

# How to File a Response to a Case for Divorce, Legal Separation or Nullity

<b>Step 1</b>	<p><b>Complete the following forms</b> in blue or black ink:</p> <p><input checked="" type="checkbox"/> FL-120 Response—Marriage\Domestic Partnership  <input type="checkbox"/> Other: _____</p> <p>Only fill out the following forms if you have children with your spouse/partner:</p> <p><input checked="" type="checkbox"/> FL-105 Declaration Under Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA)  <input checked="" type="checkbox"/> FL-311 Child Custody and Visitation (Parenting Time) Application Attachment</p>
<b>Step 2</b>	<p><b>Copies:</b> Make 2 copies, in addition to the original.</p>
<p><b>Step 3</b></p> <p>There is a filing fee unless the fee is waived.</p>	<p><b>File:</b> File the original and copies in the <b>Clerk's Office</b> of the courthouse located at:  <b>201 North First Street, San Jose, CA 95113</b>  The Clerk's Office opens at 8:30am Monday-Friday, closing times are subject to change, visit <a href="http://www.scscourt.org">www.scscourt.org</a> or call <b>408-534-5600</b> for current office hours.</p> <p><input type="checkbox"/> If you <u>are not</u> asking for a fee waiver, you will pay the filing fee and get copies back with a file-stamp.</p> <p><input type="checkbox"/> If you <u>are</u> asking for a fee waiver, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms.</p>
<b>Step 4</b>	<p><b>Service:</b> After the filed copies are returned to you:</p> <ul style="list-style-type: none"> <li>• <b>Keep</b> for your records—1 filed copy</li> <li>• <b>Serve</b> 1 filed copy on the other party by mail. “Service by mail” means: <b>someone, NOT YOU</b>, who are at least 18 years old, must <b>mail</b> a filed copy to your husband/wife/partner.</li> </ul> <p>Whoever does the service must complete the attached <i>Proof of Service by Mail</i> form (FL-335) and give it back to you. You must file the original and a copy of this form at the Clerk's Office, the clerk will file stamp the copy and give it back to you. Keep this copy for your records.</p>
<b>Step 5</b>	<p><b>Preliminary Declarations of Disclosures (PDDs):</b> You must complete the Mandatory Preliminary Declaration of Disclosure process within 60 days of filing your Response. You may obtain these forms online at <a href="http://www.scscourt.org">www.scscourt.org</a> click on “Complete Forms at Home” to obtain the form packet and sample.</p>
<b>Step 6</b>	<p><b>Divorce Case Review:</b> Once you have filed and serviced your Response and you have completed your PDDs, you may complete a Request for Review to Finalize online at <a href="http://www.scscourt.org">www.scscourt.org</a>, search “Divorce Case Review”. If you do not have internet access, you may obtain a hard copy of the review form in the main lobby at the Family Justice Center Courthouse. The Self-Help Center will review your file to determine the next steps in your case.</p>
<b>NOTE</b>	<p><b>YOU WILL NOT AUTOMATICALLY BE DIVORCED, YOU MUST COMPLETE OTHER STEPS TO FINISH YOUR DIVORCE AND GET A JUDGMENT.</b></p>

**Please turn over for important information**

## WHY SHOULD I FILE A RESPONSE?

You should complete and file the *Response* form so that you can take part in the case. Filing a *Response* will allow you to ask for or oppose requests for a custody and visitation schedule, a monthly child and/or spousal support amount, and property and other orders. If you do not file the *Response* within 30 days of being served, the petitioner can get a default *Judgment* against you. This means that the court enters a judgment where the petitioner gets everything asked for in their *Petition*.

## WHAT ARE THE IMPORTANT DEADLINES?

The court has important things you should do to keep your case on track. The first is to **file and serve your “Preliminary Declaration of Disclosure” within 60 days** of filing your *Response*. For help with the disclosure forms, you can visit the Self Help Center’s website at [www.scscourt.org](http://www.scscourt.org), click on Complete Forms at Home to obtain the form packet and sample. You may fill it out on your own or attend the Center’s virtual online workshop. Visit [www.scscourt.org](http://www.scscourt.org), then “Self Help” then click “Workshops” for more information.

