to you through charitable legal agencies or from other legal services in your county. A current list may be obtained in the "Helpful Places" link below:

[Helpful Places](#)

[Back To Top](#)

The majority of information herein is taken from the Washington State Courts web site.  
It is your responsibility to check the RCW's to ensure proper legal procedures.

[Back To Clerk's Home Page](#)

## LEGAL SEPARATION:

(and converting an action filed as a Legal Separation to a Dissolution Of Marriage / Divorce.)

If you do not want to seek a dissolution of marriage, but are living separately, you can file for legal separation. The only problem with filing for legal separation is you will have to wait at least 180 days, instead of 90, if you want a dissolution of marriage.

The filing fees are the same as for a Dissolution Of Marriage.  
[Please refer to the Yakima County's Fee Schedule for appropriate fees.](#)

[Fee Schedule](#)

- ❖ Obtain the Summons and Petition for Legal Separation. (Note you may purchase these 2 (two) documents when you purchase the Dissolution Of Marriage booklet.

[Forms / Books](#)

- ❖ Serve the Summons and Petition on your spouse (or your spouse can sign the Joinder or Acceptance of Service).
- ❖ File the Summons, Petition and Return of Service at the court clerk's office, or file Joinder or Acceptance of Service.
- ❖ Seek any temporary orders needed for child support, parenting plan and spousal maintenance by using the Motion for Temporary Order.

- ❖ If you decide to seek a dissolution, file a Motion to Convert Legal Separation to Dissolution.

You must wait at least 180 days after entry of the Decree of Legal Separation before submitting final paperwork for dissolution. [Please also see the information under Dissolution Of Marriage, as these matters are very similar as far as what the requirements and available services are.](#)

[Back To Top](#)

The majority of information herein is taken from the Washington State Courts web site. It is your responsibility to check the RCW's to ensure proper legal procedures.

[Back To Clerk's Home Page](#)

**CHILD CUSTODY:** ("Custody" means the child will live with you a majority of the time.)

If you **are a birth parent of the minor child you are seeking custody of:**

This will apply to all people who have either:

- ❖ A Dissolution Of Marriage / Divorce (or is pending in Court)
- ❖ A Legal Separation (or is pending in Court)
- ❖ You have previously been appointed by a Court as a Legal Guardian or a Legal Custodian of a minor child. (or is pending in Court)
- ❖ An Order finding Paternity of a child (or is pending in Court) (called the Judgment & Order Determining Parentage)

(For parents of a minor child who were not married to the other parent of that child, who do not have a Court order addressing paternity, see the section ["If you are NOT a 'legal' parent of the minor child"](#) below.)

### **General Information About Modification of a: Custody Decree, Parenting Plan, &/or Residential Schedule**

Washington law allows parents, legal guardians or legal custodians to change the custody of the children, or modify a party's visitation with the children, set under a prior dissolution, non-parental custody decree or paternity decree. The general rule is that an order of child custody or terms of the Parenting Plan or Residential Schedule can be modified only if a substantial change of circumstances has occurred.

The law recognizes three types of modifications: modification, adjustment to residential provisions and adjustment to nonresidential provisions. The same legal standard applies, **and the same forms are used, to modify a Custody Decree, Parenting Plan or Residential Schedule in dissolution, non-parental custody and paternity cases.** For the remainder of these instructions, the term "parent" includes parent, legal guardian and legal custodian.

Washington State law also allows parents to modify residential provisions without a showing of

substantial change of circumstances if the parent with whom the child resides a majority of the time seeks to relocate the child. There are separate forms and instructions to use for an objection to relocation and/or modification of a parenting plan when relocation is being pursued.

Either parent can begin an action to modify child custody, visitation or other term of the Parenting Plan or Residential Schedule by filing a Petition and supporting affidavits with the clerk of the superior court. The documents must also be properly served on the other parent. The supporting affidavits, also called declarations, must set forth facts supporting the requested modification.

### **Starting the Modification of an existing / previous case**

An action for modification of custody is started by filing the original of a Summons and Petition with the clerk of the superior court and by serving copies of these papers on the other party. The party filing the Petition is the "petitioner." The Petition asks the court to award custody to the petitioner. A petitioner or the child at issue must be a resident of Washington at the time the Petition is filed. There is a filing fee for filing the Petition, unless the court decides that the petitioner is unable to pay the fee.

