



Guide to Modifying a Parenting Plan

This guide outlines the process for modifying a parenting plan, including key considerations, steps, and tips to navigate this complex area of family law.

Step 1: Confirm You Have a Parenting Plan

- A parenting plan is a legal document established by the court. Without an existing parenting plan, there's nothing to modify.
- If you and the other parent only have an informal arrangement, either party can refuse to follow it, and law enforcement will generally not intervene. In such cases, you must first establish a parenting plan in court.

Unique Situations

1. One Child Covered by a Parenting Plan: If you have multiple children but only one is covered by a parenting plan, you'll need:
 - A petition to modify the existing parenting plan for the older child.
 - A petition to establish a parenting plan for any additional children.
2. Unmarried Parents or Birth Certificate Issues:
 - If a child is not included in the plan but the other parent is on the birth certificate (based on an affidavit of paternity), you can establish a plan for the child without further paternity tests.

Step 2: Determine Venue

- Where to File: If your current parenting plan was established in another state or county, you may need to transfer the case to your current county. File a certified copy of the original parenting plan along with your modification petition in the correct jurisdiction.
- Residency Considerations: Courts generally require the children to have lived in the new county for a substantial period to establish jurisdiction.

Step 3: Decide Between a Major or Minor Modification

Major Modification

- Involves significant changes, such as:
 - Altering custody.
 - Increasing or reducing parenting time by more than 25 days per year or over 90 overnights.

- These modifications require a serious issue affecting the child's well-being and must overcome the court's presumption that keeping the existing schedule is in the child's best interest.

Minor Modification

- Affects fewer than 25 days or 90 overnights and does not change the primary custodian designation.
- Easier to pursue but still requires evidence of a valid reason for the change.

Step 4: Gather Evidence

- Courts require adequate cause to justify any modification. Evidence might include:
 - School records: Indicating issues linked to the parenting plan.
 - Counseling or medical records: Highlighting problems with the current arrangement.
 - CPS or police reports: Showing safety concerns.
 - Witness declarations: Observations about the other parent's behavior or interactions with the child.

Hearsay is Not Enough

- Personal statements alone won't suffice. Evidence must be admissible and compelling.

Step 5: File Necessary Documents

1. Petition to Modify Parenting Plan: Outlines your request.
2. Proposed Parenting Plan: Details your desired changes.
3. Certified Copy of the Existing Parenting Plan: Required if the plan is from another jurisdiction.
4. Motion for Adequate Cause: Requests a hearing to determine if there's enough reason to proceed.

Step 6: Engage in Alternative Dispute Resolution (ADR)

- Before filing or proceeding, review the dispute resolution clause in your current parenting plan. If ADR is required, initiate the process.
- Document Attempts: If the other parent refuses to participate, obtain proof, such as a letter from the mediator or ADR center.

Step 7: Adequate Cause Hearing

- The court evaluates whether there is enough evidence to move forward. Prepare to explain:
 1. Why the change is necessary.
 2. How the modification benefits the child.
 3. The evidence supporting your claims.
- Outcome: If adequate cause is established, the case proceeds to trial. If not, the modification is denied.

Step 8: Trial or Further Mediation

- If adequate cause is found, the court will set a trial date.
- Mediation: Courts favor agreements reached through ADR. If parents agree to a change, the modification process is expedited, and an adequate cause hearing is unnecessary.

Key Tips

1. Be Clear and Specific: Ensure your petition and proposed parenting plan clearly outline the requested changes.
2. Meet Deadlines: Follow all filing deadlines and procedural rules.
3. Seek Legal Advice: Parenting plan modifications can be complex. Consult with an attorney if needed.

Child Support Implications

- Changes to a parenting plan may impact child support. A significant change in custody or parenting time can lead to a reassessment of the support order.

Resources

1. Pierce County Law Library: Offers resources and forms.
2. Washington Law Help: Provides online guides and form packets.
3. County Websites: Fee schedules and e-filing systems, like LINX in Pierce County.

For personalized assistance, consider consulting an attorney. Nexus Legal Counsel offers consultations and hourly services. Reach us at (253) 778-6376 or through our website, [Nexus Legal Counsel](#).