

Washington Family Law – Jurisdiction and Service of Process

By Morgan, Lewis & Bockius LLP – March 31, 2021

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Custody Determination – Jurisdiction

RCW 26.27.201: Jurisdiction is permissible if:

- (1) State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent resides); or
- (2) Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent has significant connection to State; (b) substantial evidence is available re: child's care, protection, training and personal relationships; or
- (3) all courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being most convenient;
- (4) no court of any other state would have jurisdiction under (1), (2), or (3).

Custody Determination – Service/Notification Requirements

RCW 26.27.231: A court of Washington has temporary emergency jurisdiction if the child is present in Washington and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

Paternity and Child Support Proceeding – Jurisdiction

RCW 26.27.221: Jurisdiction may not be modified unless court has jurisdiction under RCW 26.27.201 (1) (a) or (b) (A(1) and (2) above) and court of other state (1) no longer has exclusive, continuing jurisdiction or (2) determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other state.

Paternity and Child Support Proceeding – Service/Notification Requirements

See Paternity and Child Support Proceeding – Jurisdiction Section.

Child Abuse/Neglect Proceeding – Jurisdiction

No separate statute identified.

Child Abuse/Neglect Proceeding – Service/Notification Requirements

No separate statute identified.

Divorce and Legal Separation – Jurisdiction

No separate statute identified.

Divorce and Legal Separation – Service/Notification Requirements

No separate statute identified.

Adoption Proceeding – Jurisdiction

RCW 26.33.030 (1): A petition for adoption may be filed in the superior court of the county in which the petitioner is a resident or of the county in which the adoptee is domiciled.

Adoption Proceeding – Service/Notification Requirements

See Adoption Proceeding Jurisdiction Section.

Domestic Violence – Jurisdiction

RCW 26.50.020(6):

- (a) The courts, as provided in this chapter, shall have jurisdiction to issue protection orders.
- (b) A protection order may be requested in any pending civil or domestic relations action, as an independent civil action, or in conjunction with the preliminary, final, or post-judgment relief in a civil action.
- (c) A petition for a protection order may be filed in any of the following locations:
 - a. Where the plaintiff or defendant resides.
 - b. Where the plaintiff is temporarily located if he or she has left his or her residence to avoid further abuse.

Domestic Violence– Service/Notification Requirements

See Domestic Violence Jurisdiction Section.

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