



Northwest Justice Project

3814EN - Changing Your Child Support Court Order

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Section 1: Introduction

This publication should help give you a basic understanding of the laws that apply to changing a Washington State Child Support court order, or responding to a proposed change.¹ The information is in the form of frequently asked questions and the answers to those questions. The specific facts of your case may differ from those in the questions. Talk with a lawyer about your specific case.

◆ If you have an administrative order issued by the Division of Child Support (DCS), read our publication How to Ask DCS to Review Your Child Support Order for Modification.

A court's order of support may be changed by filing a Motion for Adjustment of Child Support or a Petition for Modification of Child Support. We discuss which method to use in Question 10 below.

If you decide after reading this publication that you want to try to change your support order, use one of our do-it-yourself packets listed at the end of this publication. Or check with your County Court Clerk or Family Law Facilitator (if your county has one) to see if your county has the packet you want. Local packets may be easier to use. They include needed local forms and procedures.

Our web site at www.washingtonlawhelp.org has a complete list of our family law packets. Or, if you are low-income, call CLEAR at 1-888-201-1014.

Section 2: Frequently Asked Questions and Answers

A. What is child support?

It is money paid by a parent to a party taking care of the children (usually, the other parent) to help support the children. The parent usually must pay child support monthly. The amount is based on the Washington State Support Schedule. It considers the children's needs and both parents' income.

A parent has a legal duty to help support his/her children. A step-parent also has a legal duty to help support his/her stepchildren until a divorce from the child's parent is final, or until there is an order relieving the stepparent of this obligation.²

¹ In this packet, you will see footnotes, like this one. They will tell you the law or court case that supports the statement that comes before the footnote. RCW stands for Revised Code of Washington, which is the law of Washington State. Court cases have names, such as *In re Marriage of Parent*. Use the footnotes to look up the law at your local law library, or to tell the court when you are trying to make a legal argument. The references to the law are up to date as of the date this packet is published. The law sometimes changes before the packet can be updated.

² RCW 26.16.205; *Stahl v. DSHS*, 43 Wn. App. 401, 717 P.2d 320, review denied, 106 Wn.2d 1009 (1986).

B. How is the child support amount set?

The law says that child support should be set based on:

- the parents' income
- how many children they have and
- the ages of the children.

The amount to be paid, if any, by a parent or stepparent to the party who is the primary caretaker (has the child more than 50% of the time) is set using the Washington State Child Support Schedule. Our publication Understanding The Washington State Child Support Schedule and How Child Support Is Set In Washington has more information.

C. Do I need a lawyer?

If you can afford a lawyer, you should meet with one who specializes in family law before you file anything in court. Even if you cannot afford to hire a lawyer to file your case, talk at least once with a lawyer for advice. If you are very low income, call CLEAR at 1-888-201-1014.

◆ Use the glossary as you read this publication! We explain the meanings of important terms used in this publication at the end.

D. May I file a court action in Washington to change my support?

Yes, if you have an order issued by a Washington Court and you, the other party, or the child lives in Washington.³

E. What if I do not think my case should be in Washington?

If you do not live in Washington, the court in Washington may not have jurisdiction (power) to make court orders that make you do (or not do) certain things.

1. When does Washington have jurisdiction to modify a child support order?

Generally, you may file a motion for adjustment or petition for support modification in Washington if:

- Your current Order of Child Support is from Washington, and
- You, the other parent, OR the child still lives in Washington.

³ RCW 26.21A.120. You also must not have agreed in writing to allow another state to modify your order.

2. May I modify or adjust a child support order from another state?

Maybe, under a law called the Uniform Interstate Family Support Act (UIFSA), RCW Chapter 26.21A. Before trying to do so, contact an attorney (if you are low income, call CLEAR AT 1-888-201-1014) or call the Division of Child Support (DCS) for more information.

3. I do not think my case should be in Washington. What should I do?

If you think that the Washington court does not have jurisdiction, you must file papers to argue about jurisdiction and ask for dismissal BEFORE you file anything else in the case. See an attorney for advice if you can. If you cannot, be very careful not to do anything that could give Washington jurisdiction over you. Do not:

- file a response or
- sign agreed orders or
- ask the court to grant relief to you other than dismissing the case.

