

# How to Get a copy of your Open Adoption Agreement

## When the open adoption agreement came from a prior dependency Case

Do not use this instruction if you participated in a private adoption.

This motion is heard by the Lead Dependency Judge. You must contact the Judge's Bailiff to schedule the hearing.

### 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 the King County Adoption Paralegal for a list of low-cost and free legal resources.

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

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

## Step 1: Fill out these forms

This form can be downloaded at: [www.kingcounty.gov/courts/scforms.aspx](http://www.kingcounty.gov/courts/scforms.aspx)

Form Name	Form Number	Notes	Completed
Notice of Court Date (Judges)	Seattle or Kent	See Step 2	<input type="checkbox"/>

Motion and Declaration to allow access to Open Adoption Agreement	Tell the Court what you are requesting and why.	<input type="checkbox"/>
Order to allow access to Open Adoption Agreement	Fill this out the way you would like the Judge to decide.	<input type="checkbox"/>
Proof of Mailing or Hand Delivery	This is for the server to fill out after copies of your court papers are served on the other party if service is necessary.	<input type="checkbox"/>

## Step 2: How to choose a court date.

To set your court date, you must fill out and file the *Notice of Court Date (Judges)*, Kent or Seattle.

- **Contact the Lead Dependency Judge's bailiff** and choose the "Calendar Date" for the hearing. The date you choose must be at least **six court days** from the date you plan to have the other party served.
- Next to "**Nature of Motion**" write "Motion to allow access to Open Adoption Agreement".
- Inside the box labeled "**Cases Assigned to Individual Judges**" check the box next to "*With oral argument hearing*" and write the Judge's name and your current trial date.
- Write the date and time the Judge's Bailiff gave you, next to "**Date/Time**".
- Write the name of your assigned judge next to "**Judge's Name**".
- Write the trial date (listed on your *Order Setting Domestic Case Schedule*), next to "**Trial Date**".
- Be sure to also write in the names of the parties and the case number on the top of page 1; you will also need to sign and provide your contact information on the bottom of page 1.
- On page 2, write all other parties' names and contact information (if applicable).

### Step 3: Make copies

Make copies of your motion and proposed order and all other documents you want the court to consider when deciding on your motion.

#### How many copies do I need?

- Original set to file with the Clerk's Office
- Copy 1 is to be served to the other party
- Copy 2 is for your records
- Copy 3 is for the Judge

### Step 4: Take your completed forms to the Clerk's office and file them.

File with the Clerk (2C in Kent and E-609 in Seattle) the originals of all papers from Step 1 except the Order.

### Step 5: Deliver the Judge's Copy.

The Judge's copy is a set of *all* forms from Step 1, including the Order. Include a copy of your Petition to Enforce the Open Adoption Agreement. Take this set of copies to the Judge's Mailroom (C203 in Seattle and 2D in Kent) and turn it in any time before **12:00 noon at least 3 court days** before your hearing date.

Copy and complete the chart below to the upper right hand corner of the first page of the set of forms you are delivering to the Judge:

#### Judge's Copies

Name of Judge: \_\_\_\_\_

Calendar Date: \_\_\_\_\_

With Oral Argument

Presented By: (your name): \_\_\_\_\_, Moving Party

### Step 6: Have the other party served.

If your motion asks the Court to waive notice to the other party then you may not be required to serve the other party and you can skip this step.

#### What to serve

Copies of all the forms from step 1 need to be served on the other party.

## **Deadline for service**

If the documents will be delivered or personally served, the documents must be served at least **6 court days** before the hearing you scheduled.

If the documents will be mailed, generally you must add 3 days to the above deadline. (See [Washington State Superior Court Civil Rule 6](#) for specific information.)

## **How to serve**

You may deliver or mail the documents yourself (provided that no order restrains you from having contact). If the other party has an attorney, deliver or mail the forms to the attorney instead. After you have delivered the forms to the other party or attorney, fill out the *Proof of Mailing or Hand Delivery (for documents after Summons and Petition)* form.

You may also have someone else serve the other party or his/her attorney for you. The server must be over 18. After serving, the server fills out the *Proof of Personal Service* form and returns it to you.

Make one copy of the *Proof of Mailing or Hand Delivery (for documents after Summons and Petition)* or *Proof of Personal Service* form for your records and one copy for the Judge. File the original form with the Clerk's Office and bring the copy you made for your records to the hearing.

