

REQUEST FOR ORDER

With Request for Emergency Order

Family Law

What you will find in this packet:

- **Additional Resources** (FamLaw-101-INFO)
- **Requirements for Filing Court Papers** (MC-500-INFO)
- **Checklist – Ex Parte Applications** (FamLaw-201)
- **Information Regarding Notice** (FamLaw-310-INFO)
- **Information About Emergency Orders** (FamLaw-007c-INFO)
- **Temporary Emergency Court Orders** (FL-305)
- **Request for Order** (FL-300)
- **Child Custody and Visitation (Parenting Time) Application Attachment** (FL-311)
- **What Are Visitation or Parenting Time Orders?** (FL-311-INFO)
- **Child Abduction Prevention Order Attachment** (FL-341(B))
- **Request for Child Abduction Prevention Order** (FL-312)
- **Declaration To Support Request for Order Shortening Time For Service and Hearing** (FamLaw-007b)
- **How to Write a Declaration** (FamLaw-113-INFO)
- **Additional Page** (MC-020)
- **Declaration Under UCCJEA** (FL-105/GC-120)
- **Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement ACT (UCCJEA)** (FL-105(A)/GC-120(A))
- **Declaration Re Notice Upon Ex Parte Application For Orders** (FamLaw-107)
- **Notice of Ex Parte Request for Orders** (FamLaw-206)
- **Responsive Declaration to Request for Order** (Notice Copy-leave blank) (FL-320)
- **Declaration Under the UCCJEA** (Leave blank) (FL-105/GC-120)
- **Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement ACT (UCCJEA)** (Leave blank) (FL-105(A)/GC-120(A))
- **Serving the Other Parties – Request for Order** (FamLaw-104b-INFO)
- **Responsive Declaration to Request for Order** (Service copy-Leave blank) (FL-320)
- **Proof of Personal Service** (FL-330)
- **Information Sheet for Proof of Personal Service** (FL-330-INFO)
- **Child Custody Information Sheet—Child Custody Mediation** (FL-314-INFO)

You Can Get Court Forms FREE at: www.cc-courts.org/forms

If you don't find what you're looking for here, you may want to check out the additional resources listed on the back of this page

~ Additional Resources ~

Contra Costa Superior Court

www.cc-courts.org/familylaw

Virtual Self-Help Law Center

www.cc-courthelp.org/familylawtopics

Family Law court is for people who are ending a marriage or other committed relationship, dividing what they own and owe, working out child custody and visitation issues, dealing with child support or spousal support, addressing domestic violence issues, or identifying a child's legal parents.

Often, people involved in court cases need more than just legal help. It's important that you understand what is happening to you and get the help you need. For some suggestions about where to get other help, go to the California Court's Self-Help Center at www.courts.ca.gov/selfhelp.htm or check out one of the sites below:

Contra Costa County Bar Association's Lawyer Referral Service

www.cccba.org/community/find-a-lawyer/index.php

Contra Costa County (CA) Resource Center (211)

65.166.193.134/IFTWSQL4/cccc/public.aspx

(or do an internet search for 211 Contra Costa County Resource Center)

Legal glossaries in 12 languages, prepared by the Superior Court in Sacramento

www.saccourt.ca.gov

A Guide to California's Free Website for Legal Help

www.lawhelpcalifornia.org

The
C o n t r a C o s t a C o u n t y

Bar Association

is proud to sponsor

the

F a m i l y L a w

MODERATE MEANS PROGRAM

IF you qualify*,
we will refer you to an experienced Family Law Attorney
who has agreed to represent clients at a reduced rate.
Please telephone us at:

925 / 677- 0234

Monday - Friday 1:00-4:00 p.m.

**This is not a low income or pro-bono service.*

The Clerk of the Court cannot accept for filing any papers that do not comply with California Rules of Court 2.100 et seq. (CRC 2.118)

To avoid having your papers rejected by the clerk:

Use Judicial Council forms whenever possible

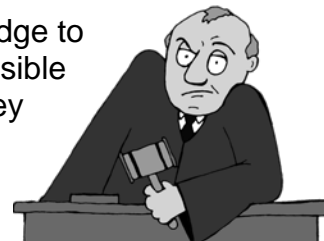
If you print Judicial Council forms from your computer, print them out single-sided. (Don't print double-sided unless you know how to tumble the pages). Judicial Council forms can be found at <http://www.courts.ca.gov/forms.htm>.

If the form you need is not on the Judicial Council website, you will have to make your own form which follows these rules

1. White or unbleached paper – 8 1/2 by 11 inches
2. One-sided paper – only one side of each page may be used
3. 12 pt font (Courier, Times New Roman, Arial or equivalent (Handwritten papers are OK – but write legibly)
4. Line spacing - One and one-half or double-spaced (use pleading paper – either the Judicial Council form MC-20 or create your own using the legal template in your word processor)
5. Margins – at least 1 inch from the left edge and ½ inch from right edge
6. Page Numbers – pages must be numbered consecutively on the bottom (1, 2, 3 ...)
7. Binding – Original and copies must be firmly bound (e.g. stapled) AND the Original must be 2-hole punched at the top.

You will need the **Original document**, signed in ink (blue is best), and correct number of identical copies (***original for the Court, a copy for each party***) for the clerk to file.

The Rules are important – Remember - You want the Judge to understand what you have written. Don't make that impossible by submitting papers that are too hard to read because they are upside down, the print is too small or too light, or the pages have fallen out of the file because they are too small or too large and/or not properly fastened.