If possible, write to the court before the hearing. Tell the court why you believe that Washington does not have jurisdiction over you. If you cannot write to the court before the hearing, go to the hearing in person (or try to have the hearing by phone. Call the court to arrange it in advance). Tell the judge why you think there is no jurisdiction over your case. If the judge decides in your favor, then the case should be dismissed. If s/he does not, then be ready to respond to the legal action in Washington.

◆ If you are going to a hearing to tell the judge that you do not think Washington has jurisdiction, you should still prepare a response to the motion or petition before the hearing. Do not file the response. Bring it with you to the hearing. If the judge decides that Washington has jurisdiction, you may then ask the judge to read your response.

F. How do I tell if I have an order issued by a Washington Court?

In Washington, a court order is called an "Order of Child Support." An administrative order is called a "Notice and Finding of Financial Responsibility," a "Notice and Finding of Parental Responsibility," or an "Initial Decision and Order". Look to see whether you have a court or administrative order.

To figure this out, look at the papers you received. You have a Washington superior court case if the papers say "Superior Court of the State of Washington, County of _____" at the top.

You have an administrative case if your papers say "State of Washington Department of Social and Health Services Division of Child Support" or "State of Washington Office of Administrative Hearings" at the top.

If you have an administrative case, and you are low-income, contact CLEAR (1-888-201-1014). Ask for the packet called How to Ask DCS to Review Your Child Support Order for Modification. Or get it from www.washingtonlawhelp.org.

G. I have children from different relationships. Do I have to file a separate action for each child?

YES.

H. May I reduce my back child support by filing for adjustment or modification?

NO, except in a very few situations. A petition for modification or motion for adjustment of child support usually can only change child support amounts that take place after the date you file the petition or motion.⁴ One exception to this rule is that sometimes you may change support before the date you filed your motion if your existing Order of Child Support specifically allows you to do that. Another exception is if you have supported your child(ren) in your home for a substantial period of time during which you were required by court order to have paid support to the other parent. Before trying to modify based on either exception, consult with an attorney or, if you are low-income, call CLEAR.

Our publication Do You Owe Child Support? has general information on what you can do about back support you owe.

I. What are the different ways to change my child support court order?

The court will not always change an Order of Child Support. You must meet the legal criteria for the court to order a change. See RCW 26.09.170.

◆ There are two different procedures (actions) under Washington law through which a permanent court Order of Child Support can be changed. One is called a Motion for Adjustment of Child Support. The other is called a Petition for Modification of Child Support.

If you are trying to change your child support, read this section to find out what type of action to file.

⁴ RCW 26.09.170(1)(a). The court can make the new order effective on any date between the date that your petition or motion is filed and the date of the new order. *In re Marriage of Glass*, 67 Wn. App. 378, 388-89, 835 P.2d 1054 (1992).

If you have been served with an action to change your child support, read this section to find out whether the other party has filed the right type of case. If you think the other party has not filed the right type of action, or has not met the legal requirements for the adjustment or modification, write this in your response.

1. When may I file a Motion for Adjustment of Child Support?

You may file a Motion for Adjustment of Child Support:

- (1) IF your Order of Child Support says that you can file a motion for adjustment; **AND** you have followed the instructions in the Periodic Adjustment paragraph of your Order of Child Support but have not been able to reach an agreement with the other parent;⁵

OR

- (2) IF it has been two years (24 months) since your current order of support was entered; **AND**

- (a) Your income or the income of the other parent has changed; OR

- (b) The Economic Table Standards in RCW 26.19 have changed;⁶

OR

- (3) IF it has been at least one year (twelve months) since your current order of support was entered **AND** one of the children has turned twelve years old (and therefore changed age categories in the support schedule) since the last order was entered.⁷

A motion for adjustment generally is a faster and simpler way to change your child support order. It can be decided with less advance notice. You usually have only one hearing. There is less paperwork. But not everyone can file a motion for adjustment. You must meet the legal requirements for filing one. Typically, you may only change the amount of the support in an adjustment proceeding. If your Order of Child Support already requires the paying parent to share the cost of daycare, educational expenses or uninsured medical, you may also be able to change the amount of those expenses that each parent must pay.

