

Instructions: Responding to a Petition to Modify Child Support

1. Obtain the forms listed in this outline. The Skagit County Superior Court Clerk sells forms. You can also download forms for free at www.courts.wa.gov/forms . **Skagit County Local Court Rules** and some local forms are available for purchase at the Clerk's Office or can be downloaded at www.skagitcounty.net (follow the links to Superior Court).
2. If you need assistance with forms or procedures, the Court Facilitator can review forms you have prepared yourself, answer questions, or help you with procedures. The Facilitator cannot give legal advice and does not represent you. The Facilitator may also assist the other party in your case. There is a \$20 fee per 30 minute appointment. Make an appointment by calling (360) 416-1200 or (360) 416-1800.
3. If you have been served with a **Petition to Modify Child Support Order (FL Modify 501)** and a **Summons: Notice about Petition to Modify Child Support Order (FL Modify 500)**, read each document so that you can understand what the other party is asking for and why. You may also have been served with a **Financial Declaration (FL All Family 131)**; **Sealed Financial Source Document Cover Sheet (FL All Family 011)** with attached proof of income (recent paystubs, W2 forms and 2 years of tax returns.); and **Child Support Worksheets (WSCSS-Worksheets)**. These are all documents related to modifying a **Child Support Order**.
4. If you do not agree with any party of the **Petition**, or any of the other documents that you were served with, then you must respond in a timely manner. If you fail to respond to the **Petition** within the allowed time, then the other party may obtain a **Default** against you and a Judge or Commissioner may, *without notice to you*, grant the **Petition** and sign final orders that are consistent with the documents that were served on you. *If you don't respond then the Court will assume that you are in agreement with everything in the Petition, Parenting Plan and Child Support Worksheets that you were served with.* If you were personally served in Washington, then you have 20 days to file and serve your response. If you were served personally outside of Washington, then you have 60 days to file and serve your response.

WARNING! See # 7 below if you have also been served with any type of Motion and/or a Notice of a Hearing because you have less time to respond to a Motion hearing.

5. The forms you must use to respond are:

- **Response to Petition to Modify Child Support Order (FL Modify 502);**

When you are filing out the **Response** you must be looking at the **Petition**. For each numbered section of the **Petition** you must, on your **Response** form, mark either; "Admit" which means that you agree with that section; "Deny" which means that you do not agree with that section; or "Lacks Information" which means you don't know. Explain in your **Response** why you are denying the sections that you are denying.

- **Financial Declaration (FL All Family 131);**
- **Sealed Financial Source Document Cover Sheet (FL All Family 011)** with attached proof of income (recent paystubs, W2 form and 2 years of tax returns); and

- **Proposed Child Support Worksheets (WSCSS-Worksheets)**

The Court Facilitator can help you calculate child support or you can prepare a **Child Support Worksheet** using the Support Calculator found at: <http://fortress.wa.gov/dshs/dcs/SSGen/Home>

6. File your **Response** and any other documents with the court clerk and get copies to the other party. Fill out and file the **Proof of Mailing or Hand Delivery (FL All Family 112)** as proof of what the other party received and how the copies were delivered to the other party.
7. If you have been served with some type of **Motion for Order (FL All Family 181)** and/or a **Note for Calendar** which sets a hearing in the case then you must prepare a response to that **Motion**. You can use a **Declaration (FL All Family 135)** and attach exhibits which you think support your opposition to the **Motion**. Depending on the type of **Motion**, there may be other documents to file. Note that you have limited time to file and serve your responsive documents. **Local Court Rules require that the other party give you 9 court days notice of any hearing**. Court days do not include weekends and holidays. You have up to 4 court days before the hearing to file and serve your responsive documents. Then the other party must file and serve any additional documents no later than two court days before the hearing. At the hearing the Judge or Commissioner will decide whether or not to grant the other party's **Motion** and may enter appropriate orders. Make sure that you attend the hearing and are prepared.
8. To finalize the child support modification either party can set a hearing. **Local Court Rules require that the Court Facilitator review your final orders prior to your hearing**. Make an appointment with the Facilitator and bring all the documents listed below #8 with you to the appointment. The Court Facilitator will review your documents and help you set a hearing.
9. Documents required to finalize a child support modification:
 - **Child Support Worksheets (WSCSS-Worksheets);**
 - **Order of Child Support (FL All Family 130); and**
 - **Final Order and Findings on Petition to Modify Child Support Order (FL Modify 510).**
10. Go to your hearing. Once the Judge or Commissioner signs orders in your case, then you can get copies of those orders for a fee.

Helpful Phone Numbers:

Skagit County Superior Court Clerk's Office (360) 416-1800
Skagit County Superior Court Administration (360) 416-1200
Skagit County Law Library (360) 416-1290
Volunteer Lawyer Program of Skagit County (360) 416-7585
CLEAR line for a referral to the VLP (888) 201-1014
State Prosecuting Attorney – Family Support Division (360) 336-9461

Helpful Websites:

www.courts.wa.gov/forms to download standard family law forms.

www.washingtonlawhelp.org for general information on a variety of legal topics.

www.nwjustice.org for general information and resources.

www.skagitcounty.net county website (follow links to Superior Court).

www.dshs.wa.gov/dcs Washington Division of Child Support (forms and information).

<https://fortress.wa.gov/dshs/dcs/SSGen/Home> DCS Support Calculator (use to create a child support worksheet).

This outline is not a substitute for legal advice. Before starting any legal action, it is always wise to consult an attorney regarding your rights and responsibilities. Many attorneys offer consultations. Your specific situation may require additional forms and procedures which may not be listed on this outline. The Family Law Facilitator and the Clerk's Office cannot give legal advice. Only an attorney can give legal advice.