JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR15-16

Title
Domestic Violence—Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law—Changes to Request for Order Rules and Forms

Proposed Rules, Forms, Standards, or Statutes
Amend Cal. Rules of Court, rules 5.12, 5.62, 5.63, 5.92, 5.94, 5.151; adopt forms DV-400, DV-400-INFO, FL-303, and FL-320-INFO; revise forms DV-130, DV-200, DV-250, FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E)

Proposed by
Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair

Action Requested
Review and Submit Comments by June 17, 2015

Proposed Effective Date
January 1, 2016

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Executive Summary and Origin

In recent years, the Family and Juvenile Law Advisory Committee has been developing two separate proposals in the areas of Domestic Violence (concerning the modification or termination of restraining orders) and Family Law (relating to *Request for Order* rules and forms). Although the impetus for each proposal originates from different sources, there is significant overlap in the forms that would be affected by the proposals. For example, each proposes several changes to *Request for Order* (form FL-300) and *Responsive Declaration to Request for Order* (form FL-320). The proposals are being circulated together as they concern a number of important overlapping issues for family law and domestic violence legal communities to consider.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Domestic violence proposal

The proposal would help the Judicial Council implement the mandate of Family Code section 6380(f), which states that "[i]f a court issues a modification … or termination of a protective order, it shall be on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice…" The statute has been in effect for some time and the committee has attempted to address this requirement over the years with proposed forms. But, due to significant public comment and the need for legislative action to resolve controversial issues, the committee deferred recommendation on the proposals.

The domestic violence proposal also originated from the legal community (court staff members, domestic violence victim advocates, and law enforcement officers) who requested that the Judicial Council develop consistent court forms, valid for entry into the California Law Enforcement Telecommunications System (CLETS), to assist litigants who want to terminate or modify their Domestic Violence Prevention Act (DVPA) orders under Family Code section 6345.

When Family Code Section 6345(d) became operative, effective January 1, 2012,[1] the Legislature authorized "termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party." The amended statute provided protections to the victim of domestic violence such as requiring strict requirements for service of requests filed by the restrained person to modify or terminate a restraining order. However, neither the Family Code nor the California Rules of Court provide guidance on the procedural requirements for dissolving or modifying DVPA orders. For this reason, courts use a variety of methods to effect modifications and terminate orders, resulting in an inconsistent application of procedures.

The committee proposes a new approach to implement sections 6345and 6380 by revising existing family law and domestic violence forms and creating a new termination order and litigant information sheet. The proposal is based on feedback from self-help center staff and legal services providers who work on domestic violence issues.

Family law proposal

The family law proposal originated from court operations managers, supervisors, and clerks from several counties who suggested practical and clarifying changes to form FL-300 after the Judicial Council adopted significant revisions to the form, effective July 1, 2012. The family law proposal previously circulated for comment in two separate cycles. The comments received informed the recommendations of the Family and Juvenile Law Committee. Indeed, the current invitation to comment incorporates many of the substantive changes proposed by commentators.

[1] Assembly Bill 454 (Stats. 2010, ch. 101) may be found at: *http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB454&search_keywords*=.

The proposal includes a revised *Request for Order* (form FL-300), which encourages the participation of the responding party at the hearing but acknowledges that the court may be authorized to make orders without his or her participation. The proposal also includes a new version of the *Information Sheet for Request for Order* (form FL-300-INFO) that incorporates comments proposing ways to simplify the information about when a *Request for Order* (form FL-300) may be served by mail or when personal service is required on the other party. In addition, the proposal includes a new optional form titled *Declaration Regarding Notice and Delivery of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303) to help parties comply with rule 5.151 of the California Rules of Court and provide a declaration in support of their request for temporary emergency orders. It also includes a proposed new *Information Sheet: Responsive Declaration to Request for Order* (form FL-320-INFO), which would provide information about responding to a *Request for Order*.

Prior Circulation

Domestic violence proposal

The Family and Juvenile Law Advisory Committee proposed forms to modify or terminate the Domestic Violence Prevention Act (DVPA) in three previous public comment periods: 2003, 2005, and 2012.

