

# How to Set or Change Custody, Visitation, Support and/or Other Orders (Non-Emergency)

<b>Step 1</b>	<b>Complete the following forms</b> in blue or black ink:
	<input checked="" type="checkbox"/> FL-300 Request for Order <input type="checkbox"/> MC-025 Attachment to Judicial Council Form <input type="checkbox"/> FL-311 Child Custody and Visitation (Parenting Time) Application Attachment <input type="checkbox"/> FL-150 Income and Expense Declaration, if child support or spousal support is at issue
<b>Step 2</b>	<b>Copies:</b> Make <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 copies, in addition to the original.
<b>Step 3</b>  There is a filing fee, unless the fee is waived.  It is FREE to file if it is about child support <u>and</u> DCSS is involved.	<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.  If the Department of Child Support Services (DCSS) is involved in your case, ask the court clerk to keep 1 filed copy to give to DCSS for you.  <input type="checkbox"/> <b>If you <u>are not</u> asking for a fee waiver</b> , you will pay the filing fee and get copies back with a file-stamp. <input type="checkbox"/> <b>If you <u>are</u> asking for a fee waiver</b> , 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.
<b>Step 4</b>	<b>Service:</b> After the filed copies are returned to you: <ul style="list-style-type: none"> <li>• <b>Keep</b> for your records—1 filed copy</li> <li>• <b>Serve</b> 1 filed copy and a blank FL-320 <i>Responsive Declaration to Request for Order</i> and FL-150 on the other party. “Personal Service” means: <b>someone, NOT YOU</b>, who is at least 18 years old must <b>hand deliver</b> the filed copies to the other party. You can find a “Process Server” who will do this for a fee.</li> </ul> <b>Service must be completed at least <u>16 court days</u></b> before the court hearing (weekends and holidays do not count) Whoever serves must complete the attached <i>Proof of Personal Service</i> form (FL-330) 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.
<b>STEP 5</b>	<b>Go to your court date.</b>

## WHAT IS A *REQUEST FOR ORDER* AND WHY WOULD I FILE ONE?

A *Request for Order* is a request for the court to have a hearing so the Judge can make a court order. If you want the Judge to make a new order about custody, visitation, support or other orders in an existing case, or if you want to change an order that already exists, you would file a *Request for Order*. If you do not already have an open case, you will need to file additional paperwork to open one. See below to find out how you can get assistance through the Self Help Center/Family Facilitator's Office.

**Please turn over for important information** 

## WHAT HAPPENS IF I CANNOT GET THE OTHER PARTY SERVED?

The law requires you to have someone other than you, who is over 18, hand deliver a filed copy of the forms to the other party. If you are unable to serve the other party on time, the court will not be able to hear your request or make any court orders at the hearing. The Judge may grant a reissuance (this means a new court date is scheduled). If so, any emergency/temporary orders that were made will usually continue to be in effect until the new court date.

## 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

# **BLANK FORMS**

**REQUEST FOR ORDER, C/V**

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



PARTY WITHOUT ATTORNEY OR ATTORNEY		STATE BAR NUMBER:	<b>FOR COURT USE ONLY</b>
NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____			
ATTORNEY FOR (name): <b>Self-Represented</b>			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> Santa Clara 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 Division			
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:			
<b>REQUEST FOR ORDER</b> <input type="checkbox"/> <b>CHANGE</b> <input type="checkbox"/> <b>TEMPORARY EMERGENCY ORDERS</b> <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Property Control <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Other (specify): _____			CASE NUMBER:

Note: Read form [FL-300-INFO](#) for information about how to complete this form. To ask to change or end an order that was granted in a Restraining Order After Hearing (form DV-130 or JV-255), read form [FL-300-INFO](#) and form [DV-300-INFO](#)

### NOTICE OF HEARING

1. TO (name): \_\_\_\_\_  
 Petitioner  Respondent  Other Parent/Party  Other (specify): \_\_\_\_\_

2. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date:	Time:	<input checked="" type="checkbox"/> Dept.:	<input type="checkbox"/> Room.:
b. Address of court	<input checked="" type="checkbox"/> same as noted above	<input type="checkbox"/> other (specify): _____	

3. **WARNING to the person served with the Request for Order:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form [FL-320-INFO](#) for more information.)

