

AGREED NONPARENTAL CUSTODY

King County Family Law Facilitators: Instruction # N-3
King County Local Family Law Rules
Revised Code of Washington 26.10

For a Nonparental Custody case to be finalized by agreement, signatures of both parents and any custodian of the child/ren must be obtained on either the Nonparental Custody Petition, on separate Joinders, or on the final orders. (See Step 6 for a list of the final orders.)

BEFORE A NONPARENTAL CUSTODY CASE CAN BE FINALIZED, THE PETITIONER MUST OBTAIN THE FOLLOWING:

- ❖ BACKGROUND CHECK OF DEPARTMENT OF CHILDREN AND FAMILY SERVICES/CHILD PROTECTIVE SERVICES DCFS/CPS RECORDS FOR EACH MEMBER OF THE PETITIONER'S HOUSEHOLD WHO IS 16 YEARS OF AGE OR OLDER.
- ❖ WASHINGTON STATE PATROL CRIMINAL HISTORY RECORD INFORMATION (CHRI) FOR EACH ADULT MEMBER OF THE PETITIONER'S HOUSEHOLD.
- ❖ CERTIFICATE OF COMPLETION FOR THE MANDATORY PARENTING SEMINAR.

Deadlines for completing these requirements are listed in the Order Setting Domestic Nonparental Custody Case Schedule (ORSCS) which you will receive when you file the case.

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators' office for a Legal Resource List or the King County Bar Association Lawyer Referral Line for information about resources for low income people.

STEP I: COMPLETE THE INITIAL FORMS

Complete the following forms:

- **Case Assignment Designation** (Case Information Cover Sheet with Attachment)
- **Confidential Information Form** (WPF DRPSCU 09.0200) and **Addendum** (WPF DRPSCU 09.0210)
- **Nonparental Custody Petition (WPF CU 01.0100)**
- **Joinder (WPF DRPSCU 01.0330)** Use if respondent(s) did not sign petition.

- **Declaration (WPF DRPSCU 01.0100)**
- **Order Directing DCFS/CPS to Release Information and Order Restricting Access (WPF CU 03.0500)**
- **Cover Sheet for Authorization to Release Information to the Court (Nonparental Custody) (WPF CU 03.0540 with attached DSHS form)**
- **Authorization to Release Information to the Court DSHS 09-966** (One Authorization signed by each member of petitioner's household who is 16 years of age or older.)
- **Cover Sheet for DCFS/CPS Investigative Information, WPF CU 03.0520.**
Complete one form for each member of petitioner's household who is 16 years of age or older.
- **Motion and Declaration for Temporary Nonparental Custody Order, WPF CU 03.0100**
- **Temporary Custody Order, WPF CU 03.0200**
- **Note for Motion Docket, Kent or Seattle**

And, if applicable:

- **Residential Schedule (Proposed), WPF CU 01.450**
Before signing the final residential schedule, the court will consult the judicial information system and databases, if available, to determine the existence of any information and proceedings that are relevant to the placement of the children.
- **Declaration Regarding Public Assistance, WPF DRPSCU 01.0600**
- **Washington State Child Support Worksheets and Schedule, WSCSS - Worksheets**
- **Order of Child Support, WPF CU 01.0500** (A separate order is require for each parent obligated to pay support)

If the child is, or may be, a member of an Indian tribe, notice must be sent to the tribe. If the parent, Indian custodian, or tribe isn't known, notice must be sent to the Department of the Interior, Bureau of Indian Affairs. Use the following forms:

- **Indian Child Welfare Act Notice 25 U.S.C. Sec.1912(a) (WPF CU 01.0250)**
- **Proof of Mailing ICWA Notice, WPF CU 01.0255**

STEP 2: FILE WITH CLERK'S OFFICE

Make copies for your own records. File the following forms with the Clerk's Office:

- Case Assignment Designation (Case Information Cover Sheet with Attachment)
- Confidential Information Form WPF DRPSCU 09.0200 and Addendum WPF DRPSCU 09.0210
- Nonparental Custody Petition CU 01.0100
- Joinder DRPSCU 01.0330

And, if applicable:

- Residential Schedule (Proposed) WPF CU 01.450

Pay the filing fee, or obtain a Motion and Declaration for Waiver of Civil Filing Fees and Surcharges prior to filing.

STEP 3: PREPARE ORDERS FOR SIGNATURE IN THE EX PARTE DEPARTMENT

Complete the following documents:

- Motion and Declaration for Temporary Nonparental Custody Order WPF CU 03.0100 (Optional)
- Declaration WPF DRPSCU O1.0100 (Optional)
- Temporary Custody Order WPF CU 03.0200 (Optional)
- Order Directing DCFS/CPS to Release Information and Order Restricting Access WPF CU 03.0500
- Cover Sheet for Consent for Release of Information from DCFS/CPS (Nonparental Custody) WPF CU 03.0540 **with attached DSHS form**
- Authorization to Release Information to the Court DSHS 09-966 (One signed by each member of the petitioner's household who is 16 years of age or older).
- Cover Sheet for DCFS/CPS Investigative Information WPF CU 03.0520 (One for each member of petitioner's household who is 16 years of age or older)
- Copy of Nonparental Custody Petition WPF CU 01.0100
- Copies of all Joinders WPF DRPSCU 01.0330

If you are requesting a temporary residential schedule:

- **Residential Schedule (Proposed), WPF CU 01.450**
- **Declaration in Support of Proposed Temporary Parenting Plan, WPF DR 04.0120**

Fill out this form addressing parenting functions and work schedules for each parent and the child(ren)'s past and present child care schedule.