⁵ To find out if you have a Periodic Adjustment paragraph, look at paragraph 3.16 of your current Order of Child Support. Follow the directions in that paragraph to adjust support through the adjustment process. If you have a periodic adjustment paragraph in your Order of Child Support, but you do not understand it, talk to an attorney. If you have a periodic adjustment paragraph, you may use a Petition for Modification if you meet the requirements for filing one.

⁶ RCW 26.09.170(9)(a) & (10).

⁷ RCW 26.09.170(5)(b).

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- ◆ file a Petition for Modification if you want to add (or take away) a requirement that a parent must pay daycare, educational expenses, or other expenses not in your current Order of Support, or if you want to change who can claim the federal income tax exemption for the children. Do not file a Motion for Adjustment.
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If a motion for adjustment of child support is not the right legal action for you, you can file a Petition for Modification of Child Support if you meet the legal requirements. See below.

2. When may I file a Petition for Modification of Child Support?

You may file a Petition for Modification of Child Support:

- (1) IF you meet the requirements for filing a motion for adjustment (above)

OR

- (2) IF one year (twelve months) has passed from the date your current child support order was entered; **AND** one of the following is true:

- (a) The order causes severe economic hardship to a parent or the child;

OR

- (b) You want the other parent to pay child support beyond age 18 to allow the child to finish high school (the child must still be in high school when you file);

OR

- (c) You want to add an automatic adjustment of support provision according to RCW 26.09.100.⁸

OR

- (3) IF your current Order of Child Support was entered by default (without notice to you).⁹

OR

- (4) IF you can show a substantial change in the circumstances of either parent or the children (no matter how long it has been since your current support order was entered).¹⁰

⁸ RCW 26.09.170(5). You do not need to show a substantial change in circumstances if you meet these requirements.

⁹ *Lahart v. Lahart*, 13 Wn. App. 452, 456-57, 535 P.2d 145, review denied, 85 Wn.2d 1015 (1975).

¹⁰ RCW 26.09.170(1)(b). If your support order was entered before June 7, 1984, you can also file a petition for modification to add or change the health insurance coverage requirements.

What is a "substantial change in circumstances"?

Usually, a substantial change in circumstances is something that you had no control over. Examples: an injury or illness that keeps you from working, a layoff, going to jail¹¹, or a change in the needs of the child.

In order to meet the legal requirements to modify a child support order, the "substantial change in circumstances" claimed by the person asking for the change cannot be:

- one that either parent or the court knew about at the time the current order of support was entered;¹² OR
- voluntary, such as quitting your job, or deciding to go to school or take a lower paying job;¹³ OR
- if you are the parent who gets child support, because you got a raise in your pay.¹⁴

If you are asking for a modification of child support on the basis of a substantial change in circumstances, you must show the court that a substantial (significant) change in your situation has taken place.

OR:

- (5) At the time an agreed child support order was entered, the Court did not independently review the order for adequacy.¹⁵

J. In which county should I file my court action?

In one of the following counties:

- Where the existing Order of Child Support was entered; OR
- Where the child lives; OR
- Where the person who has primary residential custody of the child lives.¹⁶

If the other parent has filed a motion or petition for modification in the wrong county, you must file a Motion for Change of Venue. Our packet Filing a Motion for Change of Venue in a Family Law Case has some of the forms you will need. Or get them from your Family Law Facilitator's

¹¹ *In re Marriage of Blickenstaff*, 71 Wn. App. 489, 497, 859 P.2d 646 (1993).

¹² *Lambert v. Lambert*, 66 Wn.2d 503, 508-09, 403 P.2d 664 (1964); *In re Marriage of Zander*, 39 Wn. App. 787, 695 P.2d 1007 (1985).

¹³ RCW 26.09.170(7); *In re Marriage of Mattson*, 95 Wn. App. 592, 976 P.2d 157 (1999).

¹⁴ RCW 26.09.170(9)(d).

¹⁵ *Pippins v. Jankelson*, 110 Wn. 2d 475 (1988).