The **Preliminary Declaration of Disclosures** are mandatory. There is one exception to this rule when a *Response* has been filed. If you have case is for Nullity only and there is no request for a divorce in the alternative. In this instance only, you do not have to complete the disclosure process.

There are additional deadlines you can read about in the court’s Local Rules and the California Rules of Court. You can find both Rules on our website ([www.scscourt.org](http://www.scscourt.org)) or at the Santa Clara County Law Library.

**If you do not follow the rules and deadlines your case may be dismissed.**

## HOW LONG DOES IT TAKE TO FINISH THE DIVORCE?

The earliest you can be divorced is 6 months and a day from the date you were served with the divorce forms or 6 months from the date you file a *Response*, if a *Proof of Service of Summons* was not filed. However, you will not automatically be divorced after 6 months. If you or your spouse/partner do not take the necessary steps to keep the divorce moving forward you will never be divorced. For information regarding how to finish your case, complete a Request to Review to Finalize form online at [www.scscourt.org](http://www.scscourt.org) search “Divorce Case Review”. If you do not have internet access, a hard copy of the review form is available in the main lobby at the Family Justice Center Courthouse.

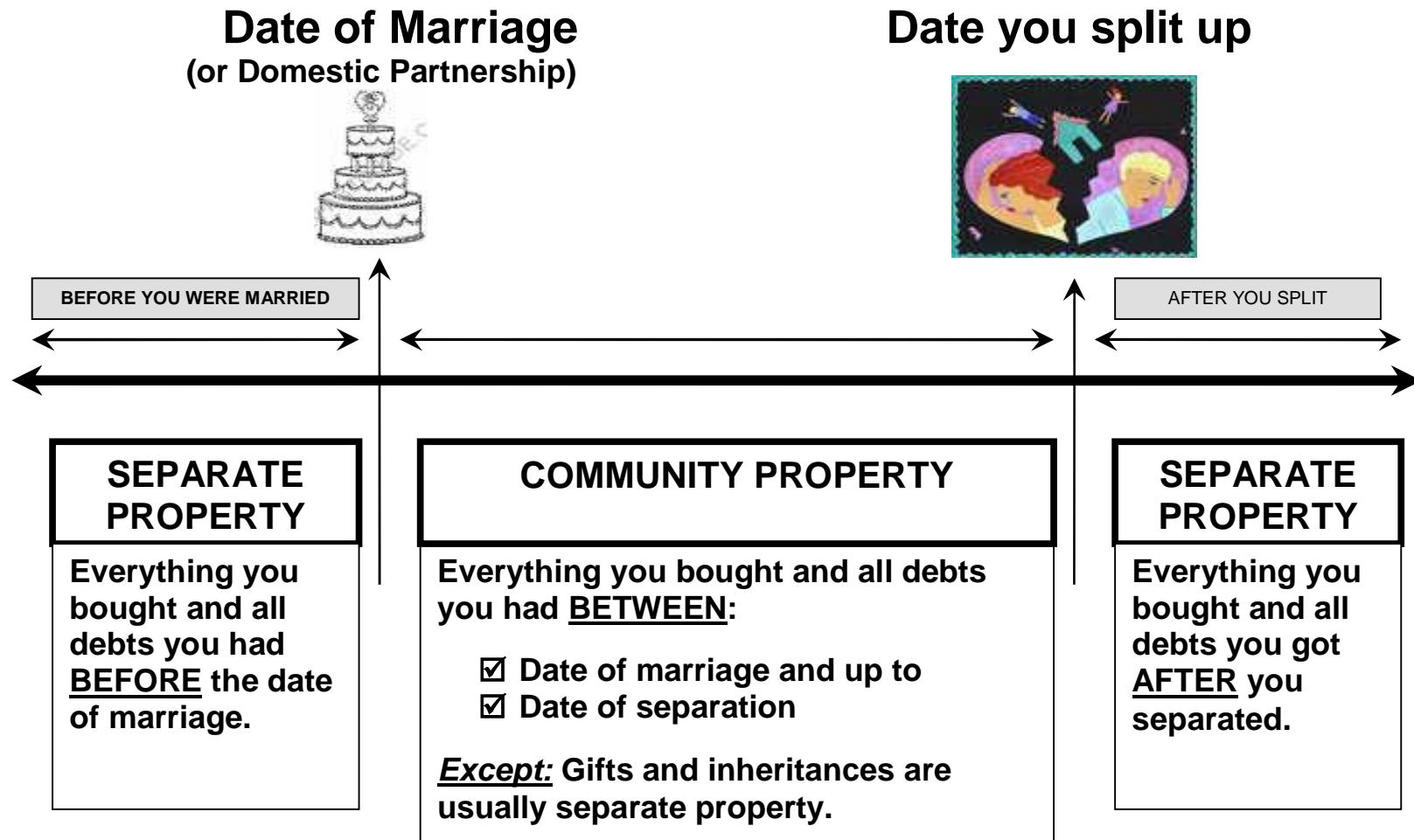
## HOW CAN I GET HELP?

