

How to Enforce the Terms of an Open Adoption Agreement

Use this packet if you have an open adoption agreement approved by the court, that agreement is not being followed, and you want the court to enforce the terms of the adoption agreement.

Do not use these instructions if you are looking to set aside your adoption decree or revoke your consent to an adoption.

Talk to a lawyer, if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They are not intended to be a substitute for legal advice. They provide only legal *information*. It's a good idea to talk to a lawyer before you file any forms. If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office or King County Adoption Paralegal for a list of low-cost and free legal resources.

King County Superior Court
516 3rd Ave, Room W-382
Seattle, WA 98104

Maleng Regional Justice Center
401 4th Ave North, Room 3D
Kent, WA 98032

Step 1: Fill out these forms (attached)

Form Name	Notes	Completed
Case Assignment Area Form and Case Information Cover Sheet	Can also be downloaded at: www.kingcounty.gov/courts/scforms.aspx	<input type="checkbox"/>
Confidential Information	Can also be downloaded at: www.kingcounty.gov/courts/scforms.aspx	<input type="checkbox"/>
Summons: Notice about Enforcement and/or Modification of an Open Adoption Agreement	<i>This form notifies the other party that you started a case against them and that they need to respond.</i>	<input type="checkbox"/>
Petition for Enforcement of an open Adoption Agreement	<i>This form starts your case and tells the court what you are asking for and why. If you don't know the name of the adoptive parents list the respondent as: "Adoptive Parents"</i>	<input type="checkbox"/>
Notice To Military Dependent	<i>If the other party is subject to the Federal Civil Service members Relief act you will need to file and serve this form. See section 9 of the petition.</i>	<input type="checkbox"/>

Step 2: Make Copies of your forms

You will need to make copies of all of your forms and the open adoption agreement if you have a copy. If you do not have a copy of the open adoption agreement see Step 5 below.

How many copies do I need?

- Original** set to file with the Clerk's office.
- Copy 1** is for your records.
- Copy 2** is to serve the adoptive parents
- You may need to make additional copies** to serve any other parties who need to get notice of your case which may include:
 - The other birth parent
 - The department or another agency who supervised the adoption
 - A GAL if one was appointed in your case
 - Anyone else who was required to get notice in the adoption case.

Step 3: If you want to waive the filing fee:
(If you do not want to waive the filing fee skip to step 4)

If you cannot afford to pay the filing fee you can ask the Court to waive the fee. The court will consider whether you have the ability to waive the fee and if they agree that you can't afford to pay, then they will sign an order waiving the fee.

Fill out these Forms (attached):

Form Name	Notes	Completed
Motion and Declaration For Waiver of Civil Fees and Surcharges	This form asks the court to waive the fees.	<input type="checkbox"/>
Order re: Waiver of Civil Fees and Surcharges	<u>Fill this form out completely.</u> It is your suggestion to the court of what you want to order to say.	<input type="checkbox"/>
Financial Statement (Attachment)	Do not fill this out if you are asking to waive the fee because you are receive benefits from a needs based assistance program like TANF, SSI or Food Stamps.	<input type="checkbox"/>

Take the completed forms to the Ex-Parte Courtroom (Room W-325 in Seattle or 1J in Kent) to have a commissioner review your motion and order waiving the fee. If the commissioner signs the order go directly to the clerk's office to file the case. If the commissioner does not sign the order you will need to pay the filing fee.

Step 4: Take your original forms to the Clerk's Office

Take all of the forms from step 1, and a copy of the open adoption agreement (if you have a copy) to the clerk's office to start your case.

If you did not obtain an order waiving the fee, the Clerk will ask you to pay a filing fee.

When you file your forms, the clerk will give you two copies of your *Case Schedule*. You will need 1 copy to serve on the other party. Keep 1 copy for your records.

Step 5: Obtain a copy of your open adoption agreement

If you already have a copy of the open adoption agreement you can ignore this step.

To obtain a copy of your open adoption agreement, you will need to ask a judge to allow you access to that document in the court file. The Family Court Services Adoption Unit has separate instructions on to how to obtain a copy of your open adoption agreement. You can get the instructions:

In person at:

King County Adoption Services
516 Third Avenue, Room W-280
Seattle, Washington 98104-1604

Or

Online at:

<http://www.kingcounty.gov/courts/FamilyCourt/services/adoptionsservices.aspx#Records1>

Step 6: Have the other party served

Some Open Adoption Agreements include agreements to accept service by methods other than the methods listed below. If there are no alternative agreements about how to serve, then you will need to serve the other party as follows:

You must have the adoptive parents served with *copies* of:

- The Case Schedule that the Clerk gave you when you filed, **and**
- All of the forms you filed with the clerk, except the *Case Assignment Area Form and the Confidential Information Form*.

