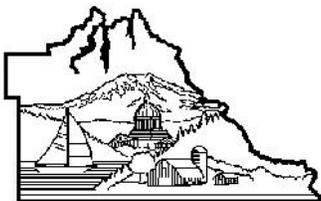


NONREFUNDABLE \$10.00

RELATIVE VISITATION

4-7

✓ You Want to Petition Court for Court-Ordered time with a child who is a relative with whom you have had a substantial relationship



THURSTON COUNTY
WASHINGTON
SINCE 1852

*Linda Myhre Enlow, Thurston County Clerk
Family & Juvenile Court
2801 - 32nd Avenue SW
Tumwater, WA 98512
(360) 709-3260*

Self-Service Center
**HOW TO FILE A
RELATIVE VISITATION ACTION
CHECKLIST**

Use the forms and instructions in this packet only if the following factors apply to your situation:

- You want to request visitation with a child who is a relative with whom you have had a substantial relationship.
- Relatives include persons related to the child by blood, legal adoption, step and half siblings, and the spouses and relatives of the relatives. Relatives also include extended family members recognized by an Indian child's tribal law and customs. A person whose parental rights have been terminated, relinquished or determined not to exist is not a relative with respect to a child who is the subject of a petition under the act.
- The child and relative's interaction, companionship, mutual interests, and affection forms and sustains an ongoing and substantial relationship. The relative and child must share the expectation and desire for an ongoing relationship. The relationship must have substantial continuity for at least two years, or, if the child is under age two, for at least half of the child's life.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document or get involved with a court case, it is important that you carefully read the document to make sure you are doing the right thing. You may also want to contact a lawyer for legal advice and help with those issues you do not understand. The Self-Service Center has a list of local attorneys who can give you legal advice and who can help you on a task-by-task basis for a fee. If you need help with the forms, procedures and rules of the court, there is a Family Court Facilitator available to assist you.

RELATIVE VISITATION

Forms and Instructions

STEP ONE COMPLETING FORMS	
1.	Confidential Information Form
2.	Notice of Appearance
3.	Summons
4.	Petition for Visits
STEP TWO FILING AND SERVING YOUR PAPERS	
5.	Proof of Personal Service or Service Accepted
STEP THREE SET HEARING FOR COURT TO DETERMINE IF CASE WOULD PROCEED AFTER THE OTHER PARTY(IES) HAVE RESPONDED OR HAVE NOT RESPONDED IN APPROPRIATE TIMEFRAME	
6.	Request for Court Review
STEP FOUR DID THE OTHER COURT SET AN EVIDENTIARY HEARING	
7.	Order After Review
8.	Final Order - Findings on Petition
STEP FIVE ENTRY OF FINAL DOCUMENTS <i>If your final paperwork has not been approved by the Facilitator, make an appointment <u>before</u> you schedule your final hearing.</i>	
STEP SIX ATTEND THE FINAL HEARING	
<i>Instruction:</i> Attend the FINAL hearing – be sure you have had the paperwork in Step Four reviewed and approved prior to the hearing.	

ALL FORMS

Washington has pattern legal forms (contained in this packet) which you **must** use in divorce and other family law cases. Every document must be completed as follows:

Enter your name here; you are the petitioner(s)

Enter the child(ren)'s name here

Sample of the number that will be assigned to your case

**SUPERIOR COURT OF WASHINGTON
FOR THURSTON COUNTY
FAMILY AND JUVENILE COURT**

In Re the Custody of:

and

Child(ren)
Petitioner(s),

Respondent(s).

NO. 00-3-00000-34

DOCUMENT TITLE

Enter the name of both the parents here, they are the respondents.

This will show the title of the form you are filling out

- **The contents of the document:** All forms must be completed in ink or be typewritten. Make sure every section is completed. Read through each option for every paragraph and answer each question the best you can. If none of the choices apply to you mark "other" or "does not apply." Most sections will allow space for you to write in the answer if none of the choices apply to your situation.
- **Dates and Signatures:** Remember you are the Petitioner and many of the forms require your signature. On some forms you will have to sign twice. On the last page of most forms there is a place to fill in the date you are signing and a place for your signature. Be sure you sign, date and complete any other information it asks for such as address, phone number and printed name.