### COURT ORDER

(FOR COURT USE ONLY)

4.  Time  for service  until the hearing is shortened. Service must be on or before (date): 16 court days before hearing date

5.  A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date): 9 court days before hearing date

6.  The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location): \_\_\_\_\_

7.  The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.

8.  Other (specify): \_\_\_\_\_

Date:

JUDICIAL OFFICER

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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## REQUEST FOR ORDER

**Note:** Place a mark **X** in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration* ([form MC-031](#)) for this purpose.)

1.  RESTRAINING ORDER INFORMATION

One or more domestic violence restraining/protective orders are now in effect between (*specify*):

Petitioner  Respondent  Other Parent/Party (*Attach a copy of the orders if you have one.*)

The orders are from the following court or courts (*specify county and state*):

a.  Criminal: County/state (*specify*):

Case No. (*if known*):

b.  Family: County/state (*specify*):

Case No. (*if known*):

c.  Juvenile: County/state (*specify*):

Case No. (*if known*):

d.  Other: County/state (*specify*):

Case No. (*if known*):

2.  CHILD CUSTODY

I request temporary emergency orders

VISITATION (PARENTING TIME)

a. I request that the court make orders about the following children (*specify*):

Child's Name

Date of Birth

Legal Custody to (person who decides: health, education, etc):

Physical Custody to (person with whom child lives):

**See attached FL-311**

b.  The orders I request for  child custody  visitation (parenting time) are:

[Attachment 2a.](#)

(1)  Specified in the attached forms:

Form [FL-305](#)  Form [FL-311](#)  Form [FL-312](#)  Form [FL-341\(C\)](#)  
 Form [FL-341\(D\)](#)  Form [FL-341\(E\)](#)  Other (*specify*):

(2)  As follows (*specify*):

[Attachment 2b.](#)

c. The orders that I request are in the best interest of the children because (*specify*):

[Attachment 2c.](#)

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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2. d.  This is a change from the current order for  child custody  visitation (parenting time).  
 (1)  The order for legal or physical custody was filed on (date): \_\_\_\_\_ . The court ordered (specify):

(2)  The visitation (parenting time) order was filed on (date): \_\_\_\_\_ . The court ordered (specify):

3.  CHILD SUPPORT

(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form [FL-195](#)))

a. I request that the court order child support as follows:

Child's name and age  I request support for each child Monthly amount (\$) requested based on the child support guideline. (if not by guideline)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[Attachment 2d.](#)

b.  I want to change a current court order for child support filed on (date):  
 The court ordered child support as follows (specify):

[Attachment 3a.](#)

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form [FL-150](#)) or I filed a current *Financial Statement (Simplified)* ([form FL-155](#)) because I meet the requirements to file form FL-155.

d. The court should make or change the support orders because (specify):

[Attachment 3d.](#)

4.  SPOUSAL OR DOMESTIC PARTNER SUPPORT

(Note: An *Earnings Assignment Order for Spousal or Partner Support* ([form FL-435](#)) may be issued.)

a.  Amount requested (monthly): \$

b.  I want the court to  change  end the current support order filed on (date):  
 The court ordered \$ per month for support.

c.  This request is to modify (change) spousal or partner support after entry of a judgment.  
 I have completed and attached *Spousal or Partner Support Declaration Attachment* (form [FL-157](#)) or a declaration that addresses the same factors covered in form FL-157.

d. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) in support of my request.

e. The court should make, change, or end the support orders because (specify):

[Attachment 4e.](#)

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5.  PROPERTY CONTROL

I request temporary emergency orders

a. The  petitioner  respondent  other parent/party be given exclusive temporary use, possession, and control of the following property that we  own or are buying  lease or rent (*specify*):

b. The  petitioner  respondent  other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

c.  This is a change from the current order for property control filed on (*date*):

d. Specify in [Attachment 5d](#) the reasons why the court should make or change the property control orders.

