

**MINOR MODIFICATION OF
PARENTING PLAN**
(Adjustment - Only Changes Visitation Schedule)

SPOKANE COUNTY FAMILY COURT FACILITATOR: INSTRUCTION #16

Checklist of Steps to Complete:

- _____ 1. Fill out the following papers completely and sign. Print clearly in black ink or type:
- () *Confidential Information (FL All Family 001)*
 - () *Summons: Notice about Petition to Change a Parenting Plan, Residential Schedule, or Custody Order (FL Modify 600)*
 - () *Petition to Change a Parenting Plan, Residential Schedule, or Custody Order (FL Modify 601)*
 - () *Parenting Plan (Proposed) (FL All Family 140)*
 - () *Declaration of (name) (FL All Family 135)*
 - () *Motion for Adequate Cause Decision (to change a parenting/custody order) (see Step 3) (FL Modify 603)*
 - () *Notice of Hearing of Family Law Motion Calendar*
(<http://www.spokanecounty.org/DocumentCenter/Home/View/3627>)

The case number and caption box (names of parties) should be the same as the original dissolution or paternity action unless it is from another county or out of Washington State.

- _____ 2. Choose your hearing date:

(You must schedule any hearings before the Commissioner assigned your case. To determine if your case has been assigned to a Court Commissioner and/or to determine which day your assigned Commissioner is scheduled to hear motions, please see the Court's web page:

<http://wa-spokanecounty.civicplus.com/DocumentCenter/View/4266>

or call the Superior Court Clerk's Office at 509-477-2211.)

Choose a hearing date which will allow the responding party appropriate time to respond:

If the other parent is personally served in Washington, he/she has 20 days in which to respond.

If the other parent is personally served outside of Washington, he/she has 60 days in which to respond.

If the other parent is served by certified mail, he/she has 90 days in which to respond. (Permission must be obtained from the Court to serve by mail.)

Make two (2) sets of copies of each of the above documents - one for you and one to be served on the other parent. File the original documents in the Clerk's Office - Room 300, Third Floor of the Courthouse, between the hours of 8:30 a.m. – 12:00 noon and 1:00 p.m. – 4:00 p.m., Monday through Friday. You will be charged a filing fee of \$56 for modification of an order from Spokane County, and \$260 for modification of an order from outside of Spokane County or outside of Washington State.

_____ 3. Serve other parent with copies of documents:

THE PERSON WHO SERVES THE OTHER PARENT MUST BE SOMEONE OTHER THAN YOU, OVER THE AGE OF 18 YEARS. That person must complete the *Proof of Personal Service*, sign it and give it back to you. Make one copy for your records and FILE THE ORIGINAL WITH THE CLERK'S OFFICE, Room 300 of the Spokane County Courthouse, between the hours of 8:30 a.m., - 12:00 noon and 1:00 p.m., - 4:00 p.m., Monday through Friday.

_____ 4. The party seeking Adequate Cause **must call in the case** as "ready" using the Family Law Center main line of 509-477-5702 extension -0-, and provide a copy of the signed mandatory local form Family Law/Paternity Motion Status Report <https://www.spokanecounty.org/DocumentCenter/View/3675/Family-Law-Paternity-Motion-Status-Report-PDF> with bench copies to the Family Law Center (Room 200 of the Spokane County Courthouse) by 4 p.m., two days prior to the hearing.

_____ 5. Go your scheduled Hearing for Adequate Cause:

On the hearing date you scheduled on the *Notice of Hearing of Family Law Motion Calendar* form, arrive at the Courthouse by 8:15 a.m. and go to the second floor, Courtroom 202 for Family Law matters, and be seated. When your name is called, stand and tell the Court you are there for a Motion for Adequate Cause hearing on a modification of parenting plan/residential schedule, and indicate whether or not the other parent is present.

BRING WITH YOU TO THIS HEARING the completed *Order on Adequate Cause to Change a Parenting/Custody Order (FL Modify 604)* plus two copies. Have copies of the documents you filed with you for reference.

Be prepared to tell the Court why the change in the parenting plan is necessary and why it is in the child(ren)'s best interest to adopt a new parenting plan/residential schedule.

Also bring with you to this hearing your proposed final *Parenting Plan* (FL All Family 140) and *Final Order and Findings on Petition to Change a Parenting Plan, Residential Schedule, or Custody Order* (FL Modify 610).

If an agreement cannot be reached, you must schedule your case for a final modification hearing.

To do this, obtain the *Motion to Finalize Minor Modification*:

<http://www.spokanecounty.org/DocumentCenter/Home/View/8951>

along with a *Notice of Hearing on Family Law Calendar*:

<http://www.spokanecounty.org/DocumentCenter/Home/View/3627> .

You must choose a date that is appropriate for your matter according to your assigned Commissioner's docket day. The date must be at least 14 days from the date of service on the other party, not including the date of service.

_____ 6. Trial:

On the day scheduled for trial, go to the assigned Courtroom. Bring your proposed final *Parenting Plan* (**FL All Family 140**) and *Final Order and Findings on Petition to Change a Parenting Plan, Residential Schedule, or Custody Order* (**FL Modify 610**), as well as all the documents you and the opposing parent filed, for reference.

A T T E N T I O N

****At the time you present your proposed final parenting plan to a Judge or Court Commissioner for signature, a new law now requires them to run a background check on both parents. If that background check includes matters that could put children at risk of harm, the judicial officer may ask you or the other parent to explain and answer questions about your background record. In most cases you can probably satisfy the judicial officer conducting the review that your children are not at risk and he/she will finalize your parenting plan the way you prepared it. In some cases you may be asked to bring in additional documents or the court may appoint a Guardian ad Litem to make a more in-depth investigation and report back to the court at a later date. If this happens, the case will remain open and the proposed parenting plan will not be approved until you have brought in /the necessary paperwork or the independent investigation has been completed and all necessary safeguards to protect your children are in place.**

NOTE: All of the above mentioned forms can be found on the Washington State Court website: www.courts.wa.gov/forms.

The Family Court Facilitator, Room 200, Family Law Center, is available to review your documents and answer procedural questions. It is recommended you have all documents reviewed before filing and presenting to the court.