Make a copy of your completed forms. Take the original forms and the copies to the Clerk's Office and pay the Ex-Parte via the Clerk processing fee. Complete the ex-parte cover sheet and select the method for picking up your copies of the signed orders. The Clerk will present the orders to the Commissioner on your behalf. After the orders are signed the Clerk will automatically file the originals and return the copies of the orders to you via the method you requested.

STEP 4: OBTAIN WASHINGTON STATE PATROL CRIMINAL HISTORY RECORD

Obtain Washington State Patrol Criminal History Record Information (CHRI) for each adult member of petitioner's household, including petitioner. Choose one of the following methods to obtain the CHRI:

1. Get CHRI **immediately** online at <http://watch.wsp.wa.gov/>. There is a \$10.00 fee for each CHRI search. Credit card is required.

OR

2. Fill out a Request for Conviction Criminal History Record form and send the completed form with a check or money order for \$35.00 for each request to Washington State Patrol, Identification and Criminal History Section, PO Box 42633, Olympia WA 98504-2633. A copy of the Request form is attached to these instructions. Allow 7-14 business days for receipt of the CHRI(s).

Upon receipt of the CHRI, file it in the Clerk's Office using the following coversheet:

- [Cover Sheet for WSP Criminal History Record CU 03.0550](#) with CHRI attached (one for each adult member of petitioner's household.)

STEP 5: ATTEND MANDATORY PARENTING SEMINAR

Local Family Law Rule 13 requires all parties (all petitioners, both parents and any custodian/guardian of the child/ren) to attend a parenting seminar by the deadline listed in your Case Schedule. An information sheet regarding this mandatory seminar is available in both the Clerk's Office and the Facilitators' Office.

STEP 6: CHOOSE A COURT DATE TO FINALIZE YOUR CASE

To finalize your case you can present your final documents at the mandatory case review hearing (listed on your case schedule) OR if you would like to finalize your case prior to that date, you can schedule a hearing on the final decree calendar in the Ex-Parte Courtroom.

To schedule a hearing on the final decree calendar choose a court date by filling out the *Note for Motion Docket (Kent or Seattle)*:

- Fill in the caption and case number at the top.
- Write in the Calendar Date and Day of the Week. You must choose a date that is at least 14 calendar days from the day you file this form with the clerk. You may choose any weekday that is not a court holiday.
- After "Nature of Motion", write "Finalize Non-Parental Custody"
- In the box labeled "Ex Parte", check the following boxes: "Family Law Final Decree" and "No Attorney". The hearing time will be 1:30 p.m.
- Complete the box that asks for your signature, name, and address. Fill out the second page with the other parties' information.

File this form with the Clerk's office.

STEP 7: PREPARE FINAL ORDERS AND ATTEND FINAL DECREE HEARING

Go to the Ex Parte Department on the day of your hearing.

Bring the completed originals of the following documents to your hearing:

- [Order Re Adequate Cause WPF CU 02.0400](#)
- [Findings of Fact and Conclusions of Law WPF CU 02.0100](#)
- [Nonparental Custody Decree WPF CU 02.0200](#)

And, if applicable:

- [Order of Child Support WPF CU 01.0500](#) (A separate order is required for each parent obligated to pay support)
- [Child Support Worksheets \(WSCSS – Worksheets\)](#)

- **Final Residential Schedule WPF CU 01.450**

If you are asking for child support and if the child has ever received public assistance, you must have a King County Prosecutor with the Family Support Section sign the Order of Child Support before the Case Review or Final Decree Hearing.

NOTE: If the respondent(s) signed a joinder and demanded notice, he/she must sign all of the final documents OR you must mail or deliver copies of the proposed final orders to the respondent(s) as they will be presented to the court along with a copy of the Note for Motion Docket at least 14 days prior to the hearing (add an additional 3 days if mailing the documents). Complete a Declaration of Mailing with the date and address the documents were mailed or delivered to the respondent(s) and bring it with you to the final hearing.

After the hearing, any documents signed by the Court must be filed with the Clerk's Office. If you would like copies, ask the courtroom clerk.

DO NOT LEAVE THE COURTHOUSE WITH THE ORIGINALS OF THE DOCUMENTS SIGNED BY THE JUDICIAL OFFICER.

STEP 8: ATTEND THE MANDATORY CASE REVIEW HEARING (IF YOU HAVE NOT ALREADY FINALIZED YOUR CASE)

Petitioners and their attorneys must attend the Case Review Hearing (if the case has not already been completed). The date, time and place of this hearing are listed in your Case Schedule. If all requirements have been met, final orders may be signed at the Case Review Hearing.

Bring the completed documents listed in Step 7 above to the hearing.

After the hearing, any documents signed by the Court must be filed with the Clerk's Office. If you would like copies, ask the courtroom clerk.

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WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court. If you need a lawyer, contact the Family Law Facilitators' Office for a *Legal Resource List* or call the King County Bar Association Lawyer Referral Line.