

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

Step 1	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"> <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
Step 2	<p>Copies: Make <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 copies, in addition to the original.</p>
<p>Step 3</p> <p>There is a filing fee, unless the fee is waived.</p> <p>It is FREE to file if it is about child support <u>and</u> DCSS is involved.</p>	<p>File: File the original and copies in the Clerk's Office of the courthouse located at: 201 North First Street, San Jose, CA 95113</p> <p>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.</p> <p>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.</p> <p><input type="checkbox"/> If you <u>are not</u> asking for a fee waiver, you will pay the filing fee and get copies back with a file-stamp.</p> <p><input type="checkbox"/> If you <u>are</u> asking for a fee waiver, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms.</p>
Step 4	<p>Service: After the filed copies are returned to you:</p> <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. "<i>Personal Service</i>" 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. <p>Service must be completed at least <u>16 court days</u> before the court hearing (weekends and holidays do not count)</p> <p>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.</p>
STEP 5	<p>Go to your court date.</p>

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, 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

REQUEST FOR ORDER, NO C/V

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

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): Self-Represented	FOR COURT USE ONLY
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 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"/> Domestic Violence Order <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Property Control <input type="checkbox"/> Other (specify):	CASE NUMBER:

NOTICE OF HEARING

1. TO (name(s)): _____
 Petitioner Respondent Other Parent/Party Other (specify):

2. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date:	Time:	Dept.:	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.)
(Forms [FL-300-INFO](#) and [DV-400-INFO](#) provide information about completing this form.)

COURT ORDER
(FOR COURT USE ONLY)

It is ordered that:

4. Time for service until the hearing is shortened. Service must be on or before (date): 16 court days before the hearing date
5. A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date): 9 court days before the 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 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	<input type="checkbox"/>	Legal Custody to (person who decides: health, education, etc):	<input type="checkbox"/>	Physical Custody to (person with whom child lives):
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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.](#)

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):

[Attachment 2d.](#)

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

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 should make, change, or end the support orders because (specify):

[Attachment 4e.](#)

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.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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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. DOMESTIC VIOLENCE ORDER
- Do not use this form to ask for domestic violence restraining orders! Read [form DV-505-INFO](#), *How Do I Ask for a Temporary Restraining Order*, for forms and information you need to ask for domestic violence restraining orders.
 - Read [form DV-400-INFO](#), *How to Change or End a Domestic Violence Restraining Order* for more information.
- a. The *Restraining Order After Hearing* (form DV-130) was filed on (date): _____
 - b. I request that the court change end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
 - c. I request that the court make the following changes to the restraining orders (specify): [Attachment 7c.](#)
 - d. I want the court to change or end the orders because (specify): [Attachment 7d.](#)

8. OTHER ORDERS REQUESTED (specify): [Attachment 8.](#)

9. 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 the *Request for Order* to be sooner.
 - c. I need the order because (specify): [Attachment 9c.](#)

10. 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 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 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 www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* ([form MC-410](#)). (Civ. Code, § 54.8.)

SHORT TITLE:

CASE NUMBER:

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ATTACHMENT (Number) : 10
(This Attachment may be used with any Judicial Council form.)

Page _____ of _____
(Add pages as required)

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

PROOF OF SERVICE

REQUEST FOR ORDER, NO 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): TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): Self-Represented	FOR COURT USE ONLY
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: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER: (If applicable, provide): 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, 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:
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)

RESPONSIVE FORMS

REQUEST FOR ORDER, NO C/V

LEAVE BLANK

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

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
RESPONSIVE DECLARATION TO REQUEST FOR ORDER	CASE NUMBER:
HEARING DATE: TIME: DEPARTMENT OR ROOM:	

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. DOMESTIC VIOLENCE ORDER
- a. I consent to the order requested.
- b. I do not consent to the order requested but I consent to the following order:
-
8. 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:
-
9. 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:
-
10. 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

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 division of property by agreement instead of by going to a Court hearing.

TYPES OF RESOLUTION PROCESSES

Custody/Visitation Mediation - Free

California law says that if parents do not agree upon 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 or through a mediator you hire on your own. Like any mediation, mediation through Family Court Services 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.

You can schedule Orientation and Mediation by calling Family Court Services at **(408) 534-5760**. Parties must attend an Orientation program before mediation, if they have never been to mediation before.

Personal Property Arbitration – Free

A volunteer attorney will decide how to divide your personal property, such as furniture. The arbitrations are done at the Family Court and may be scheduled by calling the calendar office at **(408) 882-2900**. Both parties must agree to the arbitration. The arbitrator writes up a decision after each side presents his or her case.

Early Neutral Evaluation (ENE) - Free

A volunteer attorney will meet with parties who do not have their own attorneys. The attorney will help them identify and understand what property issues they have and what court processes can help them. The attorney is not either party's attorney. This process is done by agreement only. You can ask for an ENE at your Case Management Conference. You can set up a Case Management Conference by calling **(408) 534-5710 at the Park Avenue Courthouse or (408) 481-3512 at the Sunnyvale Courthouse or (408) 695-5000 at the South County Courthouse.**

Settlement Officer Conference (SOC) - Free

The Court has a full time Settlement Officer, whose job is to help parties settle their Family Law Cases free. The Settlement Officer Conference (SOC) focuses on solving property and support issues. The meeting 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 Declaration of Disclosure on the other party*** by calling the calendar office at **(408) 882-2900.**

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 clearly and think about options for settlement. Mediators are usually attorneys hired by the parties but they are not the attorney for either party. A mediator can help solve one issue or the whole case. Mediation is private and confidential. Anything that is said or written in the mediation process by the parties is confidential. The mediator may not talk about the case to the Court or anyone else unless the parties and the mediator agree. Agreements reached in mediation can become court orders if both parties agree.

Visit the Court website for a list of Family Law mediators:

<http://www.sccsuperiorcourt.org/family/ADR/default.htm>. You may also contact the ADR Administrator for the Court at **(408) 882-2932.**

Collaborative Practice

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 website for a list of local collaborative law attorneys:

<http://www.sccsuperiorcourt.org/family/ADR/default.htm>. You may also call the ADR Administrator at **(408) 882-2932** for more information.

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.