Here are some ways to get help:

- Go to <http://www.calbar.ca.gov/Public>, then click on “Lawyer Referral services” to hire or consult with a private attorney.
- For free legal advice and information, see our “Do-It-Yourself Resources” flyer. Go to [www.scscourt.org](http://www.scscourt.org), click on “Self-Help” then “Self-Help Flyers”.
- The Self Help Center/Family Law Facilitator – See our information flyer:
  - Contact us: Go to [www.scscourt.org](http://www.scscourt.org) then click “**Contact the Self Help Center**”. Walk-in assistance is limited to emergencies so contact us remotely first.
  - Obtain Forms: Go to [www.scscourt.org](http://www.scscourt.org) then click “**Complete Forms at Home**”
  - Form Review: Email your forms as a PDF file to [SHCDocReview@scscourt.org](mailto:SHCDocReview@scscourt.org).
  - Note: We cannot help people who have attorneys.

Superior Court, County of Santa Clara  
**Self Help Center/Family Law Facilitator’s Office**  
 201 N. First Street, San Jose, CA 95113  
 408-882-2926

# Community vs. Separate Property



**It does not matter whose name the car or house is in.**

**It does not matter who was working when you bought the stuff or got the debt.**



## **LEGAL CUSTODY:**

Who makes decisions about the child's upbringing? For example, who gets to make the important decisions affecting your child's life (such as education, health, and general welfare).

If you will make all the legal decisions, you have sole legal custody. If you and the other parent will both be involved in decision-making, you have "joint" legal custody.



## **PHYSICAL CUSTODY:**

Where will the child live? For example, if your child will live mostly with you, you have sole physical custody. If your child will live with you part of the time and the other parent part of the time, you have "joint" physical custody.

**THESE ARE THE DOCUMENTS  
YOU HAVE TO COMPLETE,  
COPY, FILE AND SERVE.**



PARTY WITHOUT ATTORNEY OR ATTORNEY		STATE BAR NUMBER:	<i>FOR COURT USE ONLY</i>
NAME:	FIRM NAME:	STATE: ZIP CODE:	
STREET ADDRESS:	FAX NO.:		
CITY:	CITY AND ZIP CODE:		
TELEPHONE NO.:	E-MAIL ADDRESS:		
ATTORNEY FOR (name): <b>Self-Represented</b>			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b> STREET ADDRESS: <b>201 N. First Street, San Jose, CA 95113</b> MAILING ADDRESS: <b>191 N. First Street, San Jose, CA 95113</b> BRANCH NAME: <b>Family Justice Center Courthouse</b>			
PETITIONER:		RESPONDENT:	
<b>RESPONSE</b> <input type="checkbox"/> <b>AND REQUEST FOR</b> <input type="checkbox"/> <b>Dissolution (Divorce) of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> <b>Legal Separation of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> <b>Nullity of:</b> <input type="checkbox"/> Marriage		<input type="checkbox"/> <b>AMENDED</b> <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Domestic Partnership	
CASE NUMBER:			

1. **LEGAL RELATIONSHIP** (check all that apply):

a.  We are married.  
 b.  We are domestic partners and our domestic partnership was established in California.  
 c.  We are domestic partners and our domestic partnership was NOT established in California.