- The initial invitation to comment circulated from April 17, 2003, through July 1, 2003, was titled "SPR03-40, New Forms and Information Sheets to Vacate and Modify Domestic Violence Prevention Act Orders."[2]

- The committee recirculated the proposal from December 8, 2004, to February 4, 2005, seeking comment on specific issues that were raised by commentators during the first circulation.[3] However, the committee withdrew section of the proposal dealing with modification and terminations of domestic violence restraining orders.[4]

- Another proposal circulated for comment from April 21, 2011, to June 30, 2011.[5] Once again, the committee recommended that it undergo further development.[6]

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[2] Judicial Council of Cal., Family and Juvenile Law Advisory Com. Rep., *Domestic Violence (revise forms DV-100, DV-110, DV-120, DV-130, DV-500, DV-505, DV-520, DV-540, JV-245, and JV-250)* (March 2005 Judicial Coun), p. 5. The report is found at: http://www.courts.ca.gov/documents/0405itema6.pdf.

[3] *Ibid.*

[4] All comments made during the winter 2005 circulation of proposed forms DV-300, DV-310, DV-320, DV-370, DV-380, and DV-390 were published in the March 2005 Judicial Council report.

[5] Invitation to Comment (SPR11-55), "Family Law—Domestic Violence: Adopt Rule of Court Regarding Modification of Child Custody and Visitation Orders and Revise, Approve, Adopt, or Revoke Forms Used in Domestic Violence Prevention Act Cases."

[6] Judicial Council of Cal., Family and Juvenile Law Advisory Com. Rep., *Domestic Violence: Forms and rule for use in Domestic Violence Prevention cases* (October 20, 2011), p. 16. The report can be found at: http://www.courts.ca.gov/documents/ItemA16.pdf.

Family law proposal

The Family and Juvenile Law Advisory Committee and Elkins Family Law Implementation Task Force previously sought comment on proposals to address issues raised by courts about the *Request for Order* (form FL-300) that was significantly revised, effective July 1, 2012.

- "Family Law: Improvements to Request for Order Rules and Forms" circulated from April 19, 2013, to June 19, 2013, proposing changes to rules 5.92, 5.94, and forms FL-300, FL-300-INFO, FL-305, FL-306, FL-312, FL-320, FL-336, FL-337, FL-341(C), FL-341(D), and FL-341(E).[7]

- A revised proposal titled "Family Law: Changes to Request for Order" circulated for public comment from December 13, 2013, to January 24, 2014,[8] and was expanded to propose amendments to rules 5.12, 5.62, 5.63, 5.151, and 5.170. Following its circulation, the Family and Juvenile Law Advisory Committee tabled the proposal to allow additional time to consider how to respond to the additional substantive changes proposed by commentators.

The Proposals

Domestic violence—modification or termination of restraining orders

The Family and Juvenile Law Advisory committee proposes the following changes to implement the Family Code sections 6345 and 6380 relating to a request to modify or terminate a DVPA order issued on *Restraining Order After Hearing* (form DV-130).

Restraining Order After Hearing (form DV-130)
Form DV-130 would be revised to add new check boxes to indicate whether the order is new ("Original") or changed ("Amended"). A blank line in front of the check box for "Amended" would allow courts to identify if the order is a 1st, 2nd, 3rd, or other amended order. This would make it clear to law enforcement and the parties which order is more current. Item 24 on page 4 would also be revised to include that a proof of service of the *Request for Order* (form FL-300) was presented to the court and would specify whether proof of service of the amended order is required on either party.

Proof of Personal Service (form DV-200) and *Proof of Service by Mail* (form DV-250)
These two forms would be revised in item 4 to add *Request for Order* (form FL-300) to the checklist of forms served on the other party.

Findings and Notice of Termination of Restraining Order (form DV-400)
The proposal is for a standalone form to memorialize the *termination* of a DVPA order. The form would (1) identify the name of the parties; (2) provide a section for the court to make

[7] "Family Law: Improvements to Request for Order Rules and Forms" (SPR13-22) may be found at: *http://www.courts.ca.gov/documents/SPR13-22.pdf*.

[8] The invitation to comment may be found at: *http://www.courts.ca.gov/documents/W14-12.pdf*.

findings about the nature of the proceeding and how service of the request was effected under Family Code section 6345; (3) include a court orders section to specify the date the *Restraining Order After Hearing* (DV-130) was issued and the date that order terminated; (4) identify if orders for child custody, child visitation, or child, spousal, or domestic partner support were changed or also terminated; (5) include a notice that the court or its designee will transmit the form for entry into CLETS within one business day; and (6) include a section for the court to provide specific instructions about serving the order.

How to Change or End a Domestic Violence Restraining Order? (form DV-400-INFO)
This new, four-page information sheet would mirror *Information Sheet for Request for Order* (form FL-300-INFO) but be tailored to provide answers to frequently asked questions and guidance to parties about the forms and procedures for requesting a modification or termination of the restraining order issued on form DV-130.

