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FILED  
SUPERIOR COURT  
THURSTON COUNTY, WASH.

2020 NOV 25 AM 11: 52

LINDA MYHRE ENLOW  
THURSTON COUNTY CLERK

20-3-01280-34  
PTPPCS 6  
Petition for a Parenting Plan and or Child Supp  
9321758



Superior Court of Washington, County of THURSTON

In re parenting and support of:

Children: ONAWA K. SMITH-WELLS  
RAVEN-GAIA S. SMITH-WELLS

No. 20-3-01280-34

Petitioner (person who started this case):

JAMES D. WELLS

Petition for a Parenting Plan, Residential  
Schedule and/or Child Support  
(PTPPCS)

And Respondent (other parent):

SELENA U. SMITH

**Petition for a Parenting Plan,  
Residential Schedule and/or Child Support**

Use this form to ask for a Parenting Plan, Residential Schedule or Child Support Order only if parentage has already been established by:

- Acknowledgment of Parentage, or
- Court order that decided parentage.

If parentage was established by a court order, use this form only if your proposed plan or schedule would not change the custodian named in the order establishing parentage.

1. My name is: JAMES D. WELLS. I ask the court to approve a (check all that apply):

Parenting Plan or Residential Schedule [ ] Child Support Order.

2. Children

Respondent (name): SELENA U. SMITH, and I are parents of the following children:

	Child's name	Age	Lives with:	In (county and state):
1.	<u>ONAWA K. SMITH-WELLS</u>	<u>2</u>	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	<u>THURSTON</u>

	Child's name	Age	Lives with:	In (county and state):
2.	RAVEN-GAIA S. SMITH-WELLS	1	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	THURSTON
3.			<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
4.			<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
5.			<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	

**3. Was parentage established by court order?**

(Repeat this section for each child as needed.)

**No.** Parentage was established by *Acknowledgment of Parentage*. (Skip to 4.)

**Yes.** A court signed a *Final Parentage Order* or other order establishing parentage for (child's name): \_\_\_\_\_, but the court did not sign a *Parenting Plan* or *Residential Schedule* for that child.

The parentage order was signed in (county/state): \_\_\_\_\_, in case number: \_\_\_\_\_ on (date): \_\_\_\_\_.

➤ Attach or file a certified copy of the parentage order if it was issued in a different county or state from where you are filing this Petition.

The parentage order named (parent): \_\_\_\_\_ as custodian. My proposed plan or schedule would **not** change the custodian named in the parentage order.

➤ If you want to change the custodian, you must file a *Petition to Change a Parenting Plan, Residential Schedule or Custody Order (form FL Modify 601)* instead of this Petition.

**4. Was parentage established by Acknowledgment of Parentage?**

(Repeat this section for each child as needed.)

**No.** Parentage was established by court order as described above. (Skip to 5.)

**Yes.** The Petitioner and Respondent signed an *Acknowledgment of Parentage* for (child's name): ONAWA K. SMITH-WELLS that was filed with the appropriate agency of the State of WASHINGTON on (date): 4/29/2018

➤ You must file a copy of the *Birth Certificate* or *Acknowledgment of Parentage* with this petition. Use a cover sheet (form *FL Parentage 329*) to keep it private (sealed).

Was the mother married or in a registered domestic partnership when the child was born (or within 300 days before)?

**No.** (Skip to 5.)

**Yes.** Her spouse/partner (name) \_\_\_\_\_ signed a *Denial of Parentage* that was filed with the appropriate agency of the State of \_\_\_\_\_ on (date) \_\_\_\_\_.

4. WAS PARENTAGE ESTABLISHED BY ACKNOWLEDGEMENT OF PARENTAGE?

YES. THE PETITIONER AND RESPONDANT SIGNED AN ACKNOWLEDGEMENT OF PARENTAGE FOR RAVEN-GAIA S. SMITH-WELLS THAT WAS FILED WITH THE APPROPRIATE AGENCY OF THE STATE OF WASHINGTON ON 12/14/2019

WAS THE MOTHER MARRIED OR IN A DOMESTIC PARTNERSHIP (REGISTERED) WHEN THE CHILD WAS BORN (OR WITHIN 300 DAYS BEFORE)?

No.

➤ You must file a copy of the Denial of Parentage with this petition. Use a cover sheet (form FL Parentage 329) to keep it private (sealed).

**5. Was an Acknowledgment of Parentage filed in Washington State?**

(Repeat this section for each child as needed.)