Please refer to the [Yakima County's Fee Schedule](#) for appropriate fees.

[Fee Schedule](#)

The case caption and case number of the modification should read exactly like the order you are wanting to modify (where the Petitioners' names remains as the "Petitioner" and the Respondents' name remains as the "Respondent", as this is the way the file was initially started.) The person filing or starting the modification is called the "Moving Party". The party responding to the Petition has a limited time in which to file a written Response with the clerk of the court. The Response must be filed within 20 days after being served the Summons and Petition (or 60 days if the respondent is served out of state, or 60 days if the responding party is served by publication pursuant to an order allowing service by publication; or 90 days if the responding party is served by mail pursuant to an order allowing service by mail). The respondent must also make arrangements to have copies of the written response served on the moving party or the moving parties' lawyer within the same time period. If the respondent fails to file or serve a written Response within the required time period the court may enter a default judgment against the respondent.

It's a good idea to either make a spare copy of each form you will need and use one as a rough draft, or start your forms in pencil and copy over them in ink when you have them the way you want them. Your finished forms must be completed neatly. You may type them, or print them using **black ink**. Only documents with **original, ink signatures can be filed in the clerk's office** or given to the judge in the courtroom.

You should make photocopies of all the completed documents you will file with the court so you have copies for yourself and for serving on the other party. When you file the original documents at the clerk's office, be sure to stamp the copies you've made with the clerk's "Filed" stamp. Stamping your copies in this way is called "conforming copies" and can help prove that you actually filed the documents.

Keep an organized file of all court papers, letters, other documents, and notes of conversations with others concerning your case. It is especially important to keep proof that documents were served on the other party. You may need to work on your case at home when the courthouse may not be open. Your personal file may also be important if a judge in your case wants to see a document that is not in your court file.

All papers filed with the court will become part of a permanent record. Most of the papers will be filed in a public court file. You can view your public court file and obtain copies of any documents in the file at the court clerk's office.

The following papers will be filed in a restricted access file: Confidential Information Form, Addendum to Confidential Information Form, Sealed Financial Source Documents cover sheet and the financial documents filed under the coversheet. You and the other parties will be able to view and obtain copies of these papers, except for the Confidential Information Form and the Addendum to Confidential Information Form, which cannot be viewed by any other party unless the court grants an order allowing access to the forms. The public cannot view any of the papers in the restricted access file without a court order allowing access to the papers or information on the papers. It is required by local court rule that, at the time you file these documents, you must provide a cover page to each of these documents which contains your case information and the name of the pleading. This cover page (1 sheet of paper) will then be placed in the public file, while the rest of the papers will be placed in the restricted access file.

#### Sealed Financial / Cover Page

#### Use the Pattern Forms for Modification(s)

Washington has pattern legal forms you must use in modification actions and other family law cases. These are the instructions to help you fill out the modification pattern forms. There are many more forms in the domestic relations forms packet than you may need for modification of a Custody Decree, Parenting Plan or Residential Schedule.

Here is where you can get forms and instructions:

- ❖ The Yakima County Clerk's Office sells booklets which have been prepared specifically for the Yakima County Superior Court. These booklets are prepared by the Court Facilitator and are available in Room #323, 128 North 2<sup>nd</sup> Street, Yakima Washington WA 98901 (this is on the 3<sup>rd</sup> floor of the County Courthouse).

#### Forms / Books

- ❖ The Administrative Office of the Court in Olympia Washington, by calling the forms line at: (360) 705-5328
- ❖ The Internet at <http://www.courts.wa.gov/forms>;
- ❖ Northwest Justice Project's Web site: <http://www.nwjustice.org>.

Please review the General Rules to make sure your forms are the proper size and format.

#### General Rules (GR's)

It's a good idea to either make a spare copy of each form you will need and use one as a rough draft. Your finished forms must be completed neatly. You may type them, or print them using **black ink**. **Only documents with original, ink signatures can be filed** in the clerk's office or given to the judge in the courtroom.

You should make photocopies of all the completed documents you will file with the court so you have copies for yourself and for serving on the other party. When you file the original documents at the clerk's office, be sure to stamp the **copies** you've made with the clerk's "Filed" stamp. Stamping your copies in this way is called "conforming copies" and can help prove that you actually filed the documents. **Do NOT stamp any of your originals that you file with the Clerk.**

Keep an organized file of all court papers, letters, other documents, and notes of conversations with others concerning your case. It is especially important to keep proof that documents were

served on the other party. You may need to work on your case at home when the courthouse may not be open. Your personal file may also be important if a judge in your case wants to see a document that is not in your court file.