Checklist: Ex Parte Application

1. You must have an open case in the family court in order to file an ex parte application. If you do not have an open case and you are self-represented, you can contact the Family Law Facilitator's Office for more information about this step. Current information on how to reach the Facilitator's Office can be found here: <https://www.cc-courts.org/family/flf.aspx>
2. Complete the ex parte application. You need to include the following forms.
 - ▶ **All Ex Parte Applications:**
 - ☐ FL-305 Temporary Emergency (Ex Parte) Orders
 - *Exception:* Do not include if you are only requesting an Order Shortening Time
 - ☐ FL-300 Request for Order
 - ☐ Declaration to Support Request for Order Shortening Time for Service and Hearing (local form FamLaw-007b)
 - ☐ Declaration Re Notice Upon Ex Parte Application For Orders (local form FamLaw-107)
 - ☐ If you are requesting the court modify an order, attach a copy of the current order
 - ☐ \$60 ex parte fee plus ☐ \$60 or ☐ \$85 Request for Order fee OR ☐ Fee Waiver
 - Optional:
 - ☐ Exhibits
 - ☐ Memorandum of Points and Authorities
 - ▶ If you are requesting emergency (ex parte) orders re: child custody & visitation, also include:
 - ☐ FL-105 Declaration Under UCCJEA
 - *Note:* If an FL-105 has already been filed in the case, you may submit a copy of the previously filed FL-105 as long as it remains accurate and is less than 6 months old.
 - Optional:
 - ☐ Child Custody & Visitation Application (form FL-311)
 - ☐ Request for Child Abduction Prevention Orders (form FL-312) and Child Abduction Prevention Order Attachment (form FL-341(b))
 - ☐ *Note:* If you are requesting supervised visitation, include the information as to the supervisor and allocation of costs on the form FL-305.
 - ▶ If you are requesting emergency (ex parte) orders regarding financial relief such as child support, spousal support, attorney's fees and costs, payment of expenses, etc., also include the Income and Expense Declaration (FL-150). The Income and Expense Declaration (FL-150) is available at the court's website at www.cc-courts.org/forms. Click on the "All Forms" tab. Enter the name or form number into the search bar or scroll

Checklist: Ex Parte Application (continued)

down the page.

- ☐ Income and Expense Declaration (form FL-150)

► **Rescheduling a hearing:**

If you are requesting to continue or advance a court date or emergency (ex parte) orders do not use the forms listed above. Instead, use the “Reschedule a Hearing” packet, which is available on the court’s website at www.cc-courts.org/forms. Go to the “Forms Packet” tab and click on “Family Law Packets & Forms.”

2. If you are self-represented, ask the clerk at the Ex Parte Window to review your forms before you give notice to the other side.
3. ☐ Deliver a copy of the document(s) to the other side along with a “Notice Upon Ex-Parte Application for Orders” (local form FamLaw-206). If DCSS is a party to your case and you are requesting emergency orders regarding child support, you must also give a copy to DCSS. This step is called *notice*, not service, so you can do this yourself. For more information about notice, please see FamLaw-310-INFO, “Information Regarding Notice.”
☐ Complete the “Declaration Re Notice Upon Ex Parte Application for Orders.” You must include the method, time, date, and place of notice and sign the bottom of the page.
4. ☐ Bring your original forms to the Ex Parte Window after you have provided notice to the other side.

The court will hold your papers for the notice period to give the other party time to submit a response to the court. The notice period can be anywhere from 24 hours to 6 days, depending on how you gave notice to the other party.

The court will call you when your paperwork is ready to be picked up. *Note – court staff cannot tell you over the phone whether your request was granted or denied.*

5. ☐ Pick up your forms. The clerk at the Ex Parte Window will file your forms.
6. ☐ Your forms will now have been filed by the court and you must personally serve the other party. **You cannot serve your own documents.**
☐ File the proof of service before your hearing.

INFORMATION REGARDING NOTICE

When you ask the court for certain types of orders, the rules may state that you have to inform the other party that you are about to make this request. This requirement is called giving “notice.” For example, the court will require that you give notice to the other party if you are asking to reschedule a court date or if you are asking for emergency orders.

Who Can Give Notice?

Notice is different from service. You or a third party may deliver your documents to the other party. This is one of the few times when you are allowed to deliver court documents to the other party.

The third party may be a family member or friend as long as they are not a named party to your case. You can also contact the sheriff’s department or hire a process server.

You or the third party who helps you give notice must be at least 18 years old.

How Can I Give Notice?

You or a third party can deliver a copy of your request in person, by mail, by email, or by fax. However, there are restrictions to giving notice by email or fax. Please read carefully before giving notice to make sure you understand which notice methods you can use.

Personal: You or a third party hands the other party the documents. It must be handed directly to the other party, not left with someone else in the office or household. Complete the Declaration Re: Notice with the date, time, and address at which the papers were delivered.

Mail: You or a third party can mail the documents to the other party using first class mail. Complete the Declaration Re: Notice with the date and address to which you mailed the documents.

Email: If the other party has an attorney, you can email the attorney a copy of your documents if you have verified their email address by phone or email. Complete the Declaration Re: Notice with the date and email address you used.

If the other party does not have an attorney, you can give notice by email if you and the other party have an agreement in writing to accept service by email. Complete the Declaration Re: Notice with the date and email address you used and attach a copy of the agreement to accept service by email.

Fax: If you and the other party have a written agreement to accept service by fax, you may deliver your documents by fax. Complete the Declaration Re: Notice with the date, time, and fax number used. Then, attach a copy of the fax confirmation page to the Declaration Re: Notice.

How Long Does the Court Hold My Request Before the Judge Makes a Decision?

Depending on how you gave notice, the court must generally hold your request for a certain period to allow the other party time to submit a response. However, with requests to reschedule hearings, if you are not able to give notice in a timely fashion but still want your request considered, complete Section #4 of the Declaration Re: Notice to explain why you are not able to give notice or why notice was untimely.

Personal: If you have given someone personal notice before 10:00 a.m., the court will hold your paperwork for 24 hours before submitting it to the judge for consideration. If you gave personal notice after 10:00 a.m., the court will hold it until 10:00 a.m. the next day and add an additional 24 hours.

Mail: If you have mailed notice within California, the court will hold your paperwork for 5 calendar days plus 24 hours. If you have mailed notice outside of California, but within the United States, the court will hold your paperwork for 10 calendar days plus 24 hours. If you have mailed notice internationally, the court will hold your paperwork for 20 calendar days plus 24 hours.

Email or Fax: If you have given notice by email or fax, the court will hold your paperwork until 10:00 a.m. the next day, then add two additional court days.

