

How to File a Response to a Parentage Case and Set or Change Custody, Visitation, Support and/or Other Orders

(Non-Emergency)

Step 1	Complete the following forms in blue or black ink:
	<input checked="" type="checkbox"/> FL-220 Response to Petition to Determine Parental Relationship <input checked="" type="checkbox"/> FL-105 Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) <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
Step 2	Copies: Make <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 copies, in addition to the original.
Step 3 There is a filing fee, unless the fee is waived.	File: File the original and copies in the Clerk's Office of the courthouse located at: 201 North First Street, San Jose, CA 95113 The Clerk's Office opens at 8:30am Monday-Friday, closing times are subject to change, visit www.scscourt.org or call 408-534-5600 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"/> 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. <input type="checkbox"/> If you <u>are</u> asking for a fee waiver , there may be a 24 to 48 hour hold on the papers. During that time, the Judge will determine if the filing fee will be waived
Step 4	Service: After the filed copies are returned to you: <ul style="list-style-type: none"> • Keep for your records—1 filed copy • Serve 1 filed copy and a blank FL-320 <i>Responsive Declaration to Request for Order</i> and <input type="checkbox"/> FL-150 on the other parent. “Personal Service” means: someone, NOT YOU, who is at least 18 years old must hand deliver the filed copies to the other parent. You can find a “Process Server” who will do this for a fee. Service must be completed at least 16 court days 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.
STEP 5	Go to your court date.

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*.

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.

WHY WAS THIS CASE OPENED?

If you have a minor child/ren with a person you are not married to, that other parent has opened this case to establish parentage (that you are both the parents of your child/ren) and possibly to get orders for custody, parenting timeshare ("visitation") and child support.

WHAT IF I'M NOT SURE I AM THE CHILD'S PARENT?

This is a very important issue to resolve as quickly as possible. If you have questions, get legal advice immediately! You may contact the Lawyer Referral Service at (408) 971-6822 for referral to a private attorney.

WHY SHOULD I FILE A RESPONSE?

You should fill out and file the *Response* form if you want to participate in the case and have the Judge hear your side. Filing a *Response* will allow you to ask for DNA-type genetic testing or admit parentage, get a custody order and set up parenting timeshare or establish a monthly child support amount and other orders.

WHY IS ESTABLISHING PARENTAGE IMPORTANT FOR MY CHILD?

A parentage action establishes who the parents are, rights to child support and legal claims to inheritance or Social Security benefits. However, you must be sure you get your actual parentage *Judgment*, not just orders for custody and support. Opening a case also establishes which county's court will make decisions about your child.

WHAT IF THE FATHER SIGNED A VOLUNTARY DECLARATION OF PATERNITY AT THE HOSPITAL?

The *Voluntary Declaration of Paternity* becomes a parentage judgment 60 days after it is signed and cannot be cancelled after the child turns two years of age. If you want custody, parenting timeshare or child support orders, you still need to open a court case and attach a copy of the *Voluntary Declaration of Paternity*, if you have it.

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, 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 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 then click "**Complete Forms at Home**"
 - Form Review: Email your forms as a PDF file to 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

UPA RESPONSE AND 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:	FOR COURT USE ONLY
NAME: _____	FIRM NAME: _____	STREET ADDRESS: _____	
CITY: _____	STATE: _____	ZIP CODE: _____	
TELEPHONE NO.: _____	FAX NO.: _____		
EMAIL ADDRESS: _____			
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: Family Division			
PETITIONER: _____			
RESPONDENT: _____			
OTHER PARENT/PARTY: _____			
REQUEST FOR ORDER <input type="checkbox"/> CHANGE <input type="checkbox"/> TEMPORARY EMERGENCY ORDERS			
<input checked="" type="checkbox"/> Child Custody <input checked="" 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

Page 1 of 4

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

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:

(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 2a.](#)

[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:
---	--------------

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.](#)

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

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.)

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 and 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.

- 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.)

Weekend	Day(s)	Times	Start of (or After) School (if applicable)
<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.

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.)