[Back To Clerk's Home Page](#)

### **A Note About The Parenting Seminars**

The county in which you file your petition may require divorcing parents to attend a seminar about the impact of divorce on the children and how parents can take care of the children's emotional needs during the divorce. The mandatory seminar must be completed within a specific time period. To find out your county's parenting seminar requirements, check your county's local court rules on the Internet at: [www.courts.wa.gov/](http://www.courts.wa.gov/) or on the link below. You may also ask the county clerk about the parenting seminar when you file your petition or response or check the link below.

[Parenting Class](#)

### **Hearing to Show Adequate Cause for Modification**

The parent responding to the Petition has a limited time in which to file a response with the clerk of the superior court. The Response must be filed within 20 days after being served the Summons and Petition (or 60 days if the responding parent is served out of state; or 60 days if the responding parent is served by publication pursuant to an order allowing service by publication; or 90 days if the responding parent is served by mail pursuant to an order allowing service by mail). The moving party or the moving parties' attorney must also be served a copy of the Response within the same time period. Declarations in response to the other parties' statements should be filed with the Response. Failure to file the answer on time may result in the court entering a default judgment, which gives the moving party everything requested in the Petition.

Once the responding parent has filed and served a Response, either parent may set a hearing date for a preliminary hearing. The hearing is scheduled by filling out and filing with the Clerk, a form entitled "Note For Motion." These matters are set for specific days and times, so please check the Court Schedule and remember to 'confirm' your matter. If you need assistance with this, please click [HERE](#).

At the adequate cause hearing, the court decides whether the declarations show sufficient facts to go forward with the modification action. If there is "adequate cause," or reason enough to go ahead, the court will schedule a hearing to decide whether to change the parent with whom the child resides a majority of the time or modify or adjust the residential provisions or non-residential provisions of the Custody Decree/Parenting Plan/Residential Schedule. If "adequate cause" is not shown at the first hearing, the court will deny the Petition to modify or adjust the Custody Decree/Parenting Plan/Residential Schedule without any further hearings.

### **Should You Hire a Lawyer?**

You are not required to have a lawyer to dissolve your marriage. The decision to proceed with or without a lawyer is up to you. Many people find that the paperwork required is complex. If you decide not to use a lawyer, your spouse may still use a lawyer and you may be at a disadvantage if you proceed without a lawyer. If you do not have a lawyer you will be expected to know all the laws and court rules which apply to your case as if you were a lawyer.

The court may make decisions that could have a significant impact on you, such as requiring you

to pay money to your spouse, garnishing your wages, or limiting when you can see your child.

**Court Facilitator:**

Yakima County has a "Court Facilitator" that can offer limited assistance in completing the necessary paperwork but cannot provide legal advice. The Yakima County Court Facilitator conducts an "Orientation To The Courts" class which many people find helpful. For more information please contact the [Court Facilitator directly at \(509\) 574-2695](#) or click on the below link.

**JUDGES, COURT COMMISSIONERS AND CLERKS MAY NOT GIVE YOU LEGAL ADVICE OR ASSIST YOU WITH YOUR PAPERWORK OR FORMS.**

[Court Facilitator](#)

If you have questions or need assistance you should contact a lawyer or use one of the free or low cost services mentioned below. For help in finding a lawyer contact the local bar association for your county. Free legal advice may be available to you through charitable legal agencies or from other legal services in your county. A current list may be obtained in the "Helpful Places" link below:

[Helpful Places](#)

[Back to Child Custody.](#)

[Back To Top](#)

[Back To Clerk's Home Page](#)

The majority of information herein is taken from the Washington State Courts web site. It is your responsibility to check the RCW's to ensure proper legal procedures.

**If you are NOT a 'legal' parent of the minor child you are seeking custody of -**

This will apply to all people who are either:

- ❖ A mother or father who were not married to the other parent of a child and have no previous Court order addressing paternity, visitation or custody.  
[These parties should see the section on Paternity.](#)

[Paternity](#)

- ❖ Family member(s) such as Aunts, Uncles and Grandparents of a minor child.
- ❖ Non family members of a minor child who are acting in the interest of a minor child.