¹⁶ RCW 26.09.280.

office, or ask your court clerk where to buy legal forms for your county. If no one has this packet, talk to an attorney. If you are low-income, call CLEAR at 1-888-201-1014.

K. I have been served with papers to change my child support. What should I do?

- 1) Talk as soon as possible with an attorney with family law expertise if you can afford one. If you are low-income, call CLEAR at 1-888-201-1014.
- 2) If you cannot get timely legal advice, figure out whether the case filed is a Superior Court case or an administrative case. (See question 6 above.)
- 3) If the case has been filed in Superior Court, figure out what type of Court Case it is.

Look at the title of your papers (in the upper right section of the first page, under the case number).

If the papers you received include forms called a Summons and a Petition for Modification of Support, then you have a Support Modification case. If you received a Petition for Modification of Support, get our packet called *Responding to a Petition for Modification of Your Child Support Court Order*.

If the papers you received include forms called a Notice for Hearing or Note for Calendar Motion, and a Motion and Declaration for Adjustment of Support, then you have a Motion for Adjustment case. Get our packet called *Responding to a Motion for Adjustment of Your Child Support Order*.

If the papers you received include a Notice for Hearing or Note for Calendar Motion, but have a Motion and Declaration for Temporary Order, then you have a Motion for Temporary Orders case. You could receive both a Petition for Modification of Support and a Motion for Temporary Orders. If you received a Motion for Temporary Orders, get our packet called *Responding to a Motion for Temporary Orders*.

- 4) You Must Respond on Time! When you are served with legal papers, you must take steps right away to figure out how to respond. In most cases, if you do not respond on time, the other party will automatically win what they are asking for. For a motion, you may have as few as four business days after you receive the papers to file your response. It may take time to locate legal resources and to read through this publication and the appropriate response packet. Begin as soon as possible after you get the papers. If you cannot respond in time, you must file a *Notice of Appearance* and ask for a *continuance*. (See below.)
- 5) Figure Out How Much Time you Have to Respond. When you get the papers, look to see if there is a Notice for Hearing (sometimes called Note for Motion, Note for Calendar Hearing, Note for Motion Docket). If there is one, you must file your response by the date stated in the notice. If the notice does not state a deadline, immediately call the court clerk's office or your family law facilitator, or check your local court rules, to find out the deadline. For most counties, you must respond (the other parties and the court clerk and judge must

receive your papers) no later than 4:30 p.m. the *court* day before the hearing. Court days are all days except weekends and federal and state holidays.

- 6) **Make Sure You Received Enough Notice.** The person who files the motion (in most cases, the other parent or his/her attorney) must give you enough notice of the hearing. You must receive the papers (in person or at your home) as many days before the hearing as your county's local rules require. For most counties, you must get the papers for a motion at least five court days before the hearing, not including the date that the papers are given to you. For some counties, you must get more notice. If the other person mails the papers to you by first class mail, you should get an extra three days to respond after the date the papers were mailed.
- 7) **What if I Need More Time?** If you did not get adequate notice, the court should not enter an order against you on the hearing date. However, it is a good idea to ask for a continuance (delay) before the hearing. You may also ask for a continuance if you did get enough notice according to the rules, but you simply do not have enough time to respond.

As soon as you know that you want a continuance, contact the other party if possible (or the other party's attorney, if they have one). Call if there is not much time before the hearing, but by email or fax is best. State that you need more time to respond to the papers. Ask for a new date for the hearing. Depending upon your reasons for asking for the delay, you could ask for a week or longer. You must ask the other party for a continuance if you know that you need one. If you do not, and you just show up for the hearing, sometimes the judge/commissioner will make you pay the other party for having to waste time appearing for the hearing if the judge believes that you could have asked for a continuance in advance. This is especially true if the other party has an attorney. The other party will need to pay the attorney for his/her time whether or not there is a hearing.

