

Parenting Plans: General Info

What is a Parenting Plan?

It is a court order a judge enters in one of these legal matters:

- Divorce
- Legal Separation
- Parentage (Petition to Decide Parentage)
- Request for a parenting plan after parentage has been settled without a parenting plan (Motion or Petition for a Parenting Plan)
- Change of custody (Petition to Change Parenting Plan)
- Request for child custody by a non-parent (Petition for Non-Parent Custody)

❖ “Judge” here refers to judges and court commissioners.

What does the Parenting Plan say?

- Which parent the child will live with (custody)
- How much time the child will spend with each parent
- Which parent will make major decisions about the child
- How the parents will work out major disagreements

How do I get a Parenting Plan?

- You may get a Parenting Plan when you are a party to any of the court matters listed above.

- You may file a proposed Parenting Plan if one of the above matters has already been filed, but the judge has not yet ordered a Parenting Plan. You should file the Parenting Plan with your other papers--petition, motion, or response. You must also have it served on every other party in the case. You must give the other party a copy of all your case papers. Call CLEAR at 1-888-201-1014 or ask the court clerk or family law facilitator (if there is one) about rules for serving court papers.

Will the judge approve my Parenting Plan?

If you and the other parent agree on a proposed Parenting Plan: the judge will usually approve it.

If you disagree: the judge will decide on a Parenting Plan after hearing or trial. The judge looks at many things when deciding, but most importantly what is in the child’s best interests.

Can I ask for a Parenting Plan giving us joint custody?

Probably not. Washington judges rarely enter a final Parenting Plan that splits custody 50/50.

I am a relative (but not a parent). I just want visitation. Should I file for a parenting plan?

No. Read [Washington’s New Non-Parent Visitation Rights](#) instead.

How does the court make sure we follow the Parenting Plan?

Once the judge signs a Parenting Plan, it becomes a binding court order. Both parents must follow it. **Example:** you may not refuse to allow the other parent to see the child just because that parent has not paid child support.

If the other parent does not allow you to see the child when you have the right to, the judge may find the other parent in contempt. The judge could order make-up visitation time, jail time, fines, or some other type of punishment.

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- ❖ A judge who finds you in contempt more than once in a three-year period can use change custody.
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Can I change a Final Parenting Plan?

It is hard to do. Usually, the judge will change it if both parents agree to the change. If you do not agree, the judge may make major changes such as custody **only** if a major change has taken place in the child's or other parent's life since the entry of the original Parenting Plan. It is not enough that the parent wanting the change thinks their life has gotten better and should now have custody.

If you do not agree on the change, one of these things must have happened for the judge to order a change in custody:

- The child has gone to live with one parent for an extended period with the other parent's permission.
- The parent who does not want the change has been held in contempt of court at least twice in three years, or has been convicted of interfering with the other parent's custody or visitation.

- The present custody situation is physically or emotionally harmful to the child.

The judge may make minor changes more easily. **Example:** a judge can make minor changes to the amount of time or certain days the child spends with either parent if it is in the child's best interests.

If you cannot afford to hire a lawyer, you can ask on your own to change your Parenting Plan. [Filing a Petition to Change Your Parenting Plan, Residential Schedule, or Custody Order](#) has forms and instructions. You can get it and other info online at www.washingtonlawhelp.org.

You may also get the court forms at <http://www.courts.wa.gov/forms/> or ask the family law facilitator, if your county has one. (Facilitators help people with no lawyer find and file the right forms in child custody and divorce matters.) Or ask the Superior Court Clerk for the forms. If you do not have Internet access or a courthouse, ask that forms be mailed to you from CLEAR. Call 1-888-201-1014.

What if I want to move with the child?

All parenting plans entered on or after June 8, 2000 must state what will happen if you or the other parent wants to move with the child. The parent who wants to move must give the other parent written notice before moving. The notice gives the other parent a chance to

- object to the move
- ask the court to change the existing Parenting Plan

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- ❖ For more info, ask for [Questions and Answers about Washington's](#)

[Relocation Law](#) and [Changing a Parenting Plan/Child Custody Order](#) from CLEAR. Call 1-888-201-1014. Or read them at www.washingtonlawhelp.org.

- ❖ If you are the primary custodian, and you plan to move, you must know and understand the laws and follow the requirements before moving.

Can I file my parenting plan in Washington State?

It depends. Washington may not have the authority (jurisdiction) to enter a Parenting Plan if:

- Your child lives in a different state
- The child has not been living in Washington for at least six months
- Another state has already entered an order about the child

Talk to a lawyer.

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- ❖ [Which Court can Enter Custody Orders? Questions and Answers about Jurisdiction](#) has more info.
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What if I need legal help?

- Apply online with [CLEAR*Online](#) - <https://nwjustice.org/get-legal-help>
or

- **Call CLEAR at 1-888-201-1014**

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 9:15 a.m. - 12:15 p.m weekdays.
- **King County:** Call 211 for info and referral to an appropriate legal services provider 8:00 am – 6:00 pm weekdays. You may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info on legal service providers in King County through 211's website, www.resourcehouse.com/win211/.
- **Persons 60 and Over:** Seniors age 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. Seniors in King County may call 2-1-1.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of your choice.

211 and CLEAR will conference in free interpreters when needed.

Free legal education publications, videos and self-help packets covering many legal issues are available at www.washingtonlawhelp.org.

This publication provides general information concerning your rights and duties. It is not intended to replace specific legal advice. This information is correct as of May 2018.

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