How to serve

Someone over 18 – **not you** - must serve (give) the other party copies of your court papers. After serving, the server fills out a *Proof of Personal Service* form and gives it to you. Keep a copy for your own records and file the original with the Clerk's Office.

If you have questions about serving, ask the Family Law Facilitators for the packet of information about service.

Fill out these forms *after* the other party is served. These forms are attached to these instructions and are also available at <http://www.courts.wa.gov/forms/>.

Proof of Personal Service	This form is filled out and signed by the server.	<input type="checkbox"/>
Declaration: Personal Service Could Not be Made in Washington	You fill this out only if the other party is personally served out-of-state.	<input type="checkbox"/>

If there are other parties to the adoption, you may need to serve them as well.

Step 7: Follow your Case Schedule

The next step is to wait to see if the other party files a Response.

You must wait:

20 days	If the other party was served in person in Washington state.
60 days	If the other party was served in person outside of Washington state, or by publication (because of a court order).
90 days	If the other party was served by mail because of a court order.

If the other party *does* serve and file a Response, follow your Case Schedule. Your trial will be in about 4 months.

If the other party *does not* serve and file a Response by the deadline, you may be able to ask for an order of default and finalize your case without the other parties.

Step 8: Preparing for Trial

If you cannot come to an agreement in your case you will need to prepare for trial. The court requires you to prepare documents before going to trial. Documents must be on 8.5" x 11" white paper and must be printed single sided. If you need to get any of the forms listed below, they are available at the family law information center (see page 1 for contact info.)

Witness List

What: At least 21 days before trial (unless there has been an order changing the deadline), prepare and serve the other parties with a Witness List.

How: On the Witness List, write or type the full legal name and contact information of each witness that you intend to call at trial to testify for you. If you are not calling any witnesses, you can list yourself as your only witness.

Tips: Witnesses can generally only testify as to what they have personally observed. The witness will be placed "under oath" by the judge. You must ask the witness questions. Witnesses cannot speak unless answering a question. It is a good idea to write down the questions you plan to ask the witness in advance of trial. Please note that written statements from witnesses do not provide the other side with an opportunity to ask questions (cross-examine), and therefore written statements may or may not be considered by the judge.

Exhibit List

What: At least 21 days before your trial (unless there has been an order changing the deadline), prepare and serve the other party with a numbered Exhibit List and copies of the exhibits. Exhibits are documents or items that you are submitting to the court as evidence. Exhibits may include financial records, medical records, letters and photographs (anything you want the judge to use to make a decision in your case).

How: On the Exhibit List, you need to provide a brief description or name for each exhibit. Attach a copy of each exhibit to the Exhibit List that you are serving on the other party.

Tips: Parties may provide all exhibits they think the court needs in order to make a good decision in the case. The court will review only the information provided by the parties.

Joint Statement of Evidence

What: At least 5 days before trial (unless there has been an order changing the deadline) you must prepare a Joint Statement of Evidence form with the other parties in the case. This form asks each of you to list your exhibits and whether you agree that the other party's exhibits are authentic and should be admitted as evidence. (See below explanation.)

How: Review the exhibits provided by the other party and for each exhibit state:

1. If you object to the exhibit;
2. If you agree that it is authentic (it is not forged); or
3. Whether you think the exhibit it is otherwise objectionable. If so, then check the column "Authenticity Admitted but Objected to."

You can Review the Rules of Evidence to find possible objections here:
http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=ER

Tips: If the other party refuses to fill out this form or you cannot contact him or her, complete your section of the form and sign it. State on the form what efforts you have made to have the other party complete his/her section of the form.

Trial Notebook

What: Place all your trial materials in a trial notebook, which should be a three-ring binder. You will need to make copies and serve your trial notebook on the other party/parties and the court at least 5 days before trial. (See SERVICE below.)

How: Include a copy of the following documents in your trial notebook:

- Joint Statement of Evidence (see above description);
- Exhibit List;
- A copy of each Exhibit placed behind a tab that is numbered with the number on the Exhibit List for that document;
- Witness List;
- Trial Brief, which is a statement where you can briefly describe what you are asking for at trial.
- A Proposed Final Order; showing the court what you want the court to order.

Once you have all of your documents together, the Family Law Information Center can assist you in preparing you trial binders. See the first page of this document for contact information.

Step 9: Make Copies of the Trial Notebook

You will need:

- Two copies for the judge;
- One copy for each of the other parties and
- One copy for yourself.