2. **RESIDENCE REQUIREMENTS** (check all that apply):

a.  Petitioner  Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, unless you are in the legal relationship described in 1b., at least one of you must comply with this requirement.)  
 b.  Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.  
 c.  We are the same sex, were married in California, but currently live in a jurisdiction that does not recognize, and will not dissolve, our marriage. This *Petition* is filed in the county where we married.

Petitioner lives in (specify):

Respondent lives in (specify):

3. **STATISTICAL FACTS**

a.  (1) Date of marriage (specify):  (2) Date of separation (specify):  
 (3) Time from date of marriage to date of separation (specify): Years Months  
 b.  (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below):  
 (2) Date of separation (specify):  
 (3) Time from date of registration of domestic partnership to date of separation (specify): Years Months

4. **MINOR CHILDREN**

a.  There are no minor children.  
 b.  The minor children are:

Child's nameBirthdateAge

(1)  continued on Attachment 4b. (2)  a child who is not yet born.  
 c. If any children were born before the marriage or domestic partnership, the court has the authority to determine those children to be children of the marriage or domestic partnership.  
 d. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.  
 e.  Petitioner and Respondent signed a voluntary declaration of parentage or paternity. (Attach a copy if available.)

Page 1 of 3

PETITIONER: RESPONDENT:	CASE NUMBER:
----------------------------	--------------

**Respondent requests that the court make the following orders:**

**5. LEGAL GROUNDS** (Family Code sections 2200–2210; 2310–2312)

- a.  **Respondent contends** that the parties never legally married or registered a domestic partnership.
- b.  **Respondent denies** the grounds set forth in item 5 of the petition.
- c.  **Respondent requests**
  - (1)  Divorce  Legal separation of the marriage or domestic partnership based on
    - (a)  irreconcilable differences. (b)  permanent legal incapacity to make decisions.
  - (2)  Nullity of void marriage or domestic partnership based on
    - (a)  incest. (b)  bigamy.
  - (3)  Nullity of voidable marriage or domestic partnership based on
    - (a)  respondent's age at time of registration of domestic partnership or marriage. (d)  fraud.
    - (b)  prior existing marriage or domestic partnership. (e)  force.
    - (c)  unsound mind. (f)  physical incapacity.

**6. CHILD CUSTODY AND VISITATION (PARENTING TIME)**

Petitioner  Respondent  Joint  Other

- a. Legal custody of children to .....
- b. Physical custody of children to .....
- c. Child visitation (parenting time) be granted to .....

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As requested in  form FL-311  form FL-312  form FL-341(C)  
 form FL-341(D)  form FL-341(E)  Attachment 6c(1)

**7. CHILD SUPPORT**

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d.  Other (specify):

**8. SPOUSAL OR DOMESTIC PARTNER SUPPORT**

- a.  Spousal or domestic partner support payable to  Petitioner  Respondent
- b.  Terminate (end) the court's ability to award support to  Petitioner  Respondent
- c.  Reserve for future determination the issue of support payable to  Petitioner  Respondent
- d.  Other (specify):

**9. SEPARATE PROPERTY**

- a.  There are no such assets or debts that I know of to be confirmed by the court.
- b.  Confirm as separate property the assets and debts in  Property Declaration (form FL-160).  Attachment 9b.  
 the following list. Item Confirm to

PETITIONER: RESPONDENT:	CASE NUMBER:
----------------------------	--------------

#### 10. COMMUNITY AND QUASI-COMMUNITY PROPERTY

- a.  There are no such assets or debts that I know of to be divided by the court.
- b.  Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
  - in *Property Declaration* (form FL-160).       in Attachment 10b.
  - as follows (*specify*):

#### 11. OTHER REQUESTS

- a.  Attorney's fees and costs payable by       Petitioner       Respondent
- b.  Respondent's former name be restored to (*specify*):
- c.  Other (*specify*):

Continued on Attachment 11c.

