

Amend (change) your petition

Author

Northwest Justice Project

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For use if you've already filed your family law case and want to change something in your Petition after the other side responds.

1. Fast facts

If you're the Petitioner in a family law case filed in a Washington State superior court, you might decide at some point that you must change a request in your Petition after you've already filed and served it.

If you haven't gotten any response to your Petition from the Respondent, in most cases, you can change (you can **amend**) your petition without having to get a judge's permission first. You do this by filling out a new petition, filing it, and serving it on Respondent. **Do this as soon you can** so it doesn't delay your case.

If you and Respondent agree on all issues in your case, you probably don't need to amend your petition at all. Instead, ask your local court clerk or family law facilitator (https://www.courts.wa.gov/court_dir/?fa=court_dir.facils) for the forms to finalize your case by agreement.

If Respondent has filed a response to your petition, you must either get Respondent's signed written agreement to amend your petition or get a judge's permission to file an amended petition. You get a judge's permission by filing a motion.

A judge is likely to give you permission to amend your petition. Permission to amend "shall be freely given as justice so requires." You can read the court rule about this at CR 15(a) (https://www.courts.wa.gov/court_rules/pdf/CR/SUP_CR_15_00_00.pdf). Try to

talk to a lawyer right away if you don't get court permission.

If you're amending a divorce petition, the 90-Day waiting period doesn't start over. It still starts on the date you filed and served your original petition.

In many courts, you **don't** need permission if you're only changing your proposed Parenting Plan. Ask the clerk or court facilitator (https://www.courts.wa.gov/court_dir/?fa=court_dir.facils) if you need permission for that in your county court.

After you've amended your petition, **you must wait for Respondent's response deadline to pass** before you can do anything else to move your case forward. You must wait either 10 days after serving your Amended Petition **or** Respondent's deadline to respond to the first Petition you filed, whichever is longer.

2. Step-by-step

1. Fill out the forms () (except for the Proof of Mailing or Hand Delivery).

Contact the court clerk's office or family law facilitator (https://www.courts.wa.gov/court_dir/?fa=court_dir.facils) where the case is now. Ask if they have special (local) forms you must use for this motion or to schedule a hearing. If so, use those forms instead of ours. Ask the clerk when you can schedule a hearing on your motion and for help with the other details on the **Notice of Hearing** form. You can also wait to fill this part out until you go to court to file your papers.

2. Make copies. You need one copy of each completed form for yourself, one for the judge, and one for each other party to your case.

Organize the copies in sets, so there's one set for each person who needs a copy. You don't have to give the other party a copy of the Proof of Mailing or

Hand Delivery. Put each set of papers into an envelope addressed to each party, with your return address. You'll use these sets for service.

If a child support prosecutor (often called "the state") is involved in your case, you'll need to serve them with a copy of everything you file in court. Make an extra copy to serve on them.

3. **File the originals** with the Superior Court Clerk. Give the clerk the originals of all your forms for filing **except** you should ask the clerk what to do with the originals of any proposed orders. Follow the clerk's instructions.

Ask the clerk to stamp your copies to show the date you filed the originals. Take the stamped copies back from the clerk. The clerk keeps the original.

Deliver working copies to the judge, if required in your county.

4. **Serve the other party (or parties)** with copies of everything you filed, and any proposed orders. Most counties require service **at least 14 days before a hearing**. Ask the clerk if your county's deadline is different.

Follow the rules for service after a case starts. You can serve most motion papers yourself, but it's better to have someone else do it. Ask an adult friend or relative to do it for you. If the other party has a lawyer, have the papers served on the lawyer.

5. **Have the server fill out the Proof of Mailing or Hand Delivery. Make 2 copies.** File the original with the Superior Court Clerk. Bring your copies to the hearing.
6. **Confirm your hearing, if needed.** In some counties, you must contact the clerk's office to confirm that you want your hearing to happen on the day it is scheduled. If you don't confirm by the deadline, **your hearing will be canceled**. Ask the court clerk for instructions.