Deliver the 2 judge's copies to the Judge's Mailroom (C-203 at the Seattle Courthouse and Room 2D at the Regional Justice Center.) In the top right hand corner of these documents write the following:

JUDGE'S WORKING PAPERS

JUDGE

(fill in the name of your assigned judge and courtroom number)

CASE #:

TRIAL DATE:

(fill in your trial date)

SUBMITTED BY:

(fill in whether you are the Petitioner or Respondent)

Step 10: Service of the Trial Materials

All of your trial materials from step 8 must be served on the other parties by the deadlines listed above. Service can be made by personal delivery or regular first class mail. If mailing the documents, do so at least three days before the deadline. If the other party has an attorney, it is the attorney who must be given your trial materials.

After you give the documents to all other parties fill out a Proof of Mailing or Hand Delivery form, available at <http://www.courts.wa.gov/forms/>. Make one copy of this form for your records and bring the original to your trial.

Step 11: Go to your Trial

Bring your copy of your trial materials with on your assigned trial date.

KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT AREA DESIGNATION and CASE INFORMATION COVER SHEET
(CICS)

Pursuant to King County Code 4A.630.060, a faulty document fee of \$15 may be assessed to new case filings missing this sheet.

CASE NUMBER: _____
(Provided by the Clerk)

CASE CAPTION: _____
(New case: Print name of person starting case vs. name of person or agency you are filing against.)
(When filing into an existing family law case, the case caption remains the same as the original filing.)

Please mark one of the boxes below:

Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

I certify that this case meets the case assignment criteria, described in King County LCR 82(e).

Signature of Attorney WSBA Number Date

or

Signature of person who is starting case Date

Address, City, State, Zip Code of person who is starting case if not represented by attorney

**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT AREA DESIGNATION and CASE INFORMATION COVER SHEET**

Definitions:

Divorce/Dissolution -- married couples

Paternity/Parentage --unmarried parents

Dependent Children – generally under 18 years of age

FAMILY LAW

Please check the category that best describes this case.

- | | |
|--|--|
| <p><input type="checkbox"/> Adoption (ADP 5)
(Petition to establish a new, permanent relationship of parent and child not having that relationship.)</p> <p><input type="checkbox"/> Annulment/Invalidity of Marriage
<input type="checkbox"/> with dependent children (INC 3)*
<input type="checkbox"/> without children (INV 3) *
<input type="checkbox"/> wife pregnant (INC 3)*
(Petition claiming an illegal or invalid marriage.)</p> <p><input type="checkbox"/> Annulment/Invalidity of Domestic Partnership
<input type="checkbox"/> with dependent children (INC 3)*
<input type="checkbox"/> without children (INP 3) *
<input type="checkbox"/> a partner is pregnant (INC 3)*
(Petition to invalidate a domestic partnership.)</p> <p><input type="checkbox"/> Challenge to Acknowledgment of Parentage (PAT 5)*
(Petition must be filed more than 60 days but less than two years after the Acknowledgment of Paternity was filed with the Washington State Registrar of Vital Statistics.)</p> <p><input type="checkbox"/> Challenge to Denial of Parentage (PAT 5)*
(Petition filed by presumed father more than 60 days but less than two years after the Denial of Paternity was filed with the</p> | <p>Washington State Registrar of Vital Statistics.)</p> <p><input type="checkbox"/> Committed Intimate Relationship No Children (CIR 3)*
(Petition for distribution of property from a marital-like relationship where both parties cohabit with knowledge that a lawful marriage between them does not exist.)</p> <p><input type="checkbox"/> Confidential Intermediary (MSC 5)
(Petition to appoint a confidential intermediary to contact the adopted person(s), birth parent(s), or other relative(s).)</p> <p><input type="checkbox"/> Divorce
<input type="checkbox"/> with dependent children (DIC 3)*
<input type="checkbox"/> without children (DIN 3) *
<input type="checkbox"/> wife pregnant (DIC 3)*
(Petition to terminate a marriage other than annulment. Check an option below.)</p> <p><input type="checkbox"/> Divorce - Domestic Partnership
<input type="checkbox"/> with dependent children (DPC 3)*
<input type="checkbox"/> without children (DPN 3) *
<input type="checkbox"/> a partner is pregnant (DPC 3)*
(Petition to terminate a domestic partnership, other than annulment. Must have a Certificate number issued by the State where registered.)</p> |
|--|--|