If the other person agrees to the continuance, ask for written confirmation that they have continued the hearing. If the other person refuses to agree to the continuance, you can:

- a) **Go ahead and respond as best you can and get ready for the hearing.** You should respond in some way if you possibly can. The very first thing to say in your declaration is that you want a continuance. If you did not get enough notice, say that. If you did, but you need more time, say that. Then describe your efforts to get the other person to agree to the continuance. Also file a Notice of Appearance. It informs the court in writing that you want to take part in your case. It also keeps the other party from going to court without giving you notice. A Notice of Appearance form, along with instructions on how to fill it out, is available in our do-it-yourself packets on responding to a Motion for Adjustment or a Petition for Child Support Modification.
- b) **Make a Motion for Continuance.** You may not have enough time to give the other party the amount of notice needed for a motion for continuance. You may need to get an Order Shortening Time (an order allowing you to bring your motion on less than the required time). **This packet does not address this type of motion. Your Family Law Facilitator's office or court clerk may have more information.**

- c) Ask for a Continuance at the Hearing. Go to the hearing. When your case is called, stand up and state your name and that you would like a continuance. The judge/commissioner may ask you to give your reasons, and may listen to the other party's reasons why they did not want to agree to a continuance. If you tried to get the other party to agree before the hearing, let the judge know that too.
- 8) What If the Hearing Already Happened? If you find out that a hearing already happened, but you did not get any notice in advance, talk with an attorney as soon as possible. If you cannot afford an attorney and you live outside of King County, contact CLEAR 1-888-201-1014. If you live in King County, contact the King County Bar Association Neighborhood Legal Clinics program. You may be able to ask the court to vacate (cancel) the orders. However, you must do so very quickly. The longer you wait, the harder it may be for you to vacate the orders. For court orders that are over one year old, it can be very hard to vacate the order.

L. I cannot afford an attorney. I do not qualify for free legal services. Do I have other options besides using the Do-it-Yourself Packets?

Yes:

- 1) In some counties, you may take a "Self-Help" class. In some counties, "self-help" classes will teach you how to file your own child support modification or adjustment. A class may be more expensive than this packet, but may provide you with more help filling out the forms and with local court procedures. You should take a class if available. To find out whether your county has such a class, contact your local Family Law Facilitator (if you have one).
- 2) Some counties have Family Law Facilitators who can help you file your own child support action in court. They cannot give you legal advice. But they often have do-it-yourself packets designed for that county.
- 3) You may ask the Division of Child Support (DCS) to Modify Your Order. DCS has a process, called Review for Modification. Through that process, DCS will determine whether they will start a modification. DCS can modify your order whether it is an administrative or a court order. The standards for DCS modification are in the Washington Administrative Code (WAC) at WAC 388-14A-3900 through 388-14A-3925.

M. When will DCS file a modification?

If your children start getting public assistance, DCS (through your local prosecuting attorney's office) may file a petition for modification of child support. DCS also may file anytime there is a substantial change in circumstances. Even if there is not, DCS may file if it determines that:

- your support order is at least 25% lower than the support you should be paying based on your current income and

- there are no reasons for deviation from the standard calculation in your support order.¹⁷

Plusses to Asking DCS to Review your Order:

- DCS often has access to information about the other parent's financial circumstances that you may not have. DCS may also have the other parent's address, and will be able to serve the other parent.
- If DCS takes your case, DCS (or the prosecutor or attorney general, if you have a court order), will prepare much of the paperwork needed to get the case started and finalized.

Downsides of Asking DCS to Review your Order:

- It will take at least two months for DCS to review your case to determine whether they will file the modification. The process may take longer than that to get started.
- DCS will not file a modification in every case. Your order must usually be at least three years old and qualify for a change of at least \$100 a month. You may need to meet other criteria as well. All of the rules that govern DCS modifications are in WAC 388-14A-3900 through 388-14A-3925.
- DCS and the prosecutor's office do not represent either parent. You will still need to represent yourself in any court or administrative hearing. DCS will use any information they gather from you to collect any child support you owe.

N. How do I ask DCS for a review and modification?

Call or visit your local DCS office. Get:

- the Review and Modification request form, and
- a Statement of Resources.

Fill them out. Give them to DCS, with proof of your income (paystubs, income tax return forms, benefits statements). DCS will contact the other parent and review your order to determine whether they will modify it for you. Our publication How to Ask DCS to Review Your Child Support Case for Modification has more about this process. Or call your DCS office or Check their website: <http://www1.dshs.wa.gov/dcs>.