7. **Review any response. Reply if needed and allowed in your county.** The other party must give you a copy of any response they file. You don't have to reply, but you may want to if they bring up new issues or say things that aren't true.

Ask the court clerk or facilitator

(https://www.courts.wa.gov/court_dir/?fa=court_dir.facils), if your county has one, if replies are allowed in your county and, if so, when they are due. If allowed, you can file a declaration from yourself or others replying to the other party's response. Limit your reply to addressing issues in the other party's response. Serve a copy of your reply on the other party by the deadline. Deliver working copies to the judge if required in your county.

8. **Go to your hearing.** Read chapter 3 for how to get ready and what to expect at your hearing.
9. **Tell the judge's clerk you want a copy of the order.** Follow the clerk's instructions about getting copies.
10. **If you disagree with the judge's decision, try to talk to a lawyer right away.**

You might want to file a motion for revision or reconsideration. You must file those motions **within 10 days** of the order you want to change.

3. Hearing

Need an interpreter? You have the right to interpreter services in court at no cost to you. Each court should have a contact person for interpreter requests. As soon as you find out about a court date, contact the court to ask for an interpreter.

Get ready for the hearing

Try to go to court before the day of your hearing or check the court clerk's website to see if you can watch a hearing online. Watch how the court generally does hearings. Try to make some notes to yourself about the main points to make at your hearing.

Organize your paperwork. Plan to bring your set of court papers and your copies of any papers the other parties gave you in response. Bring extra copies of any proposed orders you want the judge to sign.

Get to your hearing early. Try to figure out before the day of the hearing how you will get there and how long it will take. Give yourself time to get through security, and to the right courtroom. If you aren't there on time, the judge could cancel the hearing, or the other party may win.

Bring your paperwork, a pad of paper, and a dark pen to take notes. Dress neatly. Try not to bring your children if you can make other arrangements for them. The judge usually won't let them sit in the courtroom.

When you get to the courtroom, tell the person in charge in the courtroom (the clerk or bailiff) your name and your case name and number. Take a seat. When the judge walks in the room, stand.

If your hearing is online, follow these [tips for phone and video hearings](#).

Your case will be one of several that are scheduled for the same time on the court calendar (called a docket). Listen to the judge and wait for them to call your name. When they call your name, tell the court you are present. Stay in court until they call your case for hearing.

When your case is called

In most cases, the judge will have read your papers before the hearing. The judge will make a decision based on the paperwork filed by both parties in advance.

You usually won't be able to testify, have witnesses testify, or otherwise give evidence at the hearing. You'll just get to tell the judge briefly what you want and why. This means you want to prepare beforehand by making notes about the main points you want to say to the judge.

If the other party gets a lawyer: If another party's lawyer contacts you or shows up at a hearing, you may decide to get one yourself. If so, tell the lawyer and the judge you need to postpone (continue) the hearing. The lawyer may ask you to sign some documents. **Don't sign anything you don't understand.**

If the other party shows up at the hearing, each of you will get to tell your side of the case. Stand while speaking. Tell the judge briefly what you want and why. Try to keep your argument short. Only outline your main points. You may have as little as 5 minutes to speak. Don't repeat everything in your papers. If you brought proposed orders, ask permission to hand them up to the judge.

If the judge asks you a question, try to answer it directly. **Don't interrupt the judge.**

If the other party doesn't show up, the judge may ask for your proof of service. Bring a copy of that to show the judge. Ask the judge to sign your proposed orders.

If you couldn't serve the other party in time, or you don't have proof of service, ask the judge to reschedule your hearing.

Hearing the judge's decision

After the judge has heard both sides, the judge decides on the requests. Listen carefully. Make notes. Usually, the judge gives their decision out loud, then it must be put in writing in a court order.

It's best to bring **proposed orders** so the judge can sign them at your hearing. If no one brought proposed orders, the judge may tell you, the other party, or the other party's lawyer to write the orders and come

back later for the judge to sign. The judge could schedule another hearing in a week or two just for signing orders.