FAMILY LAW

INFORMATION ABOUT EMERGENCY ORDERS

California Rules of Court 5.151 states that the purpose of a request for emergency orders is to address matters that cannot be heard on the court's regular hearing calendar. In this type of proceeding, notice to the other party is shorter than in other proceedings. Notice to the other party can also be waived under exceptional and other circumstances as provided in these rules. The process is used to request that the court:

- (1) Make orders to help prevent an immediate danger or irreparable harm to a party or to the children involved in the matter;
- (2) Make orders to help prevent immediate loss or damage to property subject to disposition in the case; or
- (3) Make orders about procedural matters, including the following:
 - (A) Setting a date for a hearing on the matter that is sooner than that of a regular hearing (granting an order shortening time for hearing);
 - (B) Shortening or extending the time required for the moving party to serve the other party with the notice of the hearing and supporting papers (grant an order shortening time for service); and
 - (C) Rescheduling a hearing or trial.

Your declaration must tell the judge why this is such an **emergency** that it cannot be heard on the regular court calendar. Your declaration must also:

- contain **facts** that show the judge that irreparable harm or immediate danger will result if the matter is not heard on an emergency basis;
- disclose any previous applications that you have made for emergency relief on the same issue and whether any orders were made on those requests;
- disclose the name, address and telephone number of any attorneys involved in the case;
- tell the judge whether a change in the current situation will result if your order is granted. If you fail to do this and the other side has an attorney, you may have to pay the other side's attorney's fees.

If you are asking for emergency orders for custody or visitation, your declaration must contain the following information:

- detailed descriptions of the most recent incident(s) that show that **immediate** harm to the child(ren) will result if your request is not granted;
- or, if you think the other party plans to remove the child(ren) from California, describe incidents that make you think the other party is going to take the child(ren);
- specific dates of the incident(s);
- a description of the current custody orders and a description of where and with whom the child(ren) is/are currently living

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL 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:	
TEMPORARY EMERGENCY (EX PARTE) ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Property Control <input type="checkbox"/> Other (specify):	CASE NUMBER:

1. **TO (name):**

☐ Petitioner ☐ Respondent ☐ Other Parent/Party ☐ Other (specify):

A court hearing will be held on the *Request for Order* (form FL-300) served with this order, as follows:

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

2. **FINDINGS:** Temporary emergency (ex parte) orders are needed to:

- a. ☐ Help prevent "immediate harm to the child" under Family Code section 3064, as described in item 3a.
- b. ☐ Help prevent immediate risk that a child will be removed from the State of California.
- c. ☐ Help prevent immediate loss or damage to property subject to disposition in the case.
- d. ☐ Set or change procedures for a hearing or trial.

COURT ORDERS: The temporary emergency orders expire on the date and time of the hearing in (1), unless extended by court order.

3. ☐ **CHILD CUSTODY AND VISITATION (PARENTING TIME)**

- a. ☐ It has been shown to the court that ☐ Petitioner ☐ Respondent ☐ Other Parent/Party (specify name):

- (1) ☐ Has committed acts of domestic violence that are of recent origin or are part of a demonstrated and continuing pattern of domestic violence.
- (2) ☐ Has committed acts of sexual abuse of the child that are of recent origin or are part of a demonstrated and continuing pattern of sexual abuse.
- (3) ☐ Has illegal access to firearms or ammunition (including access to firearms or ammunition in violation of state or federal law, a restraining order, a protective order, or an injunction, or condition of probation or parole).
- (4) ☐ Other (specify):

- b. ☐ It has been shown to the court that there is an immediate risk that the child will be removed from the State of California. *Child Abduction Prevention Orders Attachment* (form FL-341(B)) is attached to this order.

c. <u>Child's name</u>	<u>Date of Birth</u>	<u>Temporary physical custody, care, and control to:</u>		
		Petitioner	Respondent	Other Party/Parent
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continued on Attachment 3c.

THIS IS A COURT ORDER.



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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d. ☐ **Visitation (Parenting Time)**

When the court has granted temporary orders for child custody, it must consider if the best interests of the child require that visitation (parenting time) be suspended, denied, or supervised. Further, the temporary orders for custody, care, and control of the minor children in 3c are subject to the other party's or parties' rights of visitation (parenting time). The temporary orders for visitation (parenting time) are as follows:

☐ See Attachment 3d.

e. **Travel restrictions**

(1) The party or parties with temporary physical custody, care, and control of minor children **must not remove the minor children from the state of California unless the court allows it after a noticed hearing.**

(2) ☐ Petitioner ☐ Respondent ☐ Other Parent/Party must not remove their minor children (*specify*):

(a) ☐ from the state of California.

(b) ☐ from the following counties (*specify*):

(c) ☐ other (*specify*):

f. (1) **Jurisdiction:** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).

(2) **Notice and opportunity to be heard:** The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.

(3) **Country of habitual residence:** The country of habitual residence of the child or children is (*specify*):

☐ The United States of America ☐ Other (*specify*):

(4) **If you violate this order, you may be subject to civil or criminal penalties, or both.**

4. ☐ **PROPERTY CONTROL**

a. ☐ Petitioner ☐ Respondent ☐ Other Parent/Party is given exclusive temporary use, possession, and control of the following property that the parties ☐ own or are buying ☐ lease or rent

b. ☐ Petitioner ☐ Respondent ☐ Other Parent/Party is ordered to make the following payments on the liens and encumbrances coming due while the order is in effect:

Pay to:	For:	Amount: \$	Due date:
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Pay to:	For:	Amount: \$	Due date:
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Pay to:	For:	Amount: \$	Due date:
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Pay to:	For:	Amount: \$	Due date:
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5. ☐ All other existing orders, not in conflict with these temporary emergency orders, remain in full force and effect.

6. ☐ **OTHER ORDERS** (*specify*): ☐ Additional orders are listed in Attachment 6.

Date: _____

JUDICIAL OFFICER OF THE SUPERIOR COURT

THIS IS A COURT ORDER.