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

Date:

\_\_\_\_\_

\_\_\_\_\_

(TYPE OR PRINT NAME) (SIGNATURE OF RESPONDENT)

Date:

\_\_\_\_\_

\_\_\_\_\_

(TYPE OR PRINT NAME) (SIGNATURE OF ATTORNEY FOR RESPONDENT)

**FOR MORE INFORMATION:** Read *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) and visit "Families Change" at [www.familieschange.ca.gov](http://www.familieschange.ca.gov) — an online guide for parents and children going through divorce or separation.

**NOTICE:** You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

**NOTICE—CANCELLATION OF RIGHTS:** Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

**The original response must be filed in the court with proof of service of a copy on Petitioner.**



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

## CHILD CUSTODY AND VISITATION (PARENTING TIME) APPLICATION ATTACHMENT

—This is not a court order—

TO  Petition  Response  Request for Order  Responsive Declaration to Request for Order  
 Other (specify):

*This section is for information only and is not a part of your request for orders:*

**California's public policies and law on child custody and visitation include that:**

- In general, children should have frequent and continuing contact with their parents, and parents should be encouraged to share the responsibility of raising their children, except when domestic abuse has happened or contact with a parent is not in the best interests of the children.
- When making any orders about physical and legal custody and visitation (parenting time), the court must consider the best interests of the child, which primarily include the health, safety, and welfare of the child.
- If a parent has been abusive, judges use laws to help protect children when deciding to make orders about child custody and visitation (parenting time). A judge may deny an abusive parent custody or unsupervised visitation with a child.
- Children have the right to be safe and free from abuse.
- A child's exposure to domestic violence and domestic violence committed where a child lives are detrimental to the health, safety, and welfare of the child.
- For more information, read [selfhelp.courts.ca.gov/child-custody#best-interest](http://selfhelp.courts.ca.gov/child-custody#best-interest) and [selfhelp.courts.ca.gov/domestic-violence-child-custody](http://selfhelp.courts.ca.gov/domestic-violence-child-custody)

*Complete items 1 through 13 that apply to your request for orders.*

**1. Minor Children**

Child's name

Birthdate

Age

[Attachment 1.](#)

**2.  Custody** of the minor children is requested as follows:

Petitioner  Respondent  Joint  Other Parent/Party

- a. Physical custody of children to.....  
*(The person with whom the child will regularly live)*
- b. Legal custody of children to .....  
*(The person who decides about the child's health, education, and welfare)*

Note: To ask the court for joint legal custody orders that specify when the parents must agree before making decisions (for example, before choosing or changing the children's school, doctor, or religious or school activities), use *Joint Legal Custody Attachment* (form [FL-341\(E\)](#)) or a document that includes the same content as form [FL-341\(E\)](#).

To learn about physical and legal custody, go to [selfhelp.courts.ca.gov/child-custody](http://selfhelp.courts.ca.gov/child-custody).

- c.  There are allegations of a history of abuse or substance abuse in this case. (You must complete item 5.)
- d.  Other (specify):

**3.  Visitation (Parenting Time)** I request that the court order (check one):

- a.  Reasonable right of visitation (parenting time) to the party in item 2a without physical custody, including but not limited to, virtual visitation. **(Not appropriate in cases involving domestic violence and substance abuse).**
- b.  Visitation (parenting time) as described in the attached \_\_\_\_\_-page document dated (specify date):
- c.  The visitation schedule in item 4 that includes in-person, virtual, other visitation.
- d.  Supervised visitation. (You must complete item 6.)
- e.  No visitation (parenting time) to the person without physical custody for the reasons described in item 13.

**Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting time.**

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

4.  **Petitioner's**  **Respondent's**  **Other Parent's/Party's** visitation (parenting time) will be (check all that apply):

a.  **In person**, as follows (Specify start and ending date and time. If applicable, check "start of" OR "after school"):

(1)  **Weekends starting (date):**

(Note: The first weekend of the month is the first weekend with a Saturday.)

<b>Weekend</b>	<b>Day(s)</b>	<b>Times</b>	<b>Start of (or After) School (if applicable)</b>
<input type="checkbox"/> 1st	from _____ to _____	at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of <input type="checkbox"/> after <input type="checkbox"/> start of <input type="checkbox"/> after
<input type="checkbox"/> 2nd	from _____ to _____	at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of <input type="checkbox"/> after <input type="checkbox"/> start of <input type="checkbox"/> after
<input type="checkbox"/> 3rd	from _____ to _____	at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of <input type="checkbox"/> after <input type="checkbox"/> start of <input type="checkbox"/> after
<input type="checkbox"/> 4th	from _____ to _____	at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of <input type="checkbox"/> after <input type="checkbox"/> start of <input type="checkbox"/> after
<input type="checkbox"/> 5th	from _____ to _____	at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of <input type="checkbox"/> after <input type="checkbox"/> start of <input type="checkbox"/> after

(a)  The parties will alternate the fifth weekends, with the  petitioner  respondent  other parent/party having the initial fifth weekend, starting (date):

(b)  The  petitioner  respondent  other parent/party will have the fifth weekend in  odd  even numbered months.

(2)  **Alternate weekends starting (date):**

(Specify day(s) from \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  start of  after  
and times): at \_\_\_\_\_  a.m.  p.m.  start of  after

(3)  **Weekdays starting (date):**

(Specify day(s) from \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  start of  after  
and times): at \_\_\_\_\_  a.m.  p.m.  start of  after

(4)  Other visitation (parenting time) days and restrictions are  [listed in Attachment 4a\(4\)](#)  
 as follows:

b.  **Virtual visitation**

I ask that the court order virtual visitation as described  [in Attachment 4b](#).  below:

Virtual visitation means using audiovisual electronic technology (like a smartphone, tablet, smart watch, or computer) for a parent and a child to see and hear each other. Learn more about how to have safe virtual visits at [selfhelp.courts.ca.gov/child-custody/virtual-visititation](http://selfhelp.courts.ca.gov/child-custody/virtual-visititation).

c.  **Other ways that visitation (parenting time) can happen** that are in the best interests of the child (specify):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

5.  **Child custody and visitation when there are allegations of a history of abuse or substance abuse**

a. **Allegations**

(1)  Petitioner  Respondent  Other parent/party is (or are) alleged to have a history of abuse against any of the following persons: a child, the other parent, their current spouse, or the person they live with or are dating or engaged to.

(2)  Petitioner  Respondent  Other parent/party is (or are) alleged to have the habitual or continual illegal use of controlled substances, or the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances.

b. **Child custody**

(1)  I ask that the court NOT order sole or joint custody of the minor child to the party or parties in 5a.

(2)  Even though there are allegations, I ask that the court make the child custody orders in item 4.

*(Write the reasons why you think it would be in the best interests of the child that the party or parties be granted child custody, even though there are allegations against them of a history of abuse or substance abuse. The orders that you request about child custody or visitation must also be specific as to time, day, place, and manner of transfer (exchange) of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require.)*

Below:  [Attachment 5b\(2\)](#)  Other (specify):

c. **Visitation (Parenting Time)**

(1)  I ask that the court order supervised visitation as specified in item 6.

(2)  I ask that the court order unsupervised visitation to the party or parties as specified in item 4.

(A) Even though there are allegations of a history of abuse or substance abuse, I request that the court order unsupervised visitation to (specify):  petitioner  respondent  other parent/party.