If the other party prepared the orders, read them carefully. Make sure they say what the judge said. If you're not sure, **don't sign the orders**. Ask to go back before the judge to make sure the order says what the judge said.

If the other party didn't show up for the hearing, send them copies of the court orders. Follow the rules to serve papers *after* a case starts.

4. Forms

Form attached:

Motion for Permission to Amend Pleading (NJP Family 901)

Form attached:

Order Granting Permission to Amend Pleading (NJP Family 902)

Form attached:

Notice of Hearing (family law) (FL All Family 185)

Form attached:

Proof of Mailing or Hand Delivery (family law) (FL All Family 112)

Follow the general rules to format and fill out court documents.

Tips for filling out Motion for Permission to Amend Pleading (NJP Family 901)

Fill out the **motion** form to explain what you want the judge to do and why they should do it.

Form section 6. Declaration: Reason to amend. Put briefly why you need to change your pleadings to get a fair outcome or cover all necessary issues in your case. **Examples:**

- When I filed my Petition for Divorce, I didn't ask for spousal support. Since then, I've lost my job and will need spousal support to get back on my feet.
- When I filed my Petition for a Parenting Plan, I didn't ask for child support because the other parent was paying voluntarily. Now they've stopped paying and I need a court order for support.
- When I filed my Proposed Parenting Plan, I didn't ask for sole decision-making because I hoped we could work things out. Since then, the other parent has been refusing to communicate with me to discuss anything about our children. It's clear that I need to ask for sole-decision-making now.

Tips for filling out Order Granting Permission to Amend Pleading (NJP Family 902)

Fill out the **order** form the way you want the judge to sign it. This is a **proposed order** you'll ask the judge to sign at the hearing. If you're not sure about something in the order, leave it blank for the judge to complete.

If Respondent agrees you can amend your petition, ask Respondent to sign and print or type their name where it says.

Tips for filling out the Notice of Hearing (FL All Family 185)

Fill out the **Notice of Hearing** with details from the court clerk or family law facilitator (https://www.courts.wa.gov/court_dir/?fa=court_dir.facils). You can try to get that information over the phone, or in-person when you file your papers. When choosing a hearing date, leave yourself enough time to have the other party served.

Many counties require you to use their own form. Ask the facilitator or clerk in the county where your case was filed if they use a special Notice of Hearing form. If not, use ours.

Tips for filling out the Proof of Mailing or Hand Delivery (FL All Family 112)

Fill out this form after serving the other party. Whoever served the other party must sign it. Follow the rules for service after a case starts.

Check to be sure your server filled out the date of service, who the papers were delivered to, and how they were delivered. Also be sure the form lists all documents that were served. If your server leaves out a form, you won't have proof it was served.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.

Superior Court of Washington, County of _____

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

No. _____

Motion for Permission to Amend Pleading
(No mandatory form)

And Respondent/s (other party/parties):

Motion for Permission to Amend Pleading

Use this form to ask the court for permission to file a new Petition or other pleadings **after the other party has responded**. Use this form together with the Order Granting Permission to Amend Pleading, NJP Family 902.

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

You must schedule a hearing on this motion. You may use the *Notice of Hearing* (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling information.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side.

1. **My name is** _____.

I am the Petitioner in this case (or the moving party in a modification case).

2. **Motion**

I ask the court for permission to file the following new (amended) pleadings:
(Check all that apply. Attach an unsigned copy of each new pleading to this Motion with the word "Proposed" written at the top.)

☐ Amended Petition

☐ Amended proposed Parenting Plan

☐ Other: _____

3. **Authority**

The court can allow a Petitioner to amend their pleadings after a response has been filed according to Civil Rule 15(a). The court shall give this permission freely when justice so requires. *Caruso v. Local 690*, 100 Wn.2d 343, 349 (1983).