- Enforcement/Show Cause-Out of County (MSC 3)
- Enforcement of Open Adoption Agreement (MSC 5)
- Establish Parenting Plan-includes CIR with Children (PPS 3)*
(Petition for establishing Residential Schedule/Parenting Plan/Child Support in circumstances set forth in RCW 26.26.375.)
- Establish Parenting Plan (MSC 5)*
(For existing King County Paternity case only.)
- Establish Support Only (PPS 3)*
(There is no support order and paternity is not an issue.)
- Initial Pre-Placement Report (PPR 5)
(An initial pre-placement report filed on a child by the DSHS prior to the filing of adoption papers.)
- Legal Separation (SEP 3)*
 - with dependent children (SEC 3)*
 - without children (SEP 3) *
 - wife pregnant (SEC 3)*
 (Petition to live separate and apart, but still married.)
- Legal Separation of Domestic Partnership
 - with dependent children (SPD 3)*
 - without children (SPD 3) *
 - a partner is pregnant (SPD 3)*
 (Petition to live separate and apart, in a domestic partnership.)
- Mandatory Wage Assignment (MWA 3)
(A legal procedure that requires the employer to transfer parts of future wage payments to pay a debt.)
- Modification-Parenting Plan (may also include support)
 - Existing Divorce case(MOD 3)*
 - Existing Paternity case (MOD 5) *
 (Petition to seeking changes of Custody Decree, Parenting Plan/Residential Schedule of a previous order or decree.)
- Modification-Support Only
 - Existing Divorce case(MDS 3)*
 - Existing Paternity case (MDS 5) *
 (Petition seeking changes of a previous order or decree regarding support.)
- Non-parental Custody (CUS 3)*
(Petition asking for custody of a child from someone other than the parent.)
- Out-of-State Custody Order Registration (OSC 3)
(Recording custody established out-of-state.)
- Out-of-state Support Court Order Registration (FJU 3)
(Recording support or maintenance established out-of-state.)
- Parentage, Establish/Disestablish (PAT 5)*
(Establish or disestablish parentage when there is no adjudicated father or acknowledgment of paternity filed with the Washington State Registrar of Vital Statistics.)
- Parentage/UIFSA (PUR 5)*
(Petition to determine the legal status of a parent which is filed in conjunction with the reciprocal report entered under the URESA or UIFSA acts.)
- Relinquishment (REL 5)
(Petition to relinquish a child to DSHS, an agency, or a prospective adoptive parent.)

- Relocation, Objection (MOD 3)
 - Existing Divorce case(MOD 3)*
 - Existing Paternity case (MOD 5)*(Petition objecting to the intended relocation of the child or the relocating parent's proposed revised residential schedule.)

- Rescission (withdraw) of Acknowledgment of Parentage (PAT 5)*
(Petition filed within 60 days of the effective date of the Acknowledgment of Paternity, the date on which the acknowledgement was filed with the Washington State Registrar of Vital Statistics or the date of the child's birth which was after the date on which the acknowledgment was filed with the Washington State Registrar of Vital Statistics.)

- Rescission (withdraw) of Denial of Parentage (PAT 5)*
(Petition only to establish whether the Denial of Paternity may be rescinded (withdrawn). Must be filed less than 60 days from date of the denial and acknowledgment.)

- Termination of Parent-Child Relationship (TER 5)
(Petition to terminate a parent-child relationship when parent has not executed a written consent.)

Confidential Information (CIF)

Clerk: Do not file in a public access file

Superior Court of Washington, County: _____

Case No.: _____

Important! Only court staff and some state agencies may see this form. The other party and his/her lawyer may not see this form unless a court order allows it. State agencies may disclose the information in this form according to their own rules.

1. Who is completing this form? (Name): _____
2. Is there a current restraining or protection order involving the parties or children? Yes No
If Yes, who does the order protect? (Name/s): _____
3. Does your address information need to be confidential to protect your or your children's health, safety, or liberty? (Check one): Yes No
If Yes, explain why? _____

4. Your Information

Full name (first, middle, last):		Date of birth (MM/DD/YYYY):	Sex: <input type="checkbox"/> M <input type="checkbox"/> F
Driver's license/Identicard (#, state):	Race:	Relationship to children in this case:	
Mailing address (This address will not be kept private.) (street address or PO box, city, state zip):			

If your case is **only** about a protection order, the information below is **not** required. Skip to 5.

Home address (check one): <input type="checkbox"/> same as mailing address <input type="checkbox"/> listed below (street, city, state, zip):		
Phone:	Email:	Social Sec. #:
Employer's name:		Employer's phone:
Employer's address:		

5. Other Party's Information – This person is a (check one): Petitioner Respondent

Full name (first, middle, last):		Date of birth (MM/DD/YYYY):	Sex: <input type="checkbox"/> M <input type="checkbox"/> F
Driver's license/Identicard (#, state):	Race:	Relationship to children in this case:	
Mailing address (This address will not be kept private.) (street address or PO box, city, state zip):			

If your case is **only** about a protection order, the information below is **not** required. Skip to 6.

Home address (check one): <input type="checkbox"/> same as mailing address <input type="checkbox"/> listed below (street, city, state, zip):		
Phone:	Email:	Social Sec. #:
Employer's name:		Employer's phone:
Employer's address:		

➤ **Skip sections 6 – 9 if your case does not involve children. Sign at the end.**

6. Children's Information (You do not have to fill out the children's Social Security numbers if your case is only about a protection order.)