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL 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:	
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"/> 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 type="checkbox"/> Dept.:	<input type="checkbox"/> Room.:
b. Address of court <input 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)

It is ordered that:

4. ☐ Time ☐ for service ☐ until the hearing is shortened. Service must be on or before (date):
5. ☐ A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (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. <input type="checkbox"/> Criminal: County/state (<i>specify</i>):	Case No. (<i>if known</i>):
b. <input type="checkbox"/> Family: County/state (<i>specify</i>):	Case No. (<i>if known</i>):
c. <input type="checkbox"/> Juvenile: County/state (<i>specify</i>):	Case No. (<i>if known</i>):
d. <input type="checkbox"/> Other: County/state (<i>specify</i>):	Case No. (<i>if known</i>):

2. ☐ **CHILD CUSTODY** ☐ I request temporary emergency orders
☐ **VISITATION (PARENTING TIME)**
 - a. I request that the court make orders about the following children (*specify*):

<u>Child's Name</u>	<u>Date of Birth</u>	<input type="checkbox"/> <u>Legal Custody to (person who decides: health, education, etc):</u>	<input type="checkbox"/> <u>Physical Custody to (person with whom child lives):</u>
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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-341\(D\)](#)

☐ Form [FL-311](#)
☐ Form [FL-341\(E\)](#)

☐ Form [FL-312](#)
☐ 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):

☐ [Attachment 2d.](#)

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 3a.](#)

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

- 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:
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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 and selfhelp.courts.ca.gov/domestic-violence-child-custody

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

1. Minor Children

☐ [Attachment 1.](#)

Child's name

Birthdate

Age

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) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Legal custody of children to
(The person who decides about the child's health, education, and welfare) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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.



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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.)

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

- (3) ☐ **Weekdays starting** (date):

(Specify day(s) from _____ at _____ ☐ a.m. ☐ p.m. ☐ start of ☐ after
and times): to _____ 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-visitations.

- 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/.)

- 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)*:



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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*):
 - ☐ 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*):

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*):**

What is visitation or parenting time?

Visitation (visits) or parenting time is an order for how your children will spend time with each parent that is in the best interests of the child.

For information about child custody, read:

- *Child Custody Information Sheet—Recommending Counseling* (form [FL-313-INFO](#))
- *Child Custody Information Sheet—Child Custody Mediation* (form [FL-314-INFO](#))

Four Types of Orders:

1 Scheduled visitation

These are orders with a set schedule of the dates and times that your children will be with each parent. The schedule can include holidays, special occasions, vacations, and other important dates for the family.

2 Reasonable visitation

These are open-ended orders that allow parents to work out a plan on their own. This type of plan can work if parents get along very well, can be flexible, and communicate well. Generally, this type of plan is not suitable for cases with domestic violence.

3 Supervised visitation

A judge makes these orders when there are safety concerns. A parent and child have a neutral third person watching and listening during the visit. The neutral third person can be professional or nonprofessional.

Professional provider

A professional provider (or “monitor”) is a person with special training who has passed a background check. Professional providers charge a fee. They are also mandated reporters which means that they must report suspected child abuse to the local child welfare department (known as “CPS”). Your local court may have a list of local professional providers.

Nonprofessional provider

A nonprofessional provider is usually a friend or family member who is not paid and does not have special training, but must still make safety the top priority, follow the judge's orders, and be able to end a visit, if needed, to protect the child.

For more information about supervised visits, go to selfhelp.courts.ca.gov/guide-supervised-visitation.

4 No visitation

The court may make this order if visiting with a parent would not be safe for the children even if supervised.

What are virtual visits?

California law defines “virtual visits” as use of audiovisual electronic communication tools to provide contact between a parent and their children as part of a parenting plan or custody order. A parent and child must use some kind of electronic communication that allows them to see and hear each other (for example, using Zoom, FaceTime, or WhatsApp).

- Virtual visits may require access to the internet during the visit and may be supervised or unsupervised.
- For more information about virtual visitation, go to: selfhelp.courts.ca.gov/child-custody/virtual-visitation.

Are virtual visits a good option for us?

Virtual visits may be a good option if you have safety concerns, or if the other parent lives far away from the children. It can also be a good option if the other parent hasn't seen the children in a long time.

Some cases may not be appropriate for virtual visits, whether supervised or unsupervised. Your child's age may be a factor. Younger children may not be able to sit through a long virtual visitation. If virtual visits are part of the court-approved parenting plan, or part of your supervised visitation, you can use the worksheet on page 2 to help you plan for them.

What about orders for picking up and dropping off the child for visitation?

You can ask for orders that would not require you to meet the other parent, like having the other parent pick up your child from school or daycare. Or, you can ask for supervised exchanges. Supervised exchanges involve a neutral third person who will help you with transferring the children to the other parent so you don't have to meet with the other parent.



When you ask for visitation orders, give details about:

- When they should happen;
- How often they should happen; and
- Who will be responsible for transporting the children before and after each visit.

How do I ask the court for these orders?

- If you already have a family law case, you can ask the court for child custody, visitation (parenting time), and child exchange orders by completing *Request for Order* (form [FL-300](#)) and filing it in the court where your case was started. Information about how to file this and other forms is found in *Information Sheet for Request for Order (Family Law)* (form [FL-300-INFO](#)).
- If you need to start a case in family court to ask for these orders, information is available online to help you decide which type of case to file. Go to: selfhelp.courts.ca.gov/child-custody/filing-options.

Where can I find free legal help?

- Contact the self-help center in your court. Its staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case and help you with the forms. Find your local court's self-help center at selfhelp.courts.ca.gov/find.
- Contact a local legal aid agency or community-based nonprofit at www.lawhelpca.org.

What if there is domestic violence or a protective order?

- If there is domestic violence or a protective order, before making a parenting plan, talk with an attorney, counselor, child custody mediator, or child custody recommending counselor, or contact the self-help center in your court.
- Read *Asking for Child Custody and Visitation Orders* (form [DV-105-INFO](#)).
- For more information and resources, call the National Domestic Violence Hotline at 1-800-799-7233 or call 211 if available in your area.

Plan for Your Virtual Visits

(You can use this as a worksheet.)

- **Before** your visit, make sure the program, like a mobile app or web app, works on your phone or computer. Make sure you have an internet connection and know how to use the app.
- **Before** your virtual visit or virtual supervised visit, make a plan. For example, have an activity ready like reading a book to your child. The length of your visit should be age-appropriate. Review the court order to be clear on how long your visit will be.