Request for Order (form FL-300)
Because parties would use form FL-300 to request an order to modify or terminate a restraining order, this form would require several changes. The form would be changed to refer specifically to form DV-400-INFO, which will provide information to persons who want to modify or terminate a restraining order. In addition, page 4 of form FL-300 would be revised to provide a specific check box noting a request to either modify or terminate the restraining order. The item would also include fillable space for a party to provide details about the requested orders. As to this item, the committee seeks comment on whether the form should instruct a party to attach a copy of the restraining order to form FL-300 being filed with the clerk and served on the other party.

Responsive Declaration to Request for Order (form FL-320)
This form would be revised to include a specific item on page 2 for a party to check and indicate consent or opposition to the orders requested on form FL-300 to either modify (change) or terminate (end) the restraining orders granted in form DV-130.

Legislative and other solutions to previous issues
The committee previously sought comment on several issues that raised concern with commentators. As noted below, Family Code section 6345 specifically addressed a number of issues relating to the modification or termination of restraining orders such as personal conduct, stay-away, and residence exclusions orders:

- *Either party is able to request a modification or termination of restraining orders.* Family Code section 6345 authorizes either party to make the request. The statute does not restrict the filing of such a request to either a protected party or a restrained party. Instead, the statute generally permits "…termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party."

- *Personal service required if request made by restrained person.* Section 6345(d) specifies strict service requirements if a restrained party requests modification or termination of the restraining order. The statute requires that "…the party who is protected by the order shall be given notice…of the proceeding…by personal service." Service may also be made on the Secretary of State if the protected party has been provided a confidential address for victims of domestic violence under Government Code section 6205 et seq.[9]

  The statute, however, does not require that the party who is protected by the order give notice of the proceeding by personal service on the restrained party. This seems to permit the protected party to give notice of the request to modify or terminate the restraining orders using service by mail.

- *Shortened time for service of notice of hearing permitted.* Section 6345(d) requires that a party other than the protected party give notice to the protected party of the request to terminate or modify domestic violence restraining as required by Code of Civil Procedure section 1005(b). Section 1005(b) states "[u]nless otherwise ordered or specifically provided by law, all moving and supporting papers shall be served and filed at least 16 court days before the hearing."

  However, the author (Silva) of Assembly Bill 454's bill analysis, provided at the Senate Judiciary Committee hearing of June 7, 2011, supports that Family Code section 6345 permits either party to seek an order shortening time for service of the notice of the hearing in rare occasions:

  > While it is plausible that a party may face circumstances that require a modification or termination of an order in a shorter time frame than the 16 days' notice required by this bill pursuant to Section 1005(b) of the Code of Civil Procedure (for example, start of a new job in an area enjoined from entering), public policy here would dictate that the interest of protecting victims of violence or threats of violence from new or further physical and/or psychological harm would take precedence above any other interests of parties who are enjoined by the protective party. The court may still find that the order should be modified or terminated in advance of the expiration date upon a hearing, but in the interest of public policy, the person protected by the order should be given sufficient advance notice to appear in court and oppose any modification or termination and provide their evidence for why the other party's motion should not be granted in light of the danger posed to the victim. Moreover,

[9] Government Code section 6206(a)(5)(A) provides that service on the Secretary of State of any summons, writ, demand, or process shall be made by delivering to the address of confidentiality program personnel of the office of the Secretary of State two copies of the summons, writ, demand, or process.

Section 1005(b) would permit the court to shorten the timing of notice if it deems appropriate under specific circumstances.[10]

- *No temporary emergency orders to change or end the restraining order before a hearing.* The court is not authorized to rule on the restrained party's request and make temporary orders that change or end the restraining order before the noticed hearing. Family Code section 6345(d) provides that if the party who is protected by the order cannot be notified prior to the hearing, the court shall deny the motion to modify or terminate the protective order without prejudice or continue the hearing until the party is properly noticed, and may, upon a showing of good cause, specify another service method.