Child's full name (first, middle, last)	Date of birth (MM/DD/YYYY)	Race	Sex	Soc. Sec. #	Current location: lives with
1.			<input type="checkbox"/> M <input type="checkbox"/> F		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> other: _____
2.			<input type="checkbox"/> M <input type="checkbox"/> F		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> other: _____
3.			<input type="checkbox"/> M <input type="checkbox"/> F		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> other: _____
4.			<input type="checkbox"/> M <input type="checkbox"/> F		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> other: _____
5.			<input type="checkbox"/> M <input type="checkbox"/> F		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> other: _____
6.			<input type="checkbox"/> M <input type="checkbox"/> F		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> other: _____

7. Have the children lived with anyone other than Petitioner or Respondent during the last five years? (Check one): No Yes If Yes, fill out below:

Children lived with (name)	That person's current address
1.	
2.	

8. Do other people (not parents) have custody or visitation rights to the children? (Check one): No Yes If Yes, fill out below:

Person with rights (name)	That person's current address
1.	
2.	

9. If you are asking for custody and are not the parent, list all other adults living in your home:

1. (Name):	Date of birth (MM/DD/YYYY):
2. (Name):	Date of birth (MM/DD/YYYY):

I declare under penalty of perjury under Washington State law that the information on this form about me is true. The information about the other party is the best information I have or is unavailable because (explain): _____

Check here if you need more space to list other Petitioners, Respondents, or children. Put that information on the Attachment to Confidential Information, form FL All Family 002, and attach it to this form.

Signed at (city and state): _____ Date: _____

Petitioner/Respondent signs here

Print name here

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

Petitioner/s (*person/s who started this case*):

Respondents (*parents and any guardian or
custodian*):

No. _____

Summons re: Petition for Enforcement
and/or Modification of Open Adoption
Agreement
(SM)

Summons: Notice about Enforcement of an Open Adoption Agreement

To the Respondents: The Petitioner/s started a case asking that the court enforce and/or modify your open adoption agreement. You must respond in writing for the court to consider your side.

Deadline! Your *Response* must be served on the Petitioner within **20 days** of the date you were served this *Summons* (60 days if you were served outside of Washington State). If the case has been filed, you must also file your *Response* by the same deadline. If you do not file and serve your *Response* or a *Notice of Appearance* by the deadline:

- No one has to notify you about other hearings in this case, and
- The court may approve the Petitioner's requests without hearing your side (called a *default judgment*).

Follow these steps:

1. Read the *Petition* and any other documents you receive with this *Summons*. These documents explain what the Petitioner is asking for.
2. Fill out a *Response to the Petition*.
3. Serve (give) a copy of your *Response* to the Petitioner at the address below, and to any other Respondent. You may use certified mail with return receipt requested. For more information on how to serve, read Superior Court Civil Rule 5, available at:

http://www.courts.wa.gov/court_rules/?fa=court_rules.state&group=sup

4. File your original *Response* with the court clerk at this address:

Superior Court Clerk, _____ County

_____ *address* *city* *state* *zip*

If there is no "Case No." listed on page 1, this case may not have been filed and you will not be able to file a *Response*. Contact the Superior Court Clerk or check www.courts.wa.gov to find out.

If the case was **not** filed, you must still serve your *Response*, and you may demand that the Petitioner file this case with the court. Your demand must be in writing and must be served on the Petitioner or his/her lawyer (whoever signed this *Summons*). If the Petitioner does not file papers for this case within 14 days of being served with your demand, this service on you of the *Summons* and *Petition* will not be valid. If the Petitioner does file, then you must file your original *Response* with the court clerk at the address above.

5. Lawyer not required: It's a good idea to talk to a lawyer, but you may file and serve your *Response* without one.

Petitioner or his/her lawyer fills out below



Signature of Petitioner or lawyer

Date

Print name (and WSBA No., if lawyer)

I agree to accept legal papers for this case at (*check one*):

my lawyer's address:

lawyer's address *city* *state* *zip*

Email (*if applicable*): _____

the following address (*this does not have to be your home address*):

address *city* *state* *zip*

(*Optional*) email: _____

(If this address changes before the case ends, you must notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001) if this case involves parentage or child support.) This Summons is issued according to Rule 4.1 of the Superior Court Civil Rules of the State of Washington.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

Petitioner/s (*person who started this case*),

vs.

Respondent. (*adoptive parents or other
parents entitled to notice if known*)

No. _____

Petition for Enforcement
of an Open Adoption Agreement

Per RCW 26.33.295

Petition to Enforce an Open Adoption Agreement

1 Petitioner is: My name is _____ (name)

I am the (check one):

The birth mother or

The birth father of the children listed below.