- 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
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:

1 Attachment 10 - Facts to Support Request

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

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 _____

PARTY WITHOUT ATTORNEY OR ATTORNEY		STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:	FIRM NAME:	STATE: ZIP CODE:	
STREET ADDRESS:		FAX NO.:	
CITY:	STATE:	ZIP CODE:	
TELEPHONE NO.:			
E-MAIL ADDRESS:			
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: Family Justice Center Courthouse			
PETITIONER:		RESPONDENT:	
RESPONSE TO PETITION TO DETERMINE PARENTAL RELATIONSHIP			CASE NUMBER:

1. The petitioner
 - is a parent of the children in item 2.
 - is not a parent of the children in item 2.
 - is the child or the child's personal representative (*specify court and date of appointment*):
 - Other (*specify*):
2. The children are
 - a. Child's name Birthdate Age
 - b. a child who is not yet born
3. The respondent
 - lives in the state of California.
 - was in California when the children listed in item 2 were conceived.
 - does not live in the state of California.
 - was not in California when the children listed in item 2 were conceived.
 - Other (*specify*):
4. The children
 - a. live or are found in this county.
 - b. are children of a parent who is deceased, and proceedings for administration of the estate have been or could be started in this county.
5. The respondent is
 - the parent of the children listed in item 2 above.
 - not certain if the respondent is the parent of the children listed in item 2 above.
 - not the parent of the children listed in item 2 above.
 - Other (*specify*):
6. Additional statements
 - Parentage has been determined by a voluntary declaration of parentage or paternity. (*Attach a copy if available.*)
 - Parentage has been established in another case governmental child support Other (*specify*):
 - Public assistance is being provided to the children.
7. A completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) is attached.

PETITIONER:	CASE NUMBER:
RESPONDENT:	

The respondent asks that the court make the determinations listed below.

8. PARENT-CHILD RELATIONSHIP (*check all that apply*):

- a. Respondent Petitioner is the parent of the children listed in item 2.
- b. Respondent Petitioner is not the parent of the children listed in item 2.
- c. Respondent requests genetic testing to determine whether the Petitioner Respondent is the parent of the children listed in item 2.

9. CHILD CUSTODY AND VISITATION (PARENTING TIME)

	Petitioner	Respondent	Joint	Other
a. Legal custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Physical custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Child visitation (parenting time) be granted to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
As requested in	<input type="checkbox"/> form FL-311	<input type="checkbox"/> form FL-312	<input type="checkbox"/> form FL-341(C)	
	<input type="checkbox"/> form FL-341(D)	<input type="checkbox"/> form FL-341(E)	<input type="checkbox"/> Attachment 6c(1)	

d. The facts in support of the requested custody and visitation (parenting time) orders are (*specify*):

Contained in the attached declaration.

10. REASONABLE EXPENSES OF PREGNANCY AND BIRTH:

Reasonable expenses of pregnancy and birth to be paid by	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>	Joint <input type="checkbox"/>
as follows:			

11. FEES AND COSTS OF LITIGATION

a. Attorney fees to be paid by	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>	Joint <input type="checkbox"/>
b. Expert fees, guardian ad litem fees, and other costs of the action or pretrial proceedings to be paid by	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. NAME CHANGE

Children's names be changed, according to Family Code section 7638, as follows (*specify old and new names*):

13. OTHER ORDERS REQUESTED (*specify*):

14. CHILD SUPPORT

The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

I have read the restraining order on the back of the *Summons* (FL-210) and I understand it applies to me.

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)

NOTICE: If you have a child from this relationship, the court is required to order child support based upon the income of both parents. Support normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based upon information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER:		FOR COURT USE ONLY
NAME:	FIRM NAME:	STATE:	ZIP CODE:	
STREET ADDRESS:		FAX NO.:		
CITY:	STATE:	ZIP CODE:		
TELEPHONE NO.:		FAX NO.:		
EMAIL ADDRESS:				
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: Family Justice Center Courthouse				
(This section applies to cases other than probate guardianships.)				
PETITIONER:				
RESPONDENT:				
OTHER PARTY:				
CHILD'S NAME (Juvenile cases only):				
(This section applies only to probate guardianship cases.)				
GUARDIANSHIP OF (name):				
Minor				
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)				

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

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

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 Response to Petition to Determine Parental Relatiosnip; UCCJEA

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

a. Date: _____ b. Time: _____
c. Address: _____

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):

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:	FOR COURT USE ONLY
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE:	ZIP CODE:	
TELEPHONE NO.:	FAX NO.:		
EMAIL ADDRESS:			
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: Family Justice Center Courthouse			
PETITIONER:			
RESPONDENT:			
OTHER PARENT/PARTY:			
RESPONSIVE DECLARATION TO REQUEST FOR ORDER			
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:
---	--------------

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 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

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

You may also contact the Santa Clara County Bar Association at (408-287-2557 or 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.