Enter the date you are signing here

Sign your usual signature – IF MORE THAN ONE PETITIONER, BOTH MUST SIGN

Sample:

Dated: _____

Signature of Petitioner

Address

Phone Number

Print or Type Name

Print your name clearly

List your address where you can receive mail and a phone number where you can be reached during the day on week days.

In some instances there will be the following declaration and place for you to fill in the city and state where you are signing. This is called a "verification" signature block. Even though this may appear to be duplicating the above signature, it is necessary, so be sure you fill in the information it asks for and sign it.

Sample:

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

Signed at _____ on _____.

Enter the date you are signing

(City and State)

(Date)

Enter city and state where you are at the time of signing

Sign your usual signature

Signature

Print or Type Name

Print your name clearly

- **NOTE:** On those pages where there is a date line and signature line for the judge to sign, **do not sign or date** in the space provided for the judge.

Sample:

Dated: _____

Presented by: Since you are the petitioner you will be signing the papers as the person presenting them to the judge. Fill in any other information requested such as address, phone, printed name, etc.

Judge/Court Commissioner

Presented by:

Signature

**Approved for Entry;
Notice of Presentation Waived:**

Signature

Address

Address

Print Name

Print Name

Approved for entry (Notice of presentation waived): This is where the other party will sign approving the papers for entry with the court, and it also means the other party is not requiring notice of the date or time you will be presenting these papers to the judge. Fill in other information requested.

(Document 1) The **Confidential Information Form** provides the court with confidential information regarding the parties. It is not filed as part of your file. Once the court has recorded this information it is not accessible for public viewing.

(Document 2) The **Notice of Appearance Pro Se** tells the court and the other parties that you are representing yourself and states the appropriate address to mail responses and other correspondence. If for some reason you do not want the other parties to know where you live, you may list an address where the papers can be mailed or delivered to someone who will receive them on your behalf.

(Document 3) The **Summons** gives the other parties written notice that you have started a Relative Visitation action and gives information about responding to the forms.

(Document 4) The **Petition** asks the court to schedule visitation to the person who petitioned the court. The Petition also includes a “Joinder” on the last page. The joinder should be signed by the parent(s) who are agreeing to and joining in this action.

STEP TWO

FILING AND SERVING YOUR PAPERS

Now you are ready to file our documents with the court. At the time you file you will be charged a **filing fee of \$260 (Cash, debit or credit cards are accepted)**. If you cannot afford to pay the filing fee you may ask the court for a fee waiver. Ask the court facilitator or the clerk for information on how to have your fee waived.

5. Proof of Personal Service or Service Accepted – **OR** -

If the opposing party or parties are in agreement with your requests you do not have to serve them if they signed a Joinder.

(Document 5) **Proof of Personal Service. YOU MAY NOT SERVE THE SUMMONS AND PETITION YOURSELF.** Service must be either by a law enforcement officer, process server or by any competent person 18 years of age or over who is not a party to the action. **Service Accepted.** Use this form if the parent accepts service of the papers.

STEP THREE

SET A DATE FOR COURT TO REVIEW AND DETERMINE IF CASE WILL PROCEED

Now that you have filed and served your case you will need to set a review hearing for the Court to determine if your case can proceed.

(Document 6) **Request for Court Review** is filed with the court to set a date for the Court to determine if your case will proceed: after (1) all Respondents has filed their responses; or, (2) the period of time in the summons for response has expired.

STEP FOUR

DID COURT SET AN EVIDENTIARY HEARING?

If the Court does not set a hearing after they have reviewed your Petition and/or Responses filed – your case has ended. The Court will enter (*Document 7*) Order After Review.

If the Court sets a hearing they will do so with (*Document 7*) Order After Review.

(*Document 7*) **Order After Review** is entered by the Court – it is used to either end the case or set further hearings.

(*Document 8*) **Final Order – Findings on Petition** is the final document that describes the visitation that is ordered or ends the case. Complete this form and have it ready for the Judge to sign at the final hearing.

STEP FIVE

ENTRY OF FINAL DOCUMENTS

Once you have either reached an agreement or the court has made a decision the documents listed above are prepared and a hearing is set to present your documents to the court.

IMPORTANT

Local Court Rule LSPR 94.09 requires all final orders be reviewed for proper form and completeness prior to presentation to the court. Make sure your final papers have been reviewed and approved by either the Family Court Facilitator (709-3269), the Thurston County Volunteer Legal Clinic (705-8194) or a private attorney.