6.  ATTORNEY'S FEES AND COSTS

I request attorney's fees and costs, which total (*specify amount*): \$ \_\_\_\_\_ . I filed the following to support my request:

- a. A current *Income and Expense Declaration* (form [FL-150](#)).
- b. A *Request for Attorney's Fees and Costs Attachment* (form [FL-319](#)) or a declaration that addresses the factors covered in that form.
- c. A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form [FL-158](#)) or a declaration that addresses the factors covered in that form.

7.  OTHER ORDERS REQUESTED (*specify*):

[Attachment 7](#).

8.  TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:

a.  To serve the *Request for Order* no less than (*number*): \_\_\_\_\_ court days before the hearing.

b.  The hearing date and service of the *Request for Order* to be sooner.

c. I need the order because (*specify*):

[Attachment 8](#).

9.  FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission.

[Attachment 9](#).

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)



#### Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [courts.ca.gov/forms](#) for *Disability Accommodations Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

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## 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.**

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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):

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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):

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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).)

- I ask that  petitioner  respondent  other parent/party have supervised visitation with the minor children.
- 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):

- 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\(NP\)](#)).
- 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):
- 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).*

- 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.
- Transportation to begin the visits will be provided by (name):
- Transportation from the visits will be provided by (name):
- The exchange point at the beginning of the visit will be (address):
- The exchange point at the end of the visit will be (address):
- 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).
- Other (specify):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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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*):



SHORT TITLE:

CASE NUMBER:

## Attachment 9 - Facts to Support Request

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

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26 (Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, **not** line  
numbers):

27 This page may be used with any Judicial Council form or any other paper filed with the court.

Page \_\_\_\_\_



# **PROOF OF SERVICE**

**Request for Order, C/V**

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



ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406)  
(Name, State Bar number, and address)

FOR COURT USE ONLY

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

TELEPHONE NO.: \_\_\_\_\_

FAX NO.: \_\_\_\_\_

ATTORNEY FOR (Name): **Self-Represented**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara**

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: \_\_\_\_\_

PETITIONER/PLAINTIFF: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

RESPONDENT/DEFENDANT: \_\_\_\_\_

(If applicable, provide):

OTHER PARENT/PARTY: \_\_\_\_\_

HEARING DATE: \_\_\_\_\_

HEARING TIME: \_\_\_\_\_

DEPT.: \_\_\_\_\_

**PROOF OF PERSONAL SERVICE**

1. I am at least 18 years old, not a party to this action, and not a protected person listed in any of the orders.

2. Person served (name): \_\_\_\_\_

3. I served copies of the following documents (specify):

FILED COPIES OF: Request for Order, Child Custody and Visitation Application Attachment, blank Responsive Declaration to Request for Order, ADR Options

Completed and blank Financial Statement (Simplified)  Completed and blank Income and Expense Declaration

4. By personally delivering copies to the person served, as follows:

a. Date: \_\_\_\_\_ b. Time: \_\_\_\_\_

c. Address:

Street Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

5. I am

- a.  not a registered California process server.
- b.  a registered California process server.
- c.  an employee or independent contractor of a registered California process server.
- d.  exempt from registration under Business & Profession Code section 22350(b).
- e.  a California sheriff or marshal.

6. My name, address, and telephone number, and, if applicable, county of registration and number (specify):

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_

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

8.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

Page 1 of 1



# **RESPONSIVE FORMS**

**Request for Order, C/V**

# **LEAVE BLANK**

**TO BE ATTACHED TO THE  
OTHER PARTY'S COPY FOR  
SERVICE**



PARTY WITHOUT ATTORNEY OR ATTORNEY		STATE BAR NUMBER:	<b>FOR COURT USE ONLY</b>
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE:	ZIP CODE:	
TELEPHONE NO.:	FAX NO.:		
EMAIL ADDRESS:			
ATTORNEY FOR (name):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b>			
STREET ADDRESS: <b>201 N. First Street</b>			
MAILING ADDRESS: <b>191 N. First Street</b>			
CITY AND ZIP CODE: <b>San Jose, CA 95113</b>			
BRANCH NAME: <b>Family Justice Center Courthouse</b>			
PETITIONER:			
RESPONDENT:			
OTHER PARENT/PARTY:			
<b>RESPONSIVE DECLARATION TO REQUEST FOR ORDER</b>			
HEARING DATE:		TIME:	DEPARTMENT OR ROOM:
		CASE NUMBER:	