**No.** Parentage was established by court order as described above. (Skip to 6.)

**No.** Parentage was established by Acknowledgment of Parentage in a different state than Washington. (Skip to 6.)

**Yes.** The Acknowledgment of Parentage for (child's name): ONAWA K. SMITH-WELLS  
RAVEN GAIA S. SMITH-WELLS  
was filed in Washington State.

a. **Effective date** – The Acknowledgment of Parentage (and Denial, if any) became effective (valid) on the date the child was born or the date the Acknowledgment of Parentage (and Denial, if any) was filed with the Washington State Registrar of Vital Statistics, whichever was later.

b. **Deadline to withdraw** – The deadline to withdraw (rescind) the Acknowledgment of Parentage or Denial has passed because:

it has been **more** than 60 days from the effective date.

it has been **less** than 60 days from the effective date; **but** everyone who signed the Acknowledgment (and Denial, if any) was before the court to decide an issue about the child on (date) \_\_\_\_\_

c. **Deadline to challenge** – (check one):

The deadline to challenge the Acknowledgment of Parentage or Denial has passed. It has been **more** than four years since the effective date.

The deadline to challenge the Acknowledgment of Parentage or Denial has **not** passed. It has been **less** than four years since the effective date; **but** the Petitioner says:

- The child's acknowledged father is the father,
- No court has said that another man is the child's father,
- There are no other open court cases to decide who the child's father is, **and**
- Notice has been given to all other men who claimed to be this child's father.

**6. Jurisdiction over parents**

A Washington state court has personal jurisdiction (authority to make decisions) over the parents because (check all that apply):

the Petitioner lives in Washington State.

the Respondent lives in Washington State.

the Respondent will be personally served in this state with the *Summons* and *Petition*.

the Respondent signed an agreement to join this *Petition* or other document agreeing that the court can decide his or her rights in this case.

an order establishing Respondent's parentage of the children involved in this case was signed by a Washington state court.

other (specify): \_\_\_\_\_  
\_\_\_\_\_

**7. Children's Home/s**

During the past 5 years have any of the children lived:

- on an Indian reservation,
- outside Washington state,
- in a foreign country, or
- with anyone who is not a party to this case?

No. (Skip to 8.)

Yes. (Fill out below to show where each child has lived during the last 5 years.)

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	
From: To:	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other (name):	

**8. Other people with a legal right to spend time with a child**

Do you know of anyone besides the Petitioner and Respondent who has or claims to have a legal right to spend time with any of the children?

(Check one):  No. (Skip to 9.)     Yes. (Fill out below.)

Name of person	Children this person may have the right to spend time with
	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

Name of person	Children this person may have the right to spend time with
	<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

**9. Other court cases involving a child**

Do you know of any court cases involving any of the children?

(Check one):  No. (Skip to **10.**)  Yes. (Fill out below.)

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year	Children
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):
			<input type="checkbox"/> All children <input type="checkbox"/> (Name/s):

**10. Jurisdiction over children (RCW 26.27.201 – .221, .231, .261, .271)**

The court can order a *Parenting Plan* or *Residential Schedule* for the children because (check all that apply; if a box applies to all of the children, you may write "the children" instead of listing names):

**Exclusive, continuing jurisdiction** – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for (children's names): \_\_\_\_\_

**Home state jurisdiction** – Washington is the children's home state because (check all that apply):

(Children's names): THE CHILDREN lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if the children are less than 6 months old, they have lived in Washington with a parent or someone acting as a parent since birth.

There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they are less than 6 months old), but those were temporary absences.

(Children's names): \_\_\_\_\_ do not live in Washington right now, but Washington was the children's home state sometime in the 6

months just before this case was filed, and a parent or someone acting as a parent of the children still lives in Washington.

(Children's names): THE CHILDREN do not have another home state.

**No home state or home state declined** – No court of any other state (or tribe) has the jurisdiction to make decisions for (children's names): \_\_\_\_\_ or a court in the children's home state (or tribe) decided it is better to have this case in Washington and:

- The children and a parent or someone acting as a parent have ties to Washington beyond just living here; and
- There is a lot of information (substantial evidence) about the children's care, protection, education, and relationships in this state.

**Other state declined** – The courts in other states (or tribes) that might be (children's names): \_\_\_\_\_'s home state have refused to take this case because it is better to have this case in Washington.

**Temporary emergency jurisdiction** – The court can make decisions for (children's names): \_\_\_\_\_ because the children are in this state now and were abandoned here or need emergency protection because the children (or the children's parent, brother, or sister) were abused or threatened with abuse. (Check one):

A custody case involving the children was filed in the children's home state (name of state or tribe): \_\_\_\_\_. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children's home state (or tribe).

There is no valid custody order or open custody case in the children's home state (name of state or tribe): \_\_\_\_\_. If no case is filed in the children's home state (or tribe) by the time the children have been in Washington for 6 months, (date): \_\_\_\_\_, Washington should have final jurisdiction over the children.

Other reason (specify): \_\_\_\_\_

## 11. Parenting Plan or Residential Schedule

Has a court already approved a *Parenting Plan* or *Residential Schedule*?

Check one:  Yes  No

➤ If Yes:

My plan or schedule was approved by a court on (date): \_\_\_\_\_

in (county/state): \_\_\_\_\_

in case number: \_\_\_\_\_

➤ If No: Do you want the court to order a *Parenting Plan* or *Residential Schedule*?