O. How long will a modification or adjustment take?

Generally, a motion for adjustment will be quicker than a petition for modification. It may take a month or less.

¹⁷ RCW 26.09.170(8) & (9)(e).

The amount of notice that you must give the other parent for a Motion for Adjustment will depend upon the local rules of the county where you are filing the motion. In most counties, you must give at least five court days' notice to the other parties. In some counties, it is at least 14 days. Consult with your local court clerk or facilitator to make sure. (Court days are business days – Monday through Friday – that are not legal holidays.) If you serve the other parent with your motion by mailing it, you must add at least three days for mailing (or more, if the third day would be a Sunday or legal holiday).¹⁸

The amount of time it will take to fill out a Petition for Modification will depend on:

- the county that you are filing the petition in and
- where the other parent lives.

If the other parent lives in Washington, that parent will have 20 days after service to respond to your petition. If the other parent lives outside of Washington, or you serve the other parent by publication, that parent will have 60 days to respond.¹⁹ If you serve the other parent by publication, the other parent will have 90 days to respond. If the other parent does not respond in time, you may ask the court to enter final orders by default and your case will be finished.

If the other parent responds, the amount of time that will pass until your case is finished will depend on your county. In some counties, the court will give you the date for your trial at the beginning of the case. In others, you must file a request that the court set a trial date after the other parent has filed a response. In some counties, you will have to go through arbitration. You can only ask for a trial if you disagree with the arbitrator's decision.²⁰ A petition for modification may take two to three months to finish.

Child support modification trials are decided by affidavit.²¹ The court will read the pleadings and other papers that you and the other parent or other parties file with the court. The court will not swear in witnesses or let people testify at the trial. If you need to have testimony at your trial, you must make a motion to ask the court to allow testimony. You must make the motion within ten days after you get the notice of hearing.²²

¹⁸ Civil Rule 6(a), (d) & (e).

¹⁹ RCW 26.09.175(3); RCW 4.28.110. Service by publication is service upon the other party by publishing a copy of the summons in a newspaper of general circulation for six consecutive weeks. This type of service is expensive. It usually costs over \$150 to publish such a notice in the newspaper for six weeks. You cannot get the publication fee waived. RCW 26.09.175(2) & RCW 26.23.055(3) specifically authorize service upon another party by certified mail at the party's last known address, so you probably will not need to serve the other party by publication in a child support modification or adjustment proceeding.

²⁰ RCW 7.06.020(2).

²¹ RCW 26.09.175(5).

²² RCW 26.09.175(6).

P. What happens if I marry the other party to the child support order?

All provisions of the order regarding child support will be automatically terminated if you later marry or re-marry the other parent.²³

Q. What do-it-yourself packets are there for changing child support?

- To start a motion for adjustment, get our packet called *Filing a Motion for Adjustment of Child Support*.
- If you have been served with a motion for adjustment, get our packet called *Responding to a Motion for Adjustment of Child Support*.
- To start a support modification, get our packet called *Filing a Petition to Modify Your Child Support Court Order*. Also get our packet called *Finishing the Modification of Your Child Support Court Order*.
- If you have been served with a support modification, get our packet called *Responding to a Petition for Modification of Your Child Support Court Order*. Also get our packet called *Finishing the Modification of your Child Support Court Order*.
- If you have been served with a motion for temporary orders, get our packet called *Responding to a Motion for Temporary Orders*. Also get our packet called *Parenting Plans and Child Support*.
- If your children have ever gotten public assistance (welfare), also get our packet called *Serving Papers on the State*.

◆ Some counties have Family Law Facilitator's offices in the county courthouses. Some family law facilitator offices have do-it-yourself packets on motions for adjustment and child support modifications that have the special rules and forms used by that county. Get your local Family Law Facilitator's packet instead of using our do-it-yourself packets. To find out if your county has a Family Law Facilitator, check with your court clerk's office, or look at the list on our website: www.washingtonlawhelp.org.

Section 3: Words You May Need To Know

Affidavit: A written statement made under oath and notarized by a Notary Public. Affidavits are no longer required in Washington. The courts now use Declarations.