[General Information About Non-parental Custody](#)

These instructions are for actions for non-parental custody of a dependent child. Generally, a child ceases to be "dependent" when he or she reaches age 18 and is not mentally or physically disabled. If a child is not dependent there are no legal proceedings to establish custody or

visitation.

Non Parental Custody generally applies to children's Grandparents, Aunts and Uncles, etc., and non-family members who seek custody of children who are not their own. A person other than a parent may petition the court for custody of a child. A non-parent can petition for custody whether or not the parents of the children are married, divorced or were never married. If the court orders custody for a person other than the parent the court will also establish a parenting plan and set an amount of child support.

If your case is contested it may take several months to resolve. You may need to use forms to request temporary orders that will be effective until the final hearing.

### **Starting an Action for Non-parental Custody**

A Non-parental Custody case is started by filing the Non-parental Custody Petition, the Summons and the Confidential Information Form (also complete the Addendum to Confidential Information Form, if necessary). Copies of the Non-parental Custody Petition and Summons need to be served on the child's parents. **Do not have the child's parents served with a copy of the Confidential Information form.** The original Petition, Summons and Confidential Information Form need to be filed with the clerk of the court, along with the completed Return of Service form verifying that the petition and summons were served on the parents. There is a filing fee for filing the Petition, unless the court decides the petitioner is unable to pay the fee.

Please refer to the [Yakima County's Fee Schedule for appropriate fees.](#)

[Fee Schedule](#)

The person(s) filing or starting the Non-parental Custody action is called the "Petitioner". The parent(s) of the minor(s) are called the "Respondent". A person other than a parent may petition the court for custody of the child only if the child is not in the physical custody of one of its parents or if the petitioner alleges that neither parent is a suitable custodian. If the non-parent and parents agree on the change in custody, they need to indicate this agreement on the court papers. These can then be presented to the court as "agreed" motions & orders for approval without a formal hearing.

Service of the summons and petition upon the Respondent(s) may not be done by yourself. Service must be either by a law enforcement officer or by any competent person 18 years of age or over who is not a party to the action.

Once the parents have been served, they have a limited time in which to file a written response to Non-parental Custody Petition with the clerk of the superior court. The response must be filed within 20 days after being served the Summons and Petition (or 60 days if the respondent is served out of state; or 60 days if the responding parent is served by publication pursuant to an order allowing service by publication; or 90 days if the responding parent is served by mail pursuant to an order allowing service by mail). The respondent must also make arrangements to have copies of the written response served on the petitioner or the petitioner's lawyer within the same time period. If the respondent does not file or serve a written response within the required time period the court may enter a default judgment against the respondent.

You may decide to proceed immediately to seek a Temporary Order of Custody or an Ex-Parte Restraining Order/Order to Show Cause (non-parental custody). If you do not seek a temporary order, you will next need to have a hearing with a judge or court commissioner to decide the merits of the Petition for Non-parental Custody.

All papers you file with the court will become part of a permanent record. Most of the papers you file with the court will be filed in a public court file. You can view your public court file and obtain copies of any documents in the file at the court clerk's office.

The following papers will be filed in a restricted access file: Confidential Information Form, Addendum to Confidential Information Form (if applicable), Sealed Financial Source Documents cover sheet and the financial documents filed under the coversheet. You and your spouse will be able to view and obtain copies of these papers, except for the Confidential Information Form and the Addendum to Confidential Information Form, which cannot be viewed by the other party unless the court grants an order allowing access to the forms. The public cannot view any of the papers in the restricted access file without a court order allowing access to the papers or information on the papers. It is required by local court rule that, at the time you file these documents, you must provide a cover page to each of these documents which contains your case information and the name of the pleading. This cover page (1 sheet of paper) will then be placed in the public file, while the rest of the papers will be placed in the restricted access file.

[Sealed Financial / Cover Page](#)

[Back To Clerk's Home Page](#)

#### **A Note About Domestic Violence Protection Orders**

If you are concerned that the minor(s) are the victim(s) of domestic violence, you may ask the court to enter an Order for Protection in your Non-parental Custody case. There are separate forms and instructions for requesting an Order for Protection. For more information contact a Domestic Violence Advocate or find additional information at the link below.

