

# NON-PARENTAL CUSTODY

## SPOKANE COUNTY FAMILY COURT FACILITATOR

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- You need a custody order for a child who is **NOT** your own
  - You do NOT have the agreement of one or both of the parents at this time
  - **It is strongly recommended you seek legal advice from an attorney**
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\_\_\_\_\_ 1. Fill out the following forms completely and sign. Print using black ink or type.

- ( ) *Confidential Information (FL All Family 001)*
- ( ) *Attachment to Confidential Information (Additional Parties or Children)*  
**(FL All Family 002)**
- ( ) *Summons: Notice about Petition for Custody by a Non-Parent*  
**(FL Non-Parent 400)**
- ( ) *Petition for Custody by a Non-Parent (FL Non-Parent 401)*
- ( ) *Declaration of Petitioner for Non-Parental Custody Petition*  
<http://www.spokanecounty.org/DocumentCenter/Home/View/3681>)
- ( ) *Notice of hearing of Motion Family Law Calendar*  
<http://www.spokanecounty.org/DocumentCenter/Home/View/3627>)

*(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://www.spokanecounty.org/DocumentCenter/View/4266>

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

*(You must choose the day that is appropriate for your matter. The date should be at least 20 days from the date you file the documents in court and serve them on the other party, or 60 days, if served out-of-state, not including the date of service on the other party.)*

- ( ) *Motion for Adequate Cause Decision (Non-parent Custody) (FL Non-Parent 416)*
- ( ) *Order to DSHS to Release CPS Information (Non-Parent Custody)*  
**(FL Non-Parent 407)**
- ( ) *Sealed CPS Information (Cover Sheet) (FL Non-Parent 408)*

*If you need temporary or immediate orders, fill out the following forms completely and sign.*

- ( ) *Motion for Temporary Non-Parent Custody Order [ ] and Restraining Order*  
**(FL Non-Parent 423)**

- ( ) *Motion for Immediate Restraining Order – Non-Parent Custody (Ex-Parte)*  
**(FL Non-Parent 421)**
- ( ) *Immediate Restraining Order (Ex-Parte) and Hearing Notice*  
*(Non-Parent Custody) (FL Non-Parent 422)*
- ( ) *Law Enforcement Information Sheet (WPF 01.0400)*

The following forms must be filled out **for each member of your household age 16 and over:**

- ( ) *Cover Sheet for Authorization to Release Information to the Court and*
- ( ) *Authorization to Release Information to the Court*  
<http://www.spokanecounty.org/DocumentCenter/Home/View/9767>)
- ( ) *Criminal History Record (Cover Sheet) (Non-Parent Custody)*  
**(FL Non-Parent 406)**
- ( ) *Request for Conviction Criminal History (3000-240-569)*

\_\_\_\_\_ 2. Make one set of copies (original plus one copy) of the:

- *Confidential Information*
- *Attachment to Confidential Information*
- *Order to DSHS to Release CPS Information*
- *Sealed CPS Information (Cover Sheet)*
- *Cover Sheet for Authorization to Release Information to the Court*
- *Authorization to Release Information to the Court*
- *Criminal History Record (Cover Sheet)*
- *Request for Conviction Criminal History*

**(Copies of the above documents do not require service on the parents – they are for your records only.)**

\_\_\_\_\_ 3. Make three sets of copies (original plus three copies) of the:

- *Summons: Notice about Petition for Custody by a Non-Parent*
- *Petition for Custody by a Non-Parent*
- *Notice of hearing of Motion Family Law Calendar (Spokane County local form)*
- *Motion for Adequate Cause Decision (Non-parent Custody) (FL Non-Parent 416)*
- *Motion for Temporary Non-Parent Custody Order [ ] and Restraining Order (if applicable)*
- *Motion for Immediate Restraining Order – Non-Parent Custody (Ex-Parte) (if applicable)*
- *Immediate Restraining Order (Ex-Parte) and Hearing Notice (Non-Parent Custody) (if applicable)*

***(Copies of the above documents must be served on the parents – keep one set for your records.)***

\_\_\_\_\_ 4. File the original of the following documents with the Spokane County Superior Court Clerk, Room 300, between the hours of 8:30 a.m. – 12:00 noon and 1:00 p.m. – 4:00 p.m., Monday through Friday.