## **Step 7: Prepare for and attend the hearing.**

Each party will have approximately 10 minutes to present their arguments. Bring the original of the Order form plus copies of all your other forms to the hearing.

Go to the Lead Dependency Judge's courtroom a few minutes before the hearing time. Once the courtroom is unlocked, walk in and check in with the bailiff.

## **Step 8: Obtain the Open Adoption Agreement**

If the judge grants your motion, they will sign an order allowing you access to the Open Adoption Agreement. Take that order to the clerk's office (2C in Kent and E-609 in Seattle) to get a copy of the open adoption agreement.

Make sure to file a copy of that agreement in your Enforcement of the Open Adoption Agreement Case.

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

vs.

**CASE NO.**  
**NOTICE OF COURT DATE (Judges)**  
**(NOTICE FOR HEARING)**  
**SEATTLE COURTHOUSE ONLY**  
**(Clerk's Action Required) (NTHG)**

**TO:** THE CLERK OF THE COURT and to all other parties per list on Page 2:  
**PLEASE TAKE NOTICE** that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

**Calendar Date:** \_\_\_\_\_ **Day of Week:** \_\_\_\_\_

**Nature of Motion:** \_\_\_\_\_

<p><b>CASES ASSIGNED TO INDIVIDUAL JUDGES – SEATTLE</b></p> <p>If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. <b>Working Papers:</b> The <u>judge's name</u>, date and time of hearing <u>must</u> be noted in the upper right corner of the Judge's copy. <b>Deliver Judge's copies to Judges' Mailroom at C203</b></p> <p><input type="checkbox"/> Without oral argument (Mon - Fri) <span style="margin-left: 200px;"><input type="checkbox"/> With oral argument Hearing</span></p> <p>Date/Time: _____ Judge's Name: _____ Trial Date: _____</p>
<p><b>CHIEF CRIMINAL DEPARTMENT – SEATTLE (E1201)</b></p> <p><input type="checkbox"/> Bond Forfeiture 3:15 pm, 2<sup>nd</sup> Thursday of each month  <input type="checkbox"/> Extraordinary Writs from criminal or infraction (Show Cause Hearing) LCR 98.40(d) 3:00 p.m. Mon-Thurs.  <input type="checkbox"/> Certificates of Rehabilitation- Weapon Possession (<b>Convictions from Limited Jurisdiction Courts</b>)  3:30 First Tues of each month</p>
<p><b>CHIEF CIVIL DEPARTMENT – SEATTLE (Please report to W719 for assignment)</b></p> <p><i>Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing</i></p> <p><input type="checkbox"/> Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. <b>Thurs/Fri</b> -report to Room W719  <input type="checkbox"/> Supplemental Proceedings/ Judicial Subpoenas (1:30 pm <b>Thurs/Fri</b>)(LCR 69)  <input type="checkbox"/> Motions to Consolidate with multiple judges assigned (LCR 40(a)(4) (without oral argument) M-F  <input type="checkbox"/> Structured Settlements (1:30 pm <b>Thurs/Fri</b>)(LCR 40(2)(S))</p>
<p><b>Non-Assigned Cases:</b></p> <p><input type="checkbox"/> Non-Dispositive Motions M-F (without oral argument).  <input type="checkbox"/> Dispositive Motions and Revisions (1:30 pm <b>Thurs/Fri</b>).  <input type="checkbox"/> Certificates of Rehabilitation (<b>Employment</b>) 1:30 pm <b>Thurs/Fri</b> (LR 40(a)(2)(B))</p>

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: \_\_\_\_\_ Print/Type Name: \_\_\_\_\_  
WSBA # \_\_\_\_\_ (if attorney) Attorney for: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_ Date: \_\_\_\_\_

**DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.**

**NOTICE OF COURT DATE – SEATTLE COURTHOUSE ONLY**

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JUDGESSEA01/11/2016

[www.kingcounty.gov/courts/sciforms](http://www.kingcounty.gov/courts/sciforms)

**LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE**

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Name \_\_\_\_\_  
Service Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
WSBA# \_\_\_\_\_ Atty. For: \_\_\_\_\_  
Telephone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**IMPORTANT NOTICE REGARDING CASES**

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

Superior Court of Washington, County of King

In re:

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

\_\_\_\_\_

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

\_\_\_\_\_

No. \_\_\_\_\_

Order to Allow Access to Open Adoption Agreement

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**Order to Allow Access to Open Adoption Agreement**

1. The court has considered the Motion and Declaration to Allow Access to an Open Adoption Agreement filed by *(name)*: \_\_\_\_\_.