I live in:

_____ County, Washington.

2 **Respondent is (adoptive parent(s))**

I do not have information about the names or residence of the adoptive parents.

The adoptive parent(s) are:

_____ (name)

_____ (name)

The adoptive parents live in _____ County, Washington.

3. **Other people entitled to notice (Respondents):** *These are people, other than the petitioner and respondent(s) listed above, who may be entitled to notice in this case.*

These may include a GAL, the Department, or other Supervising Agencies involved in the original adoption case.

Does not apply

The birth mother

The birth father

Other _____ (name)

Other _____ (name)

4. **Adoption agreement.**

I plan to file a motion to obtain a copy of the open adoption agreement and I will file a copy of the agreement at a later date; **OR**

The open adoption agreement is being filed with this petition. The petitioner and respondent(s) agreed to an open adoption agreement in:

Case number _____

County, State: _____

Signed on: _____.

5. The child(ren) adopted are:

I do not know the former or adopted names of the children. **OR**

The adopted children's names are as follows:

_____ (child's name) This was the child's name:

Prior to the adoption or

After the adoption

_____ (child's name) This was the child's name:

Prior to the adoption or

After the adoption

_____ (child's name) This was the child's name:

Prior to the adoption or

After the adoption

The child(ren) were adopted by the adoptive parents listed above.

The child(ren) reside in _____ County, Washington (if known).

6. The open adoption agreement should be enforced:

What are the current terms of the open adoption agreement?

How have the adoptive parents not been following the agreement?

7. Attorney's fees

- I am asking for attorney's fees
- I am not asking for attorney's fees.

8. Are any of the children Indian children?

(An Indian child is a child who is a member of an Indian tribe, or who is the biological child of an Indian tribe member and eligible for membership. You must try to find out if any child in this case is an Indian child. If so, the federal and state Indian Child Welfare Acts will apply to your case.)

Check all that apply:

- No.
 - None of the children are Indian children.
 - These children are not Indian children (name/s): _____

I know this because: _____

- Yes. These children are Indian children:

Children	Tribe
<input type="checkbox"/> All children <input type="checkbox"/> (name/s): _____	
<input type="checkbox"/> All children <input type="checkbox"/> (name/s): _____	

I will provide the Indian Child Welfare Act Notice and a copy of this Petition to the tribe/s named above and other necessary people or agencies.

- Maybe. These children may be eligible for membership in these tribes:

Children	Tribe
<input type="checkbox"/> All children <input type="checkbox"/> (name/s):	
<input type="checkbox"/> All children <input type="checkbox"/> (name/s):	

I will provide the Indian Child Welfare Act Notice and a copy of this Petition to the tribe/s named above (and other necessary people or agencies) to find out whether any of the children are eligible for membership.

- I do not know if any of the children are Indian children. I have done the following things to try to find out:

9. Does the Federal Service members Civil Relief act apply to this case?

(The federal Service members Civil Relief Act covers: Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty; National Guard members under a call to active service for more than 30 days in a row; and commissioned corps of the Public Health Service and NOAA. The state Service Members' Civil Relief Act covers Washington state residents who are National Guard or Reserve members under a call to active service for more than 30 days in a row, and their dependents.)

- The other party is not covered by the state or federal Service Members Civil Relief Acts. I know this because *(check all that apply)*:

- The attached report from the Defense Manpower Data Center (DMDC) shows his/her status. *(To get the report, visit www.dmdc.osd.mil/appj/scra/. You will need his/her birth date or social security number to search this website.)*

- I have personal knowledge of the other party's military or dependent status *(explain)*: _____

- The other party is covered or I don't know if they are covered by the state and/or

federal Service Members Civil Relief Act and I will provide them with the Notice re: Military Dependent.

10. Relief Requested: I am asking for:

- The court to enforce the current Open Adoption Agreement
- The court to allow me access to the Open Adoption Agreement.
- The court to award reasonable attorney's fees which have been incurred in enforcing the terms of the order; and
- For such other and further relief as this Court deems just and proper.

DATED this ____ day of _____.

Signature

Print name

I certify under penalty of perjury under the laws of the State of Washington, that I am the Petitioner in this petition, and I further certify that all of the facts set forth in the petition are true and correct.

DATED this ____ day of _____ (month) at _____ (city), Washington.

Petitioner's signature

Superior Court of Washington, County of _____

In re:

Petitioner/s (person/s who started this case):

And Respondent/s (other party/parties):

No. _____

Notice Re Military Dependent
(NTDMP)

Notice Re Military Dependent

(For qualified Reservist or National Guard member dependents only – **not** regular U.S. Armed Service member dependents. Military service members have other legal protections that are not described in this Notice.)