²³ [RCW 26.09.170\(4\)](#).

Bailiff: A member of the judge or commissioner's staff who is in charge of courtroom procedure and security. Sometimes called the "clerk."

Calendar: The court's schedule of cases to be heard. Also called a Docket.

Caption: The heading of each legal document. Has the name of the court, the names of the parties, the case number, and the name of the document itself.

Certified Copy: A copy of a paper from a court file made by the court clerk. Has an official stamp on it. Usually, you must pay a fee for a certified copy.

Clerk of the Court: An officer of the court who handles clerical matters like keeping records, entering judgments and providing certified copies. Usually, there is one head clerk. Many people who work in the Clerk's Office are also clerks. Also, a judge or commissioner's assistance can be called clerks.

Commissioner/Court Commissioner: Similar to a judge. Only makes decisions in to a particular subject matter. Many counties have family law commissioners who decide cases only about family law.

Continuance: Putting off your court hearing to a later date.

Custody: The parent/person with whom the child lives most of the time has "custody" of the child. Washington uses the term "primary residential care" rather than "custody" in cases in which the children live with a parent.

DCS/ Division of Child Support: The state office (part of DSHS) that establishes, enforces and sometimes changes child support obligations in many cases. Declaration: A written statement you make to the court under oath.

Default Order: An order that you can get if the responding person does not respond on time. When a default order is entered, the person who filed the petition or motion usually gets everything that was asked for in the petition or motion.

Dissolution: The legal word for divorce.

Enter (an Order): A judge or commissioner enters an order when he or she signs the order and the order is filed with the Court Clerk.

Ex Parte: Going before the court without notifying the other party. Some courts have special departments where motions without notice to the other party are heard, called ex parte departments.

File/Filing: Giving court papers to the Court Clerk's office as part of a legal case. Court papers that are filed become part of the official records on your court case. You file court papers to start (or respond to) a legal case or motion.

Impute/Imputing Income: Estimating or making up an income for a parent when that parent's income is unknown. You cannot use just any income. You must base the income on these, in the same order:

- Full-time earning at the parent's current rate of pay

- Full-time earnings at the parent's historical rate of pay
- Full-time earnings at a past rate of pay based on incomplete or sporadic information; and
- Full-time earnings at minimum wage in the jurisdiction where the parent lives if the parent has a recent history of minimum wage earnings, is coming off public assistance or other programs, has recently been released from jail/prison, or is a high school student.

If you have none of the above information on the other person, use the Approximate Median Net Monthly Income table in the child support schedule.

Jurisdiction: The court's authority to make decisions regarding certain people and issues. If a court does not have jurisdiction, it does not have the power to make orders.

Motion: A request to the judge (or court commissioner) to make a decision about an issue (or issues) in a legal case. Usually, one party in a legal case files a motion with the court. The other party has a chance to give the court a response. The judge or commissioner makes a written decision called an Order that both parties must follow.

Motion Docket: The court's schedule of motions to be heard.

Note/Notice of Hearing/Note for Calendar Motion: A written request to the clerk to schedule your case for hearing

Order: A judge or court commissioner's decision, usually in writing. In some cases, each party will give the judge a proposed (or sample) order. The judge will make changes to and sign the order that the judge decides is the right one.

Parentage: The legal name for a paternity case.

Petitioner: The person who first files a legal case. The petitioner in the caption of a form does not change, even when motions are filed later by the other party.

Pro Se: Representing yourself in court.

Primary Residential Care: The parent (or other person) with whom the child lives most of the time has "primary residential care" of the child. Also called "custody."

RCW: Revised Code of Washington is the law that applies to court cases in Washington State. The numbers following "RCW" tell you the title, chapter and section of the law that applies.

Respondent: The person against whom a legal case was originally filed. The respondent in the caption of a form does not change, even when motions are filed later by that party.

Served/Service/Serving: When one party gives another legal papers, the other party has been served. Rules about the ways to correctly serve a party are in our do-it-yourself packets.

Venue: The county where the case should be filed.

WAC: The Washington Administrative Code is the law that applies to administrative and DSHS proceedings in Washington. The numbers following "WAC" tell you the chapter and section of the law that applies.