Read *Information Sheet: Responsive Declaration to Request for Order* (form [FL-320-INFO](#)) for more information about this form.

1.  RESTRAINING ORDER INFORMATION

- a.  No domestic violence restraining/protective orders are now in effect between the parties in this case.
- b.  I agree that one or more domestic violence restraining/protective orders are now in effect between the parties in this case.

2.  CHILD CUSTODY

VISITATION (PARENTING TIME)

- a.  I consent to the order requested for child custody (legal and physical custody).
- b.  I consent to the order requested for visitation (parenting time).
- c.  I do not consent to the order requested for  child custody  visitation (parenting time)  
 but I consent to the following order:

3.  CHILD SUPPORT

- a. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) or, if eligible, a current *Financial Statement (Simplified)* (form [FL-155](#)) to support my responsive declaration.
- b.  I consent to the order requested.
- c.  I consent to guideline support.
- d.  I do not consent to the order requested  but I consent to the following order:

4.  SPOUSAL OR DOMESTIC PARTNER SUPPORT

- a. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) to support my responsive declaration.
- b.  I consent to the order requested.
- c.  I do not consent to the order requested  but I consent to the following order:

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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5.  PROPERTY CONTROL

- a.  I consent to the order requested.
- b.  I do not consent to the order requested  but I consent to the following order:

6.  ATTORNEY'S FEES AND COSTS

- a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) to support my responsive declaration.
- b. I have completed and filed with this form a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.
- c.  I consent to the order requested.
- d.  I do not consent to the order requested  but I consent to the following order:

7.  OTHER ORDERS REQUESTED

- a.  I consent to the order requested.
- b.  I do not consent to the order requested  but I consent to the following order:

8.  TIME FOR SERVICE / TIME UNTIL HEARING

- a.  I consent to the order requested.
- b.  I do not consent to the order requested  but I consent to the following order:

9.  FACTS TO SUPPORT my responsive declaration are listed below. The facts that I write and attach to this form cannot be longer than 10 pages, unless the court gives me permission.  Attachment 10.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

# Choices for Solving Legal Problems without a Court Hearing

FAMILY COURT

Superior Court, Santa Clara County

## Alternate Dispute Resolution is a CHOICE in Family Law Cases

“Alternative Dispute Resolution” (ADR) is a term used for ways you can solve problems without going to a formal Court hearing with a Judge. Some choices are explained below. ADR can save you time **and** money. With ADR you are likely to feel better about the legal process and how your case is settled. You can often solve Family Law issues such as child custody, visitation, support, and property division by agreement instead of by going to a Court hearing.

Except for custody and visitation mediation, ADR services are voluntary and can only be a part of your case resolution plan if both parties choose to use these services.

All court-connected ADR providers that are a part of your case resolution plan have been trained to assess and handle cases that may have domestic violence issues. Ask about separate sessions if meeting separately from the other party will make you feel safer.

### TYPES OF RESOLUTION PROCESSES:

#### Custody/Visitation Mediation - Free

California law says that if parents do not agree about custody and visitation issues they must try to settle the issues by going to Mediation. Mediation is a way for parents to meet with someone who does not work for either side to try to agree about their children. Mediation can be done through the Court at Family Court Services at no cost or through a private mediator you hire on your own. Mediation through Family Court Services in Santa Clara County is a confidential process - the mediator will not go to a Court hearing to tell the Judge what you or the other parent said in mediation. The mediator can help you and the other parent talk about and decide issues such as how much time the child will spend with each parent, how to best exchange the child, and other custody or visitation issues.