Write your plan here:

If you have virtual supervised visitation, ask the provider questions ahead of time (for example, during your scheduled orientation with the provider). You can write your questions here:

- **During** your visit, make sure you:
 - Find a quiet room or space for your virtual visits or virtual supervised visits.
 - Have any games, books, or other activity ready and in front of you.
 - Be ready to be flexible. Technical issues may come up that impact your visit.
- **During** your visit, make sure you do **not**:
 - Have another person participate in the visit unless a judge gave the person permission to do so.
 - Talk about your court case with your child.
 - For virtual supervised visitation, do not whisper or communicate in other ways that would not allow the provider to see or hear your interaction with the child.

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CHILD ABDUCTION PREVENTION ORDER ATTACHMENT

- TO ☐ **Child Custody and Visitation (Parenting Time) Order Attachment (form FL-341)**
☐ **Custody Order—Juvenile—Final Judgment (form JV-200)**
☐ **Other (specify):**

1. **The court finds there is a risk that** *(specify name of party):* **will take the child**
without permission because that party *(check all that apply):*

- a. ☐ has violated—or threatened to violate—a custody or visitation (parenting time) order in the past.
 b. ☐ does not have strong ties to California.
 c. ☐ has done things that make it easy for him or her to take the children away without any permission, such as *(check all that apply):*
 ☐ quit a job. ☐ sold his or her home.
 ☐ closed a bank account. ☐ ended a lease.
 ☐ sold or gotten rid of assets. ☐ hidden or destroyed documents.
 ☐ applied for a passport, birth certificate, or school or medical records.
 ☐ Other *(specify):*

- d. ☐ has a history of *(check all that apply):*
 ☐ domestic violence.
 ☐ child abuse.
 ☐ not cooperating with the other parent or party in parenting.
 e. ☐ has a criminal record.
 f. ☐ has family or emotional ties to another county, state, or foreign country.

(NOTE: If item "f" is checked, at least one other factor must be checked, too.)

THE COURT ORDERS, to prevent the party in item 1 from taking the children without permission:

2. ☐ **Supervised visitation (parenting time).** The terms are *(check one):*
☐ as specified on attached [form FL-341\(A\)](#) ☐ as follows:
3. ☐ **The party in item 1 must post a bond for \$** _____ **. The terms of the bond are** *(specify):* _____
4. ☐ **The party in item 1 must not move from the following locations with the children** without permission in writing from the other parent or party or a court order:
☐ Current residence ☐ Current school district *(specify):* _____
☐ This county ☐ Other *(specify):* _____
5. ☐ **The party in item 1 must not travel with the children out of** *(check all that apply):*
☐ this county. ☐ the United States.
☐ California. ☐ Other *(specify):* _____
6. ☐ **The party in item 1 must register this order** in the state of *(specify):* _____ **before the** children can travel to that state for visits.
7. ☐ **The party in item 1 must not apply for a passport or any other vital document**, such as a visa or birth certificate, that can be used for travel.

THIS IS A COURT ORDER.

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8. ☐ **The party in item 1 must turn in all the children's passports and other vital documents in the party's possession or control as specified below** (*List the documents that must be turned in. Include the details for turning in the documents to the court, one of the attorneys, the other party, or another person*):
9. ☐ **The party in item 1 must give the other parent or party the following before traveling with the children:**
- ☐ The children's travel itinerary
 - ☐ Copies of round-trip airline tickets
 - ☐ Addresses and telephone numbers where the children can be reached at all times
 - ☐ An open airline ticket for the other parent in case the children are not returned
 - ☐ Other (*specify*):
10. ☐ **The party in item 1 must notify the embassy or consulate** of (*specify country*): about
this order and provide the court with proof of that notification within (*specify number*): days.
11. ☐ **The party in item 1 must get a custody and visitation (parenting time) order** equivalent to the most recent U.S. order before the children may travel to that country for visits. The court recognizes that foreign orders may be changed or enforced according to the laws of that country.
12. ☐ **Enforcing the order.** The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at (*phone number and address*):
13. ☐ **Other orders** (*specify*):

14. This order is valid in other states and in any country that has signed the Hague Convention on Child Abduction.

NOTICE TO AUTHORITIES IN OTHER STATES AND COUNTRIES

This court has jurisdiction to make child custody orders under California's Uniform Child Custody Jurisdiction and Enforcement Act (Fam. Code, § 3400 et seq.) and the Hague Convention on Civil Aspects of International Child Abduction (22 U.S.C. § 9001 et seq.). If jurisdiction is based on other factors, they are listed above in item 13.

Date:

JUDICIAL OFFICER

THIS IS A COURT ORDER.

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REQUEST FOR CHILD ABDUCTION PREVENTION ORDERS

—This is not a court order—

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

1. Your name:
2. I request orders to prevent child abduction by (specify): ☐ Petitioner ☐ Respondent ☐ Other Parent/Party
3. I think that he or she might take the children without my permission to (check all that apply):
 - a. ☐ another county in California (specify the county):
 - b. ☐ another state (specify the state):
 - c. ☐ a foreign country (specify the foreign country):
 - (1) ☐ He or she is a citizen of that country.
 - (2) ☐ He or she has family or emotional ties to that country (explain):
4. I think that he or she might take the children without my permission because he or she (check all that apply):
 - a. ☐ has violated—or threatened to violate—a custody or visitation (parenting time) order in the past.
Explain:
 - b. ☐ does not have strong ties to California.
Explain any work, financial, social, or family situation that makes it easy for the party to leave California.
 - c. ☐ has recently done things that make it easy for him or her to take the children away without permission. He or she has (check all that apply):

<input type="checkbox"/> quit his or her job.	<input type="checkbox"/> sold his or her home.
<input type="checkbox"/> closed a bank account.	<input type="checkbox"/> ended a lease.
<input type="checkbox"/> sold or gotten rid of assets.	<input type="checkbox"/> hidden or destroyed documents.
<input type="checkbox"/> applied for a passport, birth certificate, or school or medical records.	
<input type="checkbox"/> Other (specify):	
 - d. ☐ has a history of (check all that apply and explain your answers in the space provided in this section):

<input type="checkbox"/> domestic violence.	<input type="checkbox"/> child abuse.	<input type="checkbox"/> not cooperating with me in parenting.
<input type="checkbox"/> taking the children without my permission.		