You qualify for special legal protections in this case **if** you are a military dependent **and**:

- Your spouse (or parent, if you are under 18) is a Washington resident who is a member of the National Guard or Reserves called to active military duty for more than 30 days in a row, **or**
- For the last 6 months or longer, 50% or more of your income was from a Washington resident who is a member of the National Guard or Reserves called to active military duty for more than 30 days in a row.

If you qualify...

You should tell me *in writing* that you qualify within **20 days** of the date you get this *Notice*. After you notify me, the Court will not approve final orders without first assigning a lawyer to help you. You will not lose any rights in this case by notifying me about your status. Notifying me about your status is not the same as appearing or responding to the *Petition*.

If you **do not** notify me...

The Court will assume you are not a protected military dependent, and may approve final orders without hearing your side.

This is a summary of the notice described in RCW 38.42.050(3)(a). The full text is on page 2.

Person who filed *Petition* or lawyer signs here

Print name and WSBA # if lawyer

Date

NOTICE:

State and federal law provide protections to defendants who are in the military service, and to their dependents. Dependents of a service member are the service member's spouse, the service member's minor child, or an individual for whom the service member provided more than one-half of the individual's support for one hundred eighty days immediately preceding an application for relief.

One protection provided is the protection against the entry of a default judgment in certain circumstances. This notice pertains only to a defendant who is a dependent of a member of the national guard or a military reserve component under a call to active service, or a national guard member under a call to service authorized by the governor of the state of Washington, for a period of more than thirty consecutive days. Other defendants in military service also have protections against default judgments not covered by this notice.

If you are the dependent of a member of the national guard or a military reserve component under a call to active service, or a national guard member under a call to service authorized by the governor of the state of Washington, for a period of more than thirty consecutive days, you should notify the plaintiff or the plaintiff's attorneys in writing of your status as such within twenty days of the receipt of this notice. If you fail to do so, then a court or an administrative tribunal may presume that you are not a dependent of an active duty member of the national guard or reserves, or a national guard member under a call to service authorized by the governor of the state of Washington, and proceed with the entry of an order of default and/or a default judgment without further proof of your status. Your response to the plaintiff or plaintiff's attorneys about your status does not constitute an appearance for jurisdictional purposes in any pending litigation nor a waiver of your rights.

<p style="text-align: center;">Court of Washington</p> <p>For _____</p>	<p>No. _____</p>
<p style="text-align: center;">_____ Petitioner/Plaintiff, vs. _____ Respondent/Defendant.</p>	<p>Motion and Declaration For Waiver of Civil Fees and Surcharges (MTAF)</p>

I. Motion

- 1.1 I am the petitioner/plaintiff respondent/defendant in this action.
- 1.2 I am asking for a waiver of fees and surcharges under GR 34.

II. Basis for Motion

- 2.1 GR 34 allows the court to waive "fees or surcharges the payment of which is a condition precedent to a litigant's ability to secure access to judicial relief" for a person who is indigent. As outlined below, I am indigent.

Dated: _____

Signature of Requesting Party

Print or Type Name

III. Declaration

I declare that:

- 3.1 I cannot afford to meet my necessary household living expenses and pay the fees and surcharges imposed by the court. Please see the attached Financial Statement, which I incorporate as part of this declaration.

3.2 In addition to the information in the financial statement I would like the court to consider the following:

(Check if applies.) I filed this motion by mail. I enclosed a self-addressed stamped envelope with the motion so that I can receive a copy of the order once it is signed.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____ (state) _____ on (date) _____.

Signature

Print or Type Name

Case Name: _____ Case Number: _____

Financial Statement (Attachment)			
1. My name is:			
2. <input type="checkbox"/> I provide support to people who live with me: How many? Age(s):			
3. My Monthly Income:		6. My Monthly Household Expenses:	
Employed <input type="checkbox"/>	Unemployed <input type="checkbox"/>	Rent/Mortgage:	\$
Employer's Name		Food/Household Supplies:	\$
Gross pay per month (salary or hourly pay)	\$	Utilities:	\$
Take home pay per month:	\$	Transportation:	\$
4. Other Sources of Income Per Month in my Household:		Ordered Maintenance actually paid:	\$
Source	\$	Ordered Child Support actually paid:	\$
Source	\$	Clothing	\$
Source:	\$	Child Care:	\$
Source	\$	Education Expenses:	\$
Sub-Total:		Insurance (car, health):	\$
<input type="checkbox"/> I receive food stamps.		Medical Expenses:	\$
Total Income, lines 3 (take home pay) and 4:		Sub-Total:	
\$		\$	
5. My Household Assets:		7. My Other Monthly Household Expenses:	
Cash on hand	\$		\$
Checking Account Balance:	\$		\$
Savings Account Balance:	\$		\$
Auto #1 (Value less loan):	\$		\$
Auto #2 (Value less loan):	\$	Sub-Total:	
Home (Value less mortgage):	\$	\$	
Other:	\$	8. My Other Debts with Monthly Payments:	
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$	Sub-Total:	
		\$	
Total Household Assets:		Total Household Expenses and Debts, lines 6, 7, and 8:	
\$		\$	
Date		Signature:	