Check one:  Yes  No

If Yes: My proposed *Parenting Plan* (form FL All Family 140) or *Residential Schedule* (form FL Parentage 303) (check one):  is attached  will be filed and served at a later date.

**Important!** The court can order a *Parenting Plan* or *Residential Schedule* in this case only if a court has not already approved one. To change an earlier plan or schedule, use the *Petition to Change a Parenting Plan, Residential Schedule or Custody Order* (form FL Modify 601).

## 12. Child Support

Has a court or child support agency already approved a child support order?

Check one:  Yes  No

➤ If Yes:

My child support order was approved on (date): Nov. 13, 2020

by a  court  agency in (county/state): WASHINGTON

In case number: 2843544

➤ If No, or if the order was approved by an agency: Do you want the court to order child support?

Check one:  Yes  No

If Yes: Check the orders you want the court to approve:

Order child support, including medical support, according to state law.

Order the Respondent to pay past support, medical costs, and other costs for the children.

**Important!** The court can approve a child support order in this case only if a court has not already approved one. To change an earlier child support order that was approved by a court, use the *Petition to Modify Child Support Order* (form FL Modify 501) or *Motion to Adjust Child Support Order* (form FL Modify 521).

You can get a new child support order in this case if your earlier order was from an agency such as the Division of Child Support (DCS).

## 13. Protection Order

Do you want the court to issue an Order for Protection as part of the final orders in this case?

No. I do not want an Order for Protection

Yes. (You must file a *Petition for Order for Protection*, form DV-1.015 for domestic violence, or form UHST-02.0200 for harassment. You may file your *Petition for Order for Protection* using the same case number assigned to this case.)

**Important!** If you need protection now, ask the court clerk about getting a *Temporary Order for Protection*.

There already is an **Order for Protection** between the other parent and me. (Describe below. Attach a copy if you have one):

Court that issued the order: \_\_\_\_\_

Case number: \_\_\_\_\_



Expiration date: \_\_\_\_\_

**14. Restraining Order**

Do you want the court to issue a Restraining Order as part of the final orders in this case?

No. (Skip to 15.)

Yes. Check the type of orders you want:

**Do not disturb** – Order the Respondent not to disturb my peace or the peace of any child listed in 2.

**Stay away** – Order the Respondent not to go onto the grounds of or enter my home, workplace, or school, and the daycare or school of any child listed in 2.

Also, not knowingly to go or stay within \_\_\_\_\_ feet of my home, workplace, or school, or the daycare or school of any child listed in 2.

**Do not hurt or threaten** – Order the Respondent:

- Not to assault, harass, stalk or molest me or any child listed in 2; and
- Not to use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.

**Warning!** If the court makes this order, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

**Prohibit weapons and order surrender** – Order the Respondent:

- Not to access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses until the Order ends, and
- To immediately surrender any firearms, other dangerous weapons, and any concealed pistol licenses that he/she possesses to (check one):  the police chief or sheriff.  his/her lawyer.  other person (name): \_\_\_\_\_.

**Other orders:** \_\_\_\_\_

**Important!** If you want a restraining order now, you must file a Motion for Temporary Family Law Order and Restraining Order (FL Parentage 323) or a Motion for Immediate Restraining Order (Ex Parte) (FL Parentage 321).

**15. Fees and Costs**

Does not apply.

I ask the court to order the Respondent to pay lawyer fees, guardian ad litem fees, court costs, and other reasonable costs.

**16. Other Orders**

Does not apply.

I ask the court to order (specify): \_\_\_\_\_

**17. Summary of Requests**

I ask the court to approve the following orders (*check all that apply*):

- Petitioner's proposed *Parenting Plan* or *Residential Schedule*
- Child Support Order*, according to the Washington State Child Support Schedule
- Order for Protection*
- Restraining Order*
- Payment of lawyer fees, guardian ad litem fees, court costs, and other reasonable costs.
- Other (*specify*): \_\_\_\_\_

**Petitioner fills out below:**

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

Signed at (*city and state*): OLYMPIA, WASH Date: Nov 22, 2020

[Signature] \_\_\_\_\_  
Petitioner signs here Print name

**Petitioner's lawyer (if any) fills out below:**

\_\_\_\_\_  
Petitioner's lawyer signs here Print name and WSBA No. Date

**[ ] Respondent fills out below if s/he agrees to join this Petition:**

I, (*name*): \_\_\_\_\_, agree to join this *Petition*. I understand that if I fill out and sign below, the court may approve the requests listed in this *Petition* unless I file and serve a *Response* before the court signs final orders. (*Check one*):

- I do not need to be notified about the court's hearings or decisions in this case.
- I ask the Petitioner to notify me about any hearings in this case. (*List an address where you agree to accept legal documents. This may be a lawyer's address or any other address.*)

\_\_\_\_\_  
address city state zip

(*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.*)

\_\_\_\_\_  
Respondent signs here Print name Date