Explain your answers to item d.
 - e. ☐ has a criminal record. *Explain:*

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I REQUEST THE FOLLOWING ORDERS AGAINST (specify): ☐ Petitioner ☐ Respondent ☐ Other Parent/Party

5. ☐ **Supervised Visitation (Parenting Time)**
 I ask the court to order supervised visitation (parenting time). I understand that the person I request to supervise the visits must meet the qualifications listed in *Declaration of Supervised Visitation Provider* (form [FL-324\(NP\)](#) or form [FL-324\(P\)](#))
 The specific terms are attached (check one): ☐ form [FL-311](#) ☐ as follows:

6. ☐ **Post a Bond**
 I ask the court to order the posting of a bond for \$ _____. If the party takes the children without my permission, I can use this money to bring the children back.

7. ☐ **Do Not Move Without My Permission or Court Order**
 I ask for a court order preventing the party from moving with the children without my written permission or a court order.

8. ☐ **No Travel Without My Permission or Court Order**
 I ask for a court order preventing the party from traveling with the children outside (check all that apply):
☐ this county ☐ the United States
☐ California ☐ Other (specify): _____
 without my written permission or a court order.

9. ☐ **Notify Other State of Travel Restrictions**
 I ask the court to order the party to register this order in the state of _____ and provide the court with proof of the registration before the children can travel to that state for child visitation (parenting time).

10. ☐ **Turn In and Do Not Apply for Passports or Other Vital Documents**
 I ask for a court order (check all that apply):
☐ requiring the party to turn in all the children's passports and other documents (such as visas, birth certificates, and other documents used for travel) that are in his or her possession and control.
☐ preventing the party from applying for passports or other documents (such as visas or birth certificates) that can be used to travel with the children.

11. ☐ **Provide Itinerary and Other Travel Documents**
 If the party is allowed to travel with the children, I ask the court to order the party to give me before leaving (specify):
☐ the children's travel itinerary.
☐ copies of round-trip airline tickets.
☐ addresses and telephone numbers where the children can be reached at all times.
☐ an open airline ticket for me in case the children are not returned.
☐ other (specify): _____

12. ☐ **Notify Foreign Embassy or Consulate of Passport Restrictions**
 I ask the court to order the party to notify the embassy or consulate of _____ of this order and to provide the court with proof of that notification within _____ calendar days.

13. ☐ **Foreign Custody and Visitation (Parenting Time) Order**
 I ask the court to order the party to get a custody and visitation (parenting time) order in a foreign country equal to the most recent United States order before the children can travel to that country for visits. I understand that foreign orders may be changed or enforced depending on the laws of that country.

14. ☐ **Other (specify):** _____

I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Date: _____  _____
(SIGNATURE)

**DECLARATION TO SUPPORT REQUEST FOR
ORDER SHORTENING TIME FOR SERVICE AND HEARING**

[illegible]

Date:

HOW TO WRITE A DECLARATION

Use the blank form that follows this instruction sheet to write your declaration.

1. Your declaration is important. Your declaration tells the judge what you want and why you want it.
2. The judge will read your declaration before the hearing, so be clear and specific about what you want the judge to order. Explain why you need the order. You have to provide enough facts for the judge to make a decision about your case.
3. If you are describing an event that you want the judge to know about, include the following facts:
 - When the event happened;
 - Who was there;
 - What exactly happened;
 - Why the judge needs to know about this event.
4. If you are asking for custody or visitation orders, explain why your request is in the child's best interest.
5. Keep your declaration factual, brief, and to the point.

SHORT TITLE: 	CASE NUMBER:
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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	<div>This page may be used with any Judicial Council form or any other paper filed with the court.</div> <div>Page _____</div>

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<i>(This section applies to cases other than probate guardianships.)</i> PETITIONER: RESPONDENT: OTHER PARTY: CHILD'S NAME (Juvenile cases only):	
<i>(This section applies only to probate guardianship cases.)</i> GUARDIANSHIP OF (name):	CASE NUMBER:
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:			
From:	To:			
From:	To:			
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.)

CASE NAME:	CASE NUMBER:
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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):

<p>a. Name and address of person:</p> <div style="border: 1px solid black; height: 50px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> </div> <p>Name of each child:</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>	<p>b. Name and address of person:</p> <div style="border: 1px solid black; height: 50px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> </div> <p>Name of each child:</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>	<p>c. Name and address of person:</p> <div style="border: 1px solid black; height: 50px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> </div> <p>Name of each child:</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>
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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.

CASE NAME:

CASE NUMBER:

**ATTACHMENT TO
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

Instructions: If all the children subject to the proceeding have not lived together for the last five years, use as many copies of this form as needed to list all the children. Number each item and each page consecutively, and attach all pages to form FL-105/GC-120.

3. b. _____ Name of child: *(Provide the child's current address 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.)*

☐ Residence information is the same as given for the child listed in item 2a on form FL-105/GC-120. *(If **not** the same, provide the information below.)*

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

3. b. _____ Name of child: *(Provide the child's current address 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.)*

☐ Residence information is the same as given for the child listed in item 2a on form FL-105/GC-120. *(If **not** the same, provide the information below.)*

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

Page ____ of ____

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA**

Petitioner:)	Case No:
)	
vs.)	Declaration Re Notice
)	Upon Ex Parte Application
Respondent:)	For Orders
)	
Other Parent/Claimant:)	
_____)	

I, _____, declare:

1. That I am (Counsel for) (Petitioner) (Respondent) (Other: _____) in the within action. The application for ex parte orders will be submitted to the Family Law Department in Martinez, (751 Pine Street, Martinez, CA) on _____ **(date)** at _____ **(time.)**

2. That pursuant to local rules of court, I *have* given notice of this Ex Parte request **by having copies of the Declaration and all supporting documentation along with the proposed order delivered to the opposing party(ies) in the following manner:**