- *Confidential Information*
- *Attachment to Confidential Information*
- *Summons: Notice about Petition for Custody by a Non-Parent*
- *Petition for Custody by a Non-Parent*
- *Notice of hearing of Motion Family Law Calendar*
- *Motion for Adequate Cause Decision (Non-parent Custody)*
- *Cover Sheet for Authorization to Release Information to the Court*
- *Authorization to Release Information to the Court*
- *Criminal History Record (Cover Sheet)*
- *Request for Conviction Criminal History*

Pay the filing fee of \$260.00. Enter the case number and date stamp on the front page of each of your copies.

\_\_\_\_\_ 5. Take the following document(s) to Courtroom 304, between the hours of 9:00 a.m. – 12:00 noon and 1:30 p.m. – 4:00 p.m., Monday through Friday:

- *Order to DSHS to Release CPS Information*

*And, if applicable:*

- *Motion for Temporary Non-Parent Custody Order [ ] and Restraining Order (if applicable)*
- *Motion for Immediate Restraining Order – Non-Parent Custody (Ex-Parte) (if applicable)*
- *Immediate Restraining Order (Ex-Parte) and Hearing Notice (Non-Parent Custody) (if applicable)*
- *Law Enforcement Information Sheet (If applicable)*

\_\_\_\_\_ 6. Take the following document to Room 200 – leave with the receptionist:

- *Sealed CPS Information (Cover Sheet)*

\_\_\_\_\_ 7. The parents must each be personally served with the above listed documents by a third party over the age of 18 years. **YOU CANNOT SERVE THE PARENTS.** The person who serves the parents must complete and sign the *Proof of Personal Service* form for each parent. Make a copy for your records.

\_\_\_\_\_ 8. After the parents have been served, file the *Proof of Personal Service* form with the Superior Court Clerk, room 300. Make a copy for your file and date stamp your copy.

\_\_\_\_\_ 9. 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 4p.m., two days prior to the hearing.

\_\_\_\_\_ 10. Attend your hearing(s) on your assigned date(s) and time. Bring the following documents with you to the hearing(s):

*Order on Adequate Cause for Non-Parent Custody (FL Non-Parent 417)*  
*Temporary Non-Parent Custody Order (FL Non-Parent 424)* (If applicable)

## **Finalize the Case:**

***The court will notify you either in writing or by telephone once the case is approved for finalization.***

If everyone agrees Petitioner should get custody, or any respondent with whom you have no agreement is in default, prepare the final papers and, if needed, default papers.

- ( ) *Motion for Default (FL All Family 161)* (if applicable)
- ( ) *Order on Motion for Default (FL All Family 162)* (If applicable)
- ( ) *Residential Schedule (Non-Parent Custody) (FL Non-Parent 405)* (if applicable)
- ( ) *Findings and Conclusions on Non-Parent Custody Petition (FL Non-Parent 430)*
- ( ) *Final Non-Parent Custody Order (FL Non-Parent 431)*

• **Parties who agree:** deliver your proposed final papers to each party who agrees to them. Each party who agrees should sign each of the final papers and the Order on Adequate Cause (if the judge has not already signed it and if Petitioner is getting custody). If all other parties agree and sign, present the final papers to the court for approval.

• **Respondents in default:** Petitioner should file a motion for default against any respondent who does not file a Response to the petition by his/her deadline. If Petitioner has an Order on Motion for Default OR signed agreement with each party, Petitioner can present the final papers to the court for approval when s/he presents the Order on Motion for Default (and any agreement the other parties have signed).

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