

How to File a Response to a Request

(to Set or Change Other Orders)

Step 1	Complete the following forms in blue or black ink: <input checked="" type="checkbox"/> FL-320 Responsive Declaration to Request for Order <input type="checkbox"/> MC-025 Attachment to Judicial Council Form
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 no filing fee.	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.scsccourt.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. There is no filing fee for these forms however you may be required to pay a fee if you are filing other forms at the same time or if you owe money for forms you already filed. You can check with the clerk when you file.
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 by mail on the other party. "<i>Service by mail</i>" means: someone, NOT you, who is at least 18 years old must mail the filed copies to the other party. Service must be completed at least: <ul style="list-style-type: none"> <input type="checkbox"/> 9 court days before the court hearing (weekends and holidays do not count) <input type="checkbox"/> 2 calendar days before the court hearing (if the judge granted a request for emergency orders) Whoever does the service must complete the attached <i>Proof of Service by Mail form</i> (FL-335) and give it back to you. You must file the original and a copy of this form at the Clerk's Office, the clerk will file stamp the copy and give it back to you. Keep this copy for your records.
STEP 5	Go to your court date.

Please turn over for important information



WHAT IS A “REQUEST FOR ORDER”?

A *Request for Order* is a request for the court to have a hearing so the Judge can make a court order. If a party wants the Judge to make a new order about custody and visitation, support or other orders in an existing case, or if they want to change an order that already exists, they would file a *Request for Order*. The person who files the request is called the “moving party”. The other party is called the “responding party”.

WHY SHOULD I FILE A RESPONSE?

You should complete and file a *Responsive Declaration to Request for Order* to let the Judge know whether you agree or disagree with the other party’s request. You also get to tell the Judge what you think the order should be. However, you cannot raise any new issues in your responsive papers. For example, if the moving party only asked for custody and visitation orders, you cannot bring up the issue of child support in your response. Instead, you would need to file your own *Request for Order*. In addition to filing a response, it is important to go to the court date. If you do not, the Judge may grant the moving party’s request without your input. Please look at the first page of the *Request for Order* for the court date, time and location.

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

RESPONSE TO REQUEST FOR ORDERS

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

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:
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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:
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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)

SHORT TITLE:

CASE NUMBER:

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ATTACHMENT (Number) : _____

(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

RESPONSE TO REQUEST FOR ORDERS

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

FOR COURT USE ONLY

TELEPHONE NO.: _____ FAX NO. (Optional): _____
E-MAIL ADDRESS (Optional): _____
ATTORNEY FOR (Name): **Self-Represented**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara
STREET ADDRESS: **201 North First Street**
MAILING ADDRESS: **191 North First Street**
CITY AND ZIP CODE: **San Jose, CA 95113**
BRANCH NAME: **Family Justice Center Courthouse**

PETITIONER/PLAINTIFF:
RESPONDENT/DEFENDANT:
OTHER PARENT/PARTY:

CASE NUMBER:

(If applicable, provide):

HEARING DATE:

HEARING TIME:

DEPT.:

PROOF OF SERVICE BY MAIL

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

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

3. I served a copy of the following documents (*specify*):
- Filed copy of: Responsive Declaration to Request for Order**

by enclosing them in an envelope AND

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

4. The envelope was addressed and mailed as follows:
 - a. Name of person served:
 - b. Address:
 - c. Date mailed:
 - d. Place of mailing (*city and state*):

5. ☐ I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. (*Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334) may be used for this purpose.)

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON COMPLETING THIS FORM)