Notice was sent to: _____ **(name of party)**

____ (a) By personal service on **(date)** _____, 20__ at
(location) _____, California at _____ a.m. /p.m.

____ (b) By mail on _____, 20__; **addressed as follows:**
_____ **(provide mailing address.)**

____ (b) By email on _____, 20__; **addressed as follows:**
_____ **(provide email address.)**

____ (c) By facsimile (fax) on _____, 20__, at _____ a.m. /p.m., sent to
fax number () _____.

3. The opposing party has responded to my notice in the following manner:

____ 4. I *have not* given notice of the present application for Ex Parte Orders for the following reason(s) indicated:

____ (a) Notice of this application would frustrate the purpose of the order sought herein.
EXPLAIN: _____

____ (b) The applicant would suffer immediate and irreparable harm before the other party could be heard in opposition. **EXPLAIN:** _____

____ (c) No significant direct burden or inconvenience to the other party is likely to result from the orders sought. **EXPLAIN:** _____

____ (d) I made the following reasonable and good faith effort to notify the other party and further efforts to give notice would probably be futile or unduly burdensome.
EXPLAIN: _____

____ Other: _____

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

Dated: _____

Sign: _____

Re: NOTICE OF EX PARTE REQUEST FOR ORDERS

DATE: _____

FROM: _____

TO: _____

Attached please find copies of an Ex Parte (Emergency) Request for Orders.

Pursuant to Local rule 5.2(b), I am hereby giving you 24 hours' notice of my intent to submit an Ex Parte request to the Court. If you wish to respond:

STEP 1	You have <u>24 hours</u> from the time you receive these documents to complete the attached Responsive Declaration to Request for Order (FL-320) and deliver it during regular court hours to: The Ex Parte window in the Spinetta Family Law Center, 751 Pine Street in Martinez
STEP 2	After the Ex Parte application has been processed, you can pick up your response at the Ex Parte window during business hours. You should then file the Response.
STEP 3	Serve copies by mail on all the other parties in your case.

Court hours are Monday through Friday, 8:00 am to 3:00 pm, excluding holidays.

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 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 DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<i>(This section applies to cases other than probate guardianships.)</i> PETITIONER: RESPONDENT: OTHER PARTY: CHILD'S NAME (Juvenile cases only):	
<i>(This section applies only to probate guardianship cases.)</i> GUARDIANSHIP OF (name):	CASE NUMBER:
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:			
From:	To:			
From:	To:			
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.)

CASE NAME:	CASE NUMBER:
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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):

<p>a. Name and address of person:</p> <div style="border: 1px solid black; height: 50px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> </div> <p>Name of each child:</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>	<p>b. Name and address of person:</p> <div style="border: 1px solid black; height: 50px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> </div> <p>Name of each child:</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>	<p>c. Name and address of person:</p> <div style="border: 1px solid black; height: 50px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> <div style="width: 30%;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div> </div> <p>Name of each child:</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>
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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.

CASE NAME:	CASE NUMBER:
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**ATTACHMENT TO
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

Instructions: *If all the children subject to the proceeding have not lived together for the last five years, use as many copies of this form as needed to list all the children. Number each item and each page consecutively, and attach all pages to form FL-105/GC-120.*

3. b. _____ Name of child: *(Provide the child's current address 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.)*

☐ Residence information is the same as given for the child listed in item 2a on form FL-105/GC-120. *(If **not** the same, provide the information below.)*

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

3. b. _____ Name of child: *(Provide the child's current address 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.)*

☐ Residence information is the same as given for the child listed in item 2a on form FL-105/GC-120. *(If **not** the same, provide the information below.)*

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

Page ____ of ____

FAMILY LAW

EX PARTE REQUEST FOR ORDERS

SERVING THE OTHER PARTIES

1. After you pick up your Ex Parte Request for Orders from the Ex Parte Window, you must serve a copy of each filed document on the other side. You must include a blank Responsive Declaration to Request for Order (FL-320.) If you filed a Declaration Under UCCJEA (FL-105), you must include a blank FL-105. If you filed an Income and Expense Declaration (FL-150), you must include a blank FL-150.
2. A Request for Order may be served personally or it may be served by mail.
3. **A Request for Order must be served personally if it contains temporary orders or if it is the first motion filed in the case by the petitioner.**
4. Read the Information Sheet for Proof of Personal Service (FL-330-INFO) if you are serving the other side personally.
5. Read the Information Sheet for Proof of Service by Mail (FL-335-INFO) if you are serving the other side by mail

Note: If you are serving a Request for Order to modify a post-judgment order for child custody, visitation, or child support by mail, you must complete the form Declaration Regarding Address Verification – Postjudgment Request to Modify a Child Custody, Visitation or Child Support Order (FL-334). Attach the FL-334 to the Proof of Service by Mail (FL-335) when you file your proof of service with the court.

6. Most documents must be served no later than 16 court days before the hearing for personal service and 16 court days plus 5 calendar days for service by mail. If your Ex Parte request was granted, or if the Court granted an Order Shortening Time, these deadlines may be different. If you are not sure about service rules, contact the Family Law Facilitator's Office after you file your documents for information about serving the other side. Please visit their website at <https://www.cc-courts.org/family/flf.aspx>.
7. **REMEMBER: YOU CANNOT SERVE YOUR OWN DOCUMENTS. SERVICE MUST BE DONE BY SOMEONE WHO IS OVER EIGHTEEN AND NOT A PARTY TO THE CASE.**
8. Be sure to file the original and a copy of the proof of service before your hearing.
9. SERVICE is a very important step; if you do not serve the other side correctly, the judge may not hear your case on the day of the hearing.

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 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 DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406) <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER: <div style="text-align: center;"><i>(If applicable, provide):</i></div> 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)*:

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

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

5. I am

a. <input type="checkbox"/> not a registered California process server.	d. <input type="checkbox"/> exempt from registration under Business & Profession Code section 22350(b).
b. <input type="checkbox"/> a registered California process server.	
c. <input type="checkbox"/> an employee or independent contractor of a registered California process server.	e. <input type="checkbox"/> 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)	<div style="display: flex; align-items: center; justify-content: center;"> (SIGNATURE OF PERSON WHO SERVED THE PAPERS) </div>
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INFORMATION SHEET FOR PROOF OF PERSONAL SERVICE

Use these instructions to complete the *Proof of Personal Service* (form FL-330).