If you intend on filing these documents in your Non-parental Custody case, please refer to the section titled: **“Restraining Order - Initiated in Family Law cases.”**

[Domestic Violence](#)

If the minor(s) are the victim of domestic violence, there may be additional programs through the bar association to help you obtain free legal advice, or you may call the statewide Domestic Violence Hotline, (800) 562-6025.

#### **Use the Pattern Forms for Non-Parental Custody**

Washington has pattern legal forms you must use in non-parental custody and other family law cases. These are limited instructions to assist you in getting started. There are many more forms in the domestic relations forms packet than you may need for a non-parental custody action.

Here is where you can get forms and instructions:

- ❖ The Yakima County Clerk's Office sells booklets which have been prepared specifically for the Yakima County Superior Court. These booklets are prepared by the Court Facilitator and are available in Room #323, 128 North 2<sup>nd</sup> Street, Yakima

Washington WA 98901 (this is on the 3<sup>rd</sup> floor of the County Courthouse).

Forms / Books

- ❖ The Administrative Office of the Court in Olympia Washington, by calling the forms line at: (360) 705-5328
- ❖ The Internet at <http://www.courts.wa.gov/forms>;
- ❖ Northwest Justice Project's Web site: <http://www.nwjustice.org>.

It's a good idea to either make a spare copy of each form you will need and use one as a rough draft. Your finished forms must be completed neatly. You may type them, or print them using **black ink**. **Only documents with original, ink signatures can be filed** in the clerk's office or given to the judge in the courtroom.

You should make photocopies of all the completed documents you will file with the court so you have copies for yourself and for serving on the other party. When you file the original documents at the clerk's office, be sure to stamp the **copies** you've made with the clerk's office "Filed" stamp. Stamping your copies in this way is called "conforming copies" and can help prove that you actually filed the documents. Do NOT stamp any of your originals that you file with the Clerk.

Keep an organized file of all court papers, letters, other documents, and notes of conversations with others concerning your case. It is especially important to keep proof that documents were served on the other party. You may need to work on your case at home when the courthouse may not be open. Your personal file may also be important if a judge in your case wants to see a document that is not in your court file.

#### A Note About The Parenting Seminars

The county in which you file your petition may require divorcing parents to attend a seminar about the impact of divorce on the children and how parents can take care of the children's emotional needs during the divorce. The mandatory seminar must be completed within a specific time period. To find out your county's parenting seminar requirements, check your county's local court rules on the Internet at: <http://www.courts.wa.gov> or on the link below. You may also ask the county clerk about the parenting seminar when you file your petition or response or check the link below.

Parenting Class

Local Rules (LGR's)

Back To Clerk's Home Page

#### A Note About the Case Information Cover Sheet.

Forms / Books

**Case Information Cover Sheet:** Petitioners are required to file a completed Case Information Cover Sheet with their summons and petition. The cover sheet may be obtained from the clerk's office. Before you file your summons and petition:

1. Complete the cover sheet by filling in the caption (names of parties involved in the action). The Clerk will stamp the Case Number on the form for you.
2. Select on the form the type of domestic action you are filing (such as “dissolution with children”).
3. Give the form to the clerk along with your petition.

### **Hearings in Non-parental Custody cases**

If the other party appears in the case by filing a Response and contests the Petition, a hearing will have to be scheduled. Either party may schedule the hearing. The court has certain days of the week set aside for family law hearings. Check the local court rules to find out what days hearings are scheduled in your county.

You may schedule a hearing at any time after the other party has filed a Response, or 20 days after the other parent has been served (60 days, if served out of state; or 60 if served by publication pursuant to an order allowing service by publication; or 90 days if served by mail pursuant to an order allowing service by mail). The hearing is scheduled by filling out and filing with the Clerk, a form entitled "Note For Motion." These matters are set for specific days and times, so please check the Court Schedule and remember to ‘confirm’ your matter. If you need assistance with this, please click [HERE](#), or contact the [Court Facilitator directly at \(509\) 574-2695](#) or click on the below link.

[Court Facilitator](#)

If the other party has scheduled a hearing there is no need for you to schedule an additional hearing because you can file papers in support of what you want the judge or commissioner to decide at the same hearing. Once the hearing has been scheduled, a qualified person must serve the local form on the other party. The person serving the form(s) must complete a Return of Service form.