➤ **The Court Finds:**

2. **Notice about the motion**

The other party *(check one)*:

Was properly served with the *Motion* and *Notice* of the hearing on *(date)*: \_\_\_\_\_.

Was not provided notice of this hearing.

The person seeking access could not locate the other party to provide notice. The requesting party has made good faith reasonable efforts to provide notice to the other party as required by the Superior Court Rules. Additional good faith efforts to locate the party are not likely to be successful.

Was not provided notice of this hearing. The petitioner is required to give the opposing party notice.

**3.  The Court should allow access to the Open Adoption Agreement.**

- The petitioner has filed a petition to enforce the Open Adoption Agreement.
- The petitioner has signed the Open Adoption Agreement which may be under:

Case Number \_\_\_\_\_

Case Number \_\_\_\_\_

- The opposing party has failed to show that:

There is a need to keep the document sealed to the petitioner;

They have not had an opportunity to object to allowing access;

There is a more restrictive means available that would be available and effective to protect threatened interests;

The interests of the opposing parties are superior to the interests of the petitioner in keeping the record from the petitioner;

There is a more narrow method in its application or duration than necessary to allow the petitioner access.

The facts supporting these findings are as follows:

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**The court should not allow access to the open adoption agreement**

The proponent(s) of keeping the document sealed has shown that:

There is a need to keep the document sealed to the petitioner;

Parties were not given an opportunity to object to the suggested restriction;

The court finds that the requested method for curtailing access would be both the least restrictive means available and effective in protecting threatened interests;

The court has weighed the competing interests of the parties and the public and finds that the interests in keeping the Open Adoption Agreement sealed are more compelling than the interests of the petitioner;



Keeping the document sealed is no broader in its application or duration than necessary to serve its purpose.

The facts supporting these facts are as follows:

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**The Court Orders:**

**Order on Notice Requirements**

Notice requirements for this motion are waived.

**The motion to Allow Access to Open Adoption Agreement is hereby:**

**Granted.** Upon payment of the appropriate fees, and verification of identity, the Clerk of this Court is authorized to issue \_\_\_\_\_ number of certified/plain copy(ies) of the Open Adoption agreement

**Denied.**

The other party must still be given copies of documents filed and notice of hearings scheduled in this case.

The opposing party has shown that access to the document should not be granted as described above.

**4. Other orders (if any)**

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**Ordered.**

\_\_\_\_\_ *Date*

\_\_\_\_\_ *Judge or Commissioner*

Presented by:  Petitioner or his/her lawyer  Respondent or his/her lawyer

\_\_\_\_\_ *Sign here*

\_\_\_\_\_ *Print name (and WSBA No., if lawyer)*

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 Mailing or Hand Delivery  
(for documents after Summons and Petition)  
(AFSR)

**Proof of Mailing or Hand Delivery**  
**(for documents after Summons and Petition)**

I declare:

1. I am (check one):  the Petitioner  the Respondent  (name): \_\_\_\_\_  
and am competent to be a witness in this case.

2. On (date): \_\_\_\_\_, I served copies of the documents listed in 3 below to  
(name of party or lawyer served): \_\_\_\_\_ by:

mail (check all that apply):  first class  certified  other \_\_\_\_\_

\_\_\_\_\_ *mailing address* *city* *state* *zip*

email to (address): \_\_\_\_\_  
(only if allowed by agreement, order, or your county's Local Court Rule)

fax to (number): \_\_\_\_\_  
(only if allowed by agreement, order, or your county's Local Court Rule)

Hand delivery at (time): \_\_\_\_\_  a.m.  p.m. to this address:

\_\_\_\_\_ *street address* *city* *state* *zip*

I left the documents (check one):

with the party or lawyer named above.

at his/her office with the clerk or other person in charge.

- at his/her office in a conspicuous place because no one was in charge.
- with (name): \_\_\_\_\_, at the address listed in court documents where the party agreed to receive legal papers for this case.
- (For a party or lawyer who has no office or whose office is closed) at his/her home with (name): \_\_\_\_\_, a person of suitable age and discretion who lives in the same home.

**3. 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"/> Response to: _____	<input type="checkbox"/> Declaration of: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Declaration of: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Declaration of: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

**4. Other:** \_\_\_\_\_  
 \_\_\_\_\_

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*

**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)

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**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.)*