(B) The reasons why the court should make the orders are  
*(Write the reasons why you think it would be in the best interests of the child that the party or parties be granted unsupervised visitation (parenting time) even though there are allegations against them of a history of abuse or substance abuse. The orders that you request about child custody or visitation must also be specific as to time, day, place, and manner of transfer (exchange) of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require.)*

Below:  [In Attachment 5c\(2\)\(B\)](#)  Other (specify):

(3)  Other (specify):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

6.  **Supervised visitation (parenting time)**

(To learn about supervised visitation, go to: [selfhelp.courts.ca.gov/guide-supervised-visitation](http://selfhelp.courts.ca.gov/guide-supervised-visitation).)

- a. I ask that  petitioner  respondent  other parent/party have supervised visitation with the minor children.
- b. The reasons why the court should make the orders are (specify):  
*(Write the reasons why you think unsupervised visitation (parenting time) would NOT be in the best interest of the child.)*  
 Below  [In Attachment 6b](#)  Other (specify):

- c. I ask that the visitations be monitored by (name, if known):

The provider's phone number is (specify):

- (1)  The person or agency is a professional provider.
  - (A) A professional provider must meet the requirements listed in *Declaration of Supervised Visitation and Exchange Services Provider (Professional)* ([form FL-324\(P\)](#)) and sign the declaration.
  - (B) Professional provider fees to be paid by: petitioner: percent. respondent: percent.  
other parent/party: percent.
- (2)  The person is a nonprofessional provider. The person must meet the requirements listed in *Declaration of Supervised Visitation and Exchange Services Provider (Nonprofessional)* ([form FL-324\(NP\)](#)).
- d. Location of supervised visitation. I request that supervised visitation be (check one):
  - (1)  In person at a safe location.
  - (2)  Virtual visitation (not in person).
  - (3)  Other (describe):
- e. Schedule for supervised visitation (specify):
  - (1)  Once a week, for (number of hours for each visit):
  - (2)  Two times each week, for (number of hours for each visit):
  - (3)  As specified in item 4.
  - (4)  Other (describe):

7.  **Transportation for visitation (parenting time) and place of exchange**

*Note: In cases of domestic violence, the court must have enough information to make orders that are specific as to the time, day, place, and manner of transfer (exchange) of the child for custody and visitation under Family Code section 6323(c).*

- a. The children must be driven only by a licensed and insured driver. The vehicle must be legally registered with the Department of Motor Vehicles and must have child restraint devices properly installed, as required by law.
- b.  Transportation to begin the visits will be provided by (name):
- c.  Transportation from the visits will be provided by (name):
- d.  The exchange point at the beginning of the visit will be (address):
- e.  The exchange point at the end of the visit will be (address):
- f.  During the exchanges, the party driving the children will wait in the car and the other party will wait in the home (or exchange location) while the children go between the car and the home (or exchange location).
- g.  Other (specify):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
---	--------------

8.  **Travel with children** The  petitioner  respondent  other parent/party **must** have written permission from the other parent or party, or a court order, to take the children out of

- the state of California.
- the following counties (*specify*): South Bay Counties: Santa Clara, Alameda, Monterey, Marin, Stanislaus, Merced, Contra Costa, San Mateo, San Francisco, San Joaquin, San Benito & Santa Cruz
- other places (*specify*):

9.  **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. I request the orders set out on attached [form FL-312](#).

10.  **Child custody mediation**

I request an order for the parties to go to child custody mediation or child custody recommending counseling (*specify date, time, and location, if applicable*): Family Court Services  
[www.scscourt.org](http://www.scscourt.org)  
201 N. First Street

Note: Parents with a family court case who do not agree about child custody or visitation are required to attend mediation to try to develop a parenting plan that is in the best interest of their child. A party who alleges domestic violence in a written declaration under penalty of perjury or who is protected by a protective order may ask the mediator or child custody recommending counselor to meet with the parties separately and at separate times. A court order for separate sessions is not required.