If an attorney has appeared on behalf of the other party, you must serve the form(s) on the attorney instead of the other party. If you, the other party or the child receives or received in the past, welfare or other public benefits (TANF, medical assistance or foster care) from the state, the County Prosecuting Attorney’s Office – Support Division must receive a copy of the local form, too.

At a hearing the court will determine whether it is in the best interests of the child to order non-parental custody. The court will want to review as much factual information as possible to determine what would best serve the child. Since the hearing will be on “affidavits (declarations) only”, you will want to present the court your statements and with statements of people who know the child well. The statements must be sworn under oath, in the form of an affidavit or declaration. You may attach documents to the declarations. [Any attachments must meet the General Rules. Please review the General Rules to make sure your forms are the proper size and format.](#)

[General Rules \(GR's\)](#)

### **A hearing for a temporary order**

If you are seeking immediate, temporary custody you will have to schedule a preliminary hearing to prove to the court that "good cause" exists for the Petition. At the first hearing you must present declarations (sworn statements) setting forth facts supporting the request made in the Petition. The other parties will file declarations to contest what you have submitted. All declarations must be provided to the other parties and filed with the court several days in advance of the hearing. If the court finds good cause exists for the Petition, it will schedule a second hearing to decide the merits of the request for immediate custody. It is recommended that you contact the [Court Facilitator directly at \(509\) 574-2695](#) or click on the below link.

[Court Facilitator](#)

### **Motion and Order for Default**

If the other party fails to respond to your Petition for Non-parental Custody or appear within the required time period, the other party is in default. The other party has 20 days to respond, not including the date of service, if the other party was personally served in the state of Washington. If the other party was served out of state, the parent has 60 days to respond, not including the date of service; or 60 days if the other party is served by publication pursuant to an order allowing service by publication; or 90 days if the other party is served by mail pursuant to an order allowing service by mail, not including the date of service.

You may ask the court to enter a default judgment against the other party any time after the time period for responding has ended. The completed Return of Service form must be in the court file before a default order will be entered.

Before granting a default order changing the custody of the child, the court may require that you complete and serve on the other party a proposed Parenting Plan, Order of Child Support and completed Child Support Worksheets.

To get a default judgment, you must fill out a Motion and Declaration for Default. You must also prepare a proposed Order of Default. You can obtain these from the clerk of the court, or you can obtain the forms at one of the locations listed above.

### **Should You Hire a Lawyer?**

You are not required to have a lawyer to seek custody. The decision to proceed with or without a lawyer is left to each party. In making this decision you should be aware many people find that the paperwork required is complex. You should also be aware that if you decide not to use a lawyer, the other party may still use a lawyer and you may be at a disadvantage if you proceed without a lawyer. If you do not have a lawyer you will be expected to know all the laws and court rules which apply to your case as if you were a lawyer.

The court may make decisions that could have a significant impact on you, such as requiring you to pay money to your spouse, garnishing your wages, or limiting when you can see your child. Free legal advice may be available to you through charitable legal agencies or from other legal services in your county.

### **Court Facilitator:**

Yakima County has a "Court Facilitator" that can offer limited assistance in completing the necessary paperwork but cannot provide legal advice. The Yakima County Court Facilitator conducts an "Orientation To The Courts" class which many people find helpful. For more information please contact the [Court Facilitator directly at \(509\) 574-2695](#) or click on the below link.

**JUDGES, COURT COMMISSIONERS AND CLERKS MAY NOT GIVE YOU LEGAL ADVICE  
OR ASSIST YOU WITH YOUR PAPERWORK OR FORMS.**

**Court Facilitator**

If you have questions or need assistance you should contact a lawyer or use one of the free or low cost services mentioned above. For help in finding a lawyer contact the local bar association for your county.

**Helpful Places**

[Back To Top](#)

[Back To Clerk's Home Page](#)

The majority of information herein is taken from the Washington State Courts web site.  
It is your responsibility to check the RCW's to ensure proper legal procedures.