A person at least 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery and (2) by mail. See the *Proof of Service by Mail* (form FL-335) if the documents are being served by mail. The person who serves the documents must complete a proof of service form for the documents being served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVES THE DOCUMENTS (TYPE OR PRINT IN BLACK INK)

You must complete a proof of service for each package of documents you serve. For example, if you serve the respondent and the other parent, you must complete two proofs of service; one for the respondent and one for the other parent.

Complete the top section of the proof of service forms as follows:

First box, left side: In this box print the name, address, and phone number of the person for whom you are serving the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

Third box, left side: Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the documents you are serving.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. This number is also stated on the documents you are serving.

Third box, right side: Print the hearing date, time, and department. Use the same information that is on the documents you are serving.

1. You are stating that you are over the age of 18 and that you are neither a party of this action nor a protected person listed in any of the orders.
2. Print the name of the party to whom you handed the documents.
3. List the name of each document that you delivered to the party.
4.
 - a. Write in the date that you delivered the documents to the party.
 - b. Write in the time of day that you delivered the documents to the party.
 - c. Print the address where you delivered the documents.
5. Check the box that applies to you. If you are a private person serving the documents for a party, check box "a."
6. Print your name, address, and telephone number. If applicable, include the county in which you are registered as a process server and your registration number.
7. You must check this box if you are not a California sheriff or marshal. You are stating under penalty of perjury that the information you have provided is true and correct.
8. Do not check this box unless you are a California sheriff or marshal.

Print your name, fill in the date, and sign the form.

If you need additional assistance with this form, contact the family law facilitator in your county.

Parents who come to court about child custody and parenting time (visitation) face decisions about parenting plans for their children. This information sheet provides general information about child custody and parenting time matters, how to get help resolving a custody dispute or making a parenting plan, where to find an attorney, and where to find other resources.

What is a parenting plan?

A parenting plan describes how the parents will divide their responsibilities for taking care of their child.

The plan may include a general or specific schedule of days, times, weekends, holidays, vacations, transportation, pick-up/drop-off, limits on travel, counseling, and treatment services, and other details.

What are legal and physical custody?

A parenting plan usually includes:

- **Legal custody:** how parents make major decisions about the child's health, education, and welfare;
- **Physical custody:** where the child lives; and
- **Parenting time, time-share, or visitation:** when the child spends time with each parent.

Legal custody and *physical custody* may each be specified as *joint* (both parents have certain responsibilities) or *sole* (one parent has the responsibility alone).

Can we make our own parenting plan?

Yes. You have a right to make a parenting plan agreement on your own. This agreement may be called a *stipulation*, *time-share plan*, or *parenting plan*.

If both parents can agree on a parenting plan, the judge will probably approve it. The agreement becomes a court order after it is signed by both parents and the judge, and filed with the court.

What if there is domestic violence or a protective order?

If there is domestic violence or a protective order, talk with an attorney, counselor, or mediator before making a parenting plan.

For domestic violence help, call the National Domestic Violence Hotline at 1-800-799-7233 (TDD:1-800-787-3224) or call 211 if available in your area.

What if we don't have a parenting plan?

If you can't reach an agreement, the court will refer you to mediation with family court services (FCS) to try to work out a parenting plan.

What is mediation with family court services?

Family court services (FCS) provides mediation to help parents resolve disagreements about the care of their child. The mediator will meet with you and the other parent to try to help you both make a parenting plan. An orientation may be provided that offers additional information about the process.

If you are concerned about meeting with the other parent in mediation, or there is a domestic violence issue or a protective order involving the other parent, you may ask to meet alone with the mediator without the other parent. You may also request to have a support person with you at mediation. The support person may not speak for you.

Do we have to agree to a parenting plan in mediation?

No. You do not have to come to an agreement in mediation. When the parents can't agree, the judge will decide. For legal advice, contact an attorney. For other information, ask the self-help center or family court services about how the process works in your court.

Are there other ways to resolve our dispute?

Yes. You may try other alternative dispute resolution (ADR) options, including:

1. Meet and Confer: Parents and their attorneys (if any) may meet at any time and as often as necessary to work out a parenting plan without a court hearing. If there is a protective order limiting the contact between the parents, then the “meet and confer” can be through attorneys or a mediator in separate sessions.

2. Settlement Conference: In some courts, parents may meet with a judge, neutral evaluators, or family law attorneys not involved in the case to discuss settlement. Check with the local court to find out if this is an option. If there is a protective order, the settlement discussion can be through attorneys or a mediator in separate sessions.

3. Private Mediation: Parents may hire a private mediator to help them resolve their dispute.

4. Collaborative Law Process: Each parent hires a lawyer and agrees to resolve the dispute without going to court. The parents may also hire other experts.

Court Hearing

When the parents cannot agree to a parenting plan on their own, in mediation, or in any other ADR process, the judge will decide.

If there is domestic violence or a protective order, a parent may be able to bring a support person with him or her to the court hearing, but the support person may not speak for that person.

Where can I get help?

This information sheet gives only basic information on the child custody process and is not legal advice. If you want legal advice, ask an attorney for assistance. For other information, you may want to:

1. Contact family court services.
2. Contact the family law facilitator or self-help center for information, local rules and court forms, and referrals to local legal services providers.
3. Find an attorney through your local bar association, the State Bar of California at www.calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529.
4. Hire a private mediator for help with your parenting agreement. A mediator may be an attorney or counselor. Contact your local bar association, court ADR program, or family court services for a referral to local resources.
5. Find information on the Online Self-Help Center website at courts.ca.gov/selfhelp.
6. For free and low-cost legal help (if you qualify), go to www.lawhelpcalifornia.org.
7. Find information at your local law library or ask at your public library.
8. Ask for a court hearing and let the judge decide what is best for your child.

**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 Accommodation Request* (form MC-410). (Civil Code, § 54.8.)