11.  **Children's holiday schedule.** I request the holiday and vacation schedule set out  below  on [form FL-341\(C\)](#)

12.  **Additional custody provisions.** I request the additional orders for custody set out  below  on [form FL-341\(D\)](#)

13.  **Other** (*specify*):



ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS:	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
ATTORNEY FOR (name): <b>Self-represented</b>		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b> STREET ADDRESS: 201 N. First Street, San Jose, CA 95113 MAILING ADDRESS: 191 N. First Street, San Jose, CA 95113 CITY AND ZIP CODE: BRANCH NAME: Family Justice Center Courthouse		
(This section applies to cases other than probate guardianships.)		
<b>PETITIONER:</b> <b>RESPONDENT:</b> <b>OTHER PARTY:</b> <b>CHILD'S NAME (Juvenile cases only):</b> <small>(This section applies only to probate guardianship cases.)</small>		
GUARDIANSHIP OF (name):  <b>DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)</b>		CASE NUMBER:  Minor

1. I am (check one):  a party to this proceeding to determine custody of a child  the authorized representative of the agency, which is a party to this proceeding to determine custody of a child.

2. There are (specify number): minor children who are subject to this proceeding, as follows (list oldest child first):

Full Name	Date of birth	Place of birth (city and state)
a.		
b.		
c.		
d.		

Check this box if you need to list more children. (On form **MC-020** or a separate piece of paper, write "FL-105, Attachment 2, Additional Children" at the top, provide all requested information for each additional child, and attach to this form.)

3. a.  Check this box if there is only one child or if all of the children listed in item 2 have lived together for the past five years. (Provide the current address of the child listed in item 2a and their residence history for the past **five years**. If the current address is confidential under Family Code section 3429, check the box and provide only the state of residence.)

Dates of residence (Month/Year)		Residence (City, State)	Person child lived with and complete current address	Relationship
From:	To present	<input type="checkbox"/> Confidential (list state only)	<input type="checkbox"/> Confidential (list state only)	
From:	To:			

Additional addresses are listed on Attachment 3a. (Form **MC-020** may be used for this purpose.)

b.  Check this box if there is more than one child and all the children have not lived together for the past five years. (Attach form **FL-105(A)/GC-120(A)** and list each other child's current address and their residence history for the past five years.)

Page 1 of 2

CASE NAME:

CASE NUMBER:

4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?

Yes  No (If yes, attach a copy of the orders if you have one and provide the following information):

Proceeding	Case number	Court (name, state or tribe, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Probate Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court (name, state or tribe, location)
d. <input type="checkbox"/> Juvenile		
e. <input type="checkbox"/> Adoption		

5.  One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State or Tribe	Case Number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody of or claims to have rights to custody of or visitation with any child in this case?  Yes  No (If yes, provide the following information):

a. Name and address of person: b. Name and address of person: c. Name and address of person:

--	--	--

Has physical custody

Claims custody rights

Claims visitation rights

Has physical custody

Claims custody rights

Claims visitation rights

Has physical custody

Claims custody rights

Claims visitation rights

Name of each child:

Name of each child:

Name of each child:

--

--

--

7.  Number of pages attached: \_\_\_\_\_

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

Date:



(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

**NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.**

# **PROOF OF SERVICE**

**TO BE COMPLETED BY THE SERVER  
(SEE INSTRUCTIONS FOR DETAILS)**



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.:	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name): <b>Self-Represented</b>		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b>		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER/PLAINTIFF:	CASE NUMBER:	
RESPONDENT/DEFENDANT:	(If applicable, provide):	
OTHER PARENT/PARTY:		
<b>PROOF OF SERVICE BY MAIL</b>		
HEARING DATE:		
HEARING TIME:		
DEPT.:		

**NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).**

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
3. I served a copy of the following documents (specify):

Response-Marriage  
UCCJEA  
FL-311

by enclosing them in an envelope AND

- a.  **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b.  **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelope was addressed and mailed as follows:
  - a. Name of person served:
  - b. Address:
  - c. Date mailed:
  - d. Place of mailing (city and state):
5.  I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. (*Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334) may be used for this purpose.)
6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

Page 1 of 1