**Visitation Guidelines**

**PATERNITY:** (this is referred to as a "Parentage")

This applies to the following situations:

- ❖ (Unmarried Parents) - When the acknowledged Father or the Mother wants to Establish a Residential Schedule/Parenting Plan or Child Support Order:

*An acknowledged father or mother may bring this action to establish a residential schedule/parenting plan or child support order two years or more after the Acknowledgment of Paternity they signed was filed with the Washington State Registrar of Vital Statistics. Either parent may also bring this action more than 60 days but less than two years after the acknowledgment was filed if the petitioning party specifically states (alleges) certain facts that are in paragraph 1.4 of the petition.*

- ❖ (Unmarried Parents) - When the Acknowledged Father or the Mother wants to Rescind the Acknowledgment of Paternity:

*The acknowledged father or mother must start this action by filing the petition within 60 days of the effective date of the Acknowledgment of Paternity, which was the date on which the acknowledgement was filed with the Washington State Registrar of Vital Statistics or the date of the child's birth which was after the date on which the acknowledgment was filed with the Washington State Registrar of Vital Statistics.*

- ❖ (Unmarried Parents) - When the Presumed Father wants to Rescind the Denial

of Paternity:

The presumed father must start this action by filing the petition within 60 days of the effective date of the Denial of Paternity, which is the date the denial was filed with the Washington State Registrar of Vital Statistics or on the date of the child's birth which was after the date on which the denial was filed with the Washington State Registrar of Vital Statistics.

---

- ❖ (Unmarried Parents) - When the Acknowledged Father or the Mother wants to Challenge the Acknowledgment of Paternity:

The acknowledged father or mother must start this action by filing the petition more than 60 days but less than two years after the Acknowledgment of Paternity was filed with the Washington State Registrar of Vital Statistics.

---

- ❖ (Unmarried Parents) - When the Presumed Father wants to Challenge the Denial of Paternity:

The presumed father must start this action by filing the petition more than 60 days but less than two years after the Denial of Paternity was filed with the Washington State Registrar of Vital Statistics.

---

- ❖ (Unmarried Parents) - Establishing Parentage when there is no Adjudicated Father or Acknowledgment of Paternity Filed with the Washington State Registrar of Vital Statistics:

The mother or the State of Washington may start this action. If the mother or child have been or are presently receiving some form of public assistance, please contact the Support Division of the County Prosecuting Attorney's Office for assistance.

[Back To Clerk's Home Page](#)

### **General Information About Paternity Cases:**

At present, the Yakima County Clerk's Office does not have 'do it yourself' books for Paternity matters. Due to the complexity and nature of these cases, it is advised you contact an attorney

or another source of legal assistance who deals with Paternity matters. Please see the links below for more information on sources of assistance.

### Why Is It Important To Establish Paternity?

Why ?

#### Should You Hire a Lawyer?

You are not required to have a lawyer to seek custody. The decision to proceed with or without a lawyer is left to each party. In making this decision you should be aware many people find that the paperwork required is complex. You should also be aware that if you decide not to use a lawyer, the other party may still use a lawyer and you may be at a disadvantage if you proceed without a lawyer. If you do not have a lawyer you will be expected to know all the laws and court rules which apply to your case as if you were a lawyer.

The court may make decisions that could have a significant impact on you, such as requiring you to pay money to your spouse, garnishing your wages, or limiting when you can see your child. Free legal advice may be available to you through charitable legal agencies or from other legal services in your county.

#### Court Facilitator:

Yakima County has a "Court Facilitator" that can offer limited assistance in completing the necessary paperwork but cannot provide legal advice. The Yakima County Court Facilitator conducts an "Orientation To The Courts" class which many people find helpful. For more information please contact the [Court Facilitator directly at \(509\) 574-2695](#) or click on the below link.

**JUDGES, COURT COMMISSIONERS AND CLERKS MAY NOT GIVE YOU LEGAL ADVICE OR ASSIST YOU WITH YOUR PAPERWORK OR FORMS.**

[Court Facilitator](#)

If you have questions or need assistance you should contact a lawyer or use one of the free or low cost services mentioned above. For help in finding a lawyer contact the local bar association for your county.

[Helpful Places](#)

The [Support Division of the County Prosecutor](#) may be reached at (509) 574-1300 or click on the link below for their office location and business hours.

[Support Division](#)

[Back To Top](#)

**THE MAJORITY OF INFORMATION HEREIN IS TAKEN FROM THE WASHINGTON STATE COURTS WEB SITE.**

**IT IS YOUR RESPONSIBILITY TO CHECK THE RCW'S TO ENSURE PROPER LEGAL PROCEDURES.**

[Back To Clerk's Home Page](#)