4. **Initial pleadings filed**

On (date/s): _____, I filed a Summons and Petition in this case and
(check all that apply):

☐ Proposed Parenting Plan

☐ Other: _____

5. **Responsive pleadings filed**

On (date/s): _____, the other party filed (check all that apply):

☐ Response to Petition

☐ Proposed Parenting Plan

☐ Other: _____

6. **Declaration: Reason to amend**

I declare: I am asking for permission to file new pleadings because (briefly explain why you need to change your pleadings to get a fair outcome or cover all necessary issues in this case):

Person making this motion 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*): _____ Date: _____



Person making this motion signs here *Print name here*

I agree to accept legal papers for this case at (*check all that apply*):

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

Street or mailing address *city* *state* *zip*

☐ Email: _____

Superior Court of Washington, County of _____

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

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

No. _____

Order Granting Permission to Amend
Pleading

(No mandatory form)

Order Granting Permission to Amend Pleading

Use this form with the Motion for Permission to Amend Pleading, NJP Family Law 901.

1. Basis

The Petitioner made a Motion for Permission to Amend Pleading. The court has considered the motion and any supporting documents, any response from the other party, and any other documents from the court record identified by the court.

2. Hearing

The court held a hearing on the motion on (*date*) _____

☐ The court heard testimony or argument from (*name/s*) _____

3. Findings

The court finds good cause to approve this order.

Other findings, if any:

4. Order

Petitioner may file the following amended pleadings in this case:

☐ Amended Petition

☐ Amended proposed Parenting Plan

☐ Other: _____

Other orders, if any

Ordered.

Date

Judge or Commissioner

Petitioner and Respondent or their lawyers fill out below.

This order (*check any that apply*):

☐ is an agreement of the parties

☐ is presented by me

☐ may be signed by the court without notice to me

This order (*check any that apply*):

☐ is an agreement of the parties

☐ is presented by me

☐ may be signed by the court without notice to me

Petitioner signs here **or** lawyer signs here WSBA No.

Respondent signs here **or** lawyer signs here WSBA No

Print Name Date

Print Name Date

Superior Court of Washington, County of _____

In re:

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

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

No. _____

Notice of Hearing
(NTHG)

☒ Clerk's action required: **1**

Notice of Hearing

To the Court Clerk and all parties:

1. A court hearing has been scheduled:



for: _____ at: _____ ☐ a.m. ☐ p.m.
date time

at: _____ in _____
court's address room or department

docket / calendar or judge / commissioner's name

2. The purpose of this hearing is (*specify*): _____

Warning! If you do not go to the hearing, the court may sign orders without hearing your side.

This hearing was requested by: ☐ Petitioner or lawyer ☐ Respondent or lawyer



Person asking for this hearing signs here

Print name (if lawyer, also list WSBA #)

Date

I agree to accept legal papers for this case at:

address

city state zip

(Optional) email: _____

This does **not** have to be your home address. 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). A party must also update their *Confidential Information* form (FL All Family 001) if this case involves parentage or child support.

Superior Court of Washington, County of _____

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)

Warning! Do **not** use this form to prove you mailed or delivered a Summons, Petition, Order to Go to Court, or any kind of Restraining Order. For those documents, use Proof of Personal Service (FL All Family 101), or if you have court permission to serve by mail, use Proof of Service by Mail (FL All Family 107).

I declare:

1. I am (*check one*): ☐ the Petitioner ☐ the Respondent ☐ (*name*): _____
_____ and I 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 the attorney's office with the clerk or other person in charge.
- ☐ at the attorney's 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 their 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.*)

☐ Notice of Hearing (<i>hearing date</i>): _____	☐ Notice Re: Military Dependent
☐ Motion for Temporary Family Law Order ☐ and Restraining Order	☐ Sealed Financial Documents
☐ Proposed Temporary Family Law Order	☐ Financial Declaration
☐ Proposed Parenting Plan	☐ Declaration of: _____
☐ Proposed Child Support Order	☐ Declaration of: _____
☐ Proposed Child Support Worksheets	☐ Declaration of: _____
☐ Other: _____	☐ Other: _____
☐ Other: _____	☐ Other: _____
☐ Other: _____	☐ 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