Orientation and Mediation may be scheduled by calling (408) 534-5760. Parties must attend Orientation prior to Mediation if they have never been to Mediation before. Orientation may be done online at [http://www.sscourt.org/court\\_divisions/family/fcs/fcs\\_orientation.shtml](http://www.sscourt.org/court_divisions/family/fcs/fcs_orientation.shtml) or in person by calling (408) 534-5760 to schedule Orientation. Orientation is available in English and Spanish.

#### Settlement Officer Conference (SOC) - Free

The Court has a full-time Settlement Officer, whose job is to help parties settle their family law cases for free. The Settlement Officer Conference (SOC) focuses on resolving **property and support issues**. The conference works best when parties have given each other information in advance about their finances and how they think things should be settled. An SOC can be set at any time after you have served the Preliminary Declarations of Disclosure by calling (408) 534-5710.

#### Mediation

Mediation is a way to reach an agreement with the help of a person who is specially trained to help resolve disagreements. The mediator can help the parties talk with each other and explore options for settlement. Mediators are usually attorneys hired by the parties, but they are not the attorney for either side. A mediator can help resolve one issue or the entire case. Mediation is private and confidential. Anything that is said or written in the mediation process is confidential. The mediator may not talk about the case to the Court or anyone else unless the parties both agree. Agreements reached in mediation can become court orders if both parties agree.

Visit the Court's website for a list of Family ADR providers:

[http://www.scscourt.org/court\\_divisions/family/adr/family\\_adr\\_search.asp](http://www.scscourt.org/court_divisions/family/adr/family_adr_search.asp)

### **Personal Property Arbitration - Free**

A volunteer attorney will decide how to divide your **personal property**, such as furniture. Both parties must agree to the arbitration or it must be ordered by the Court. The arbitrator writes up a decision after each side presents his or her case. The arbitrations are held at the Family Court and may be scheduled by calling (408) 534-5710.

### **Collaborative Law**

In the collaborative practice process, each party has a private attorney and each makes a commitment to resolve any disagreements without going to court. The parties and their attorneys have a series of private meetings to create solutions based on the needs of the parties. All parties and their attorneys agree that if the parties cannot settle their case and/or if either party chooses to withdraw from the process and go to court, the collaborative attorneys cannot represent these parties in court.

Visit the Court's website for a list of Family ADR and Collaborative Law providers:

[http://www.scscourt.org/court\\_divisions/family/adr/family\\_adr\\_search.asp](http://www.scscourt.org/court_divisions/family/adr/family_adr_search.asp)

You may also contact the Santa Clara County Bar Association at (408-287-2557 or [www.sccba.com](http://www.sccba.com)) and ask for names of attorneys from the Collaborative Law panel.

### **Arbitration and Private Judging**

An arbitrator, usually an attorney hired by the parties, makes a decision after the hearing information is presented by both parties. The arbitrator prepares a written decision which is sent to both parties and the Court. The parties decide ahead of time whether the arbitration is binding or not. "Binding" means that the arbitrator's decision will be final. "Non-binding" means that the parties do not have to follow the arbitrator's decision.

Private judging, like arbitration, involves choosing a person, usually an attorney, to act as either a settlement or trial judge or both. The decision of the private judge is filed with the Court as a Court order. If you want to consider private judging, both sides must agree on the private judge. Please be sure that you are clear on the experience and qualifications of the provider as well as the costs and services that he or she will provide.

### **Young Children's Settlement Team-Free**

If you have a child aged 5 or under and have custody or visitation disputes, you may request to participate in the Young Children's Settlement Team Project. This brings together a team of volunteer mental health professionals and volunteer attorneys who work with the parties at the courthouse to attempt to resolve any custody or visitation issues. The process is confidential. If agreements are reached, they are reviewed by the parties and counsel, as well as the Court. If there are still issues left, a JCC is held with the All Purpose Judge.

*The Court does not think any form of ADR or any ADR provider is better than another and does not guarantee how your case will work out.*