<p style="text-align: center;">Court of Washington</p> <p>For _____</p>	<p>No. _____</p>
<p style="text-align: center;">_____ Petitioner/Plaintiff, vs. _____ Respondent/Defendant.</p>	<p>Order Re Waiver of Civil Fees and Surcharges</p> <p><input type="checkbox"/> Granted (ORPRFP)</p> <p><input type="checkbox"/> Denied (ORDYMT)</p> <p><input type="checkbox"/> Clerk's Action Required 3.1</p>

I. Basis

The court received the motion to waive fees and surcharges filed by or on behalf of the
 petitioner/plaintiff respondent/defendant

II. Findings

The Court reviewed the motion and supporting declaration(s). Based on the declaration(s) and any relevant records and files, the Court finds:

- 2.1 The moving party is indigent based on the following: He or she:
- is represented by a qualified legal aid provider that screened and found the applicant eligible for free civil legal aid services; and/or
 - receives benefits from one or more needs-based, means-tested assistance programs; and/or
 - has household income at or below 125% of the federal poverty guideline; and/or
 - has household income above 125% of the federal poverty guideline but cannot meet basic household living expenses and pay the fees and/or surcharges; and/or
 - other: _____

2.2 The moving party is not indigent.

2.3 Other: _____

III. Order

Based on the findings the court orders:

3.1 The motion is granted, and

all fees and surcharges the payment of which is a condition precedent to the moving party's ability to secure access to judicial relief are waived.

other: _____

3.2 The motion is denied.

Dated: _____

Judge/Commissioner

Presented by

Signature of Party or Lawyer/WSBA No.

Print or Type Name Date

Superior Court of Washington, County of King

In re:

Petitioner/s *(person/s who started this case)*:

And Respondent/s *(other party/parties)*:

No. _____

Proof of Personal Service
(AFSR)

Proof of Personal Service

Server declares:

1. My name is: _____ . I am **not** a party to this case.
I am 18 or older.

2. Personal Service

I served court documents for this case to *(name of party)*: _____
by *(check one)*:

giving the documents directly to him/her.

giving the documents to *(name)*: _____,
a person of suitable age and discretion who lives at the same address as the party.

3. Date, time, and address of service

Date: _____ Time: _____ a.m. p.m.

Address:

Number and street *city* *state* *zip*

4. List all documents you served (check all that apply):

(The most common documents are listed below. Check only those documents that were served. Use the "Other" boxes to write in the title of each document you served that is not already listed.)

<input type="checkbox"/> Petition to/for _____	
<input type="checkbox"/> Summons (Attach a copy.)	<input type="checkbox"/> Notice of Hearing _____
<input type="checkbox"/> Order Setting Case Schedule	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

5. Fees charged for service

Does not apply.

Fees: \$ _____ + Mileage \$ _____ = Total: \$ _____

6. Other Information (if any): _____

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at (city and state): _____ Date: _____

 Signature of server

 Print or type name of server

To the party having these documents served:

- File the original *Proof of Personal Service* with the court clerk.
- If you served a *Restraining Order* signed by the court, you must also give a copy of this *Proof of Personal Service* and a *Law Enforcement Information Sheet* to law enforcement.

To the Server: check here if you personally served the documents *outside* Washington state. Your signature must be notarized or sworn before a court clerk.
 (For personal service in Washington state, your signature does **not** need to be notarized or sworn before a court clerk.)

Signed and sworn to before me on (date): _____

 Signature of notary or court clerk

 Print name of notary or court clerk

I am a notary public in and for the state of: _____

My commission expires: _____

I am a court clerk in a court of record in
(county): _____
(state): _____

(Print seal above.)

Superior Court of Washington, County of _____

In re:

Petitioner/s (person/s who started this case):

And Respondent/s (other party/parties):

No. _____

Declaration: Personal Service Could Not be Made in Washington (DCLR)

Declaration: Personal Service Could Not be Made in Washington

For personal service outside Washington to be valid, you must explain why you could not personally serve the other party inside Washington. RCW 4.28.185(4).

- 1. I am the (check one): Petitioner. Respondent.
- 2. The other party (name): _____ was personally served **outside** Washington state.
- 3. This person could **not** be personally served inside Washington state because:

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at (city and state): _____ Date: _____

▶

Sign here

Print or type name