- *Evidentiary standard.* Family Code section 6345 does not articulate an evidentiary standard that the court should use on a request to modify or terminate a domestic violence restraining order. Therefore, under Family Code section 210, the standards under the Code of Civil Procedure must be applied. Case law does provide some guidance on this issue. In *Loeffler v. Medina*,[11] the appellate court noted that the evidentiary standard is not governed by the "reasonable apprehension of future abuse" standard applicable when a party is seeking to renew an expiring domestic violence restraining order. Instead, the court adopted the standard in Code of Civil Procedure, section 533.[12]

- *Use of form FL-300 reflects current court practice.* Many requests to modify form DV-130 orders relate to child custody, visitation, and support. Because custody and visitation orders remain in effect even after a protective order ends under Family Code section 6340, litigants with ongoing custody and visitation matters will often use family law forms to request a change to such orders filed on form DV-130. Thus, the proposal to use existing family law form FL-300 to request a change in the current restraining orders would reflect current practice in most courts.

- *No accompanying rule of court is needed.* Because the proposed forms indicate the procedures for their use (for example, forms DV-130, DV-400, DV-400-INFO, FL-300, FL-300-INFO, and FL-320), no specific rule of court is required concerning modification

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[10] The Senate Judiciary Committee bill analysis dated June 6, 2011, may be found on page 7 at: *http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml*.

[11] *Loeffler v. Medina* (2009) 174 Cal.App.4th 1495, 95 Cal.Rptr.3d 343. The case can be found at: *http://scholar.google.com/scholar_case?case=17223333606025192688&q=Loeffler+v.+Medina&hl=en&as_sdt=2006&as_vis=1*.

[12] Code of Civil Procedure section 533 provides:

In any action, the court may on notice modify or dissolve an injunction or temporary restraining order upon a showing that there has been a material change in the facts upon which the injunction or temporary restraining order was granted, that the law upon which the injunction or temporary restraining order was granted has changed, or that the ends of justice would be served by the modification or dissolution of the injunction or temporary restraining order.

or termination of restraining orders. Under California Rules of Court, rule 5.7, "All forms adopted or approved by the Judicial Council for use in any proceeding under the Family Code, including any form in the …DV… series, are adopted as rules of court under the authority of Family Code section 211; article VI, section 6 of the California Constitution; and other applicable law."

Family law—request for order rules and forms

This proposal is intended to revise the request for order rules, forms, and update associated forms used as attachments to form FL-300 relating to child custody and visitation (parenting time) (including forms FL-341 and FL-341(B)–(E)) to make them more effective and user friendly. The proposal would benefit the judicial branch—along with attorneys and self-represented litigants who use the forms—by clarifying, reorganizing, and rewording specific items that have caused some confusion to persons who complete the forms and to the court clerks who process them.

In addition, the proposal recommends adoption of a new, optional form titled *Declaration Regarding Notice and Delivery of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303) to help parties comply with rule 5.151 (Request for emergency orders; application; required documents) which requires, among other things, that a party's request for temporary emergency orders include a written declaration regarding notice of application for emergency orders based on personal knowledge. The proposed new form would also assist courts that do not provide a local form for this purpose.

Further, the proposal recommends adoption of a new form titled *Information Sheet: Responsive Declaration to Request for Order* (form FL-320-INFO) to provide information to a party about responding to *Request for Order* (form FL-300).

Family law—specific changes proposed to rules of court relating to form FL-300

Rule 5.12. Discovery motions

This rule would be updated to replace references to a "notice of motion" with "request for order." This change would avoid confusion for persons who may look to complete a form titled *Notice of Motion* (form FL-301), which was revoked, effective July 1, 2012. However, the rule would be also clarify that a request for order regarding discovery is subject to the same requirements for discovery *motions* under the Code of Civil Procedure. The rule would be further revised to specify that that the Family Code sections regarding the disclosure of assets and liabilities are found at sections 2100 through 2113.

Rule 5.62. Appearance by respondent or defendant

The proposal includes only a few revisions to this rule. The term "defendant" would be deleted to reflect the same change being made to the family law forms. The term "motion" would be replaced with "request for order." The first paragraph of the rule would also be amended to include Family Code sections 2012 and 3409, which commentators have pointed out are other exceptions to the rule on general appearances.

Rule 5.63. Motion to quash proceeding or responsive relief
This rule would be amended to delete the reference to "motions." Instead, "motions" would be replaced with "request for order." This change is needed to avoid confusion to parties and attorneys since the Judicial Council previously revoked *Notice of Motion* (form FL-301), effective July 1, 2012.

Rule 5.92. Request for court order; response.
The committee proposes the following technical and substantive amendments to rule 5.92 to provide better guidance to court users and increase court efficiencies:

- Reformat the rule under new subheadings titled (a) Application, (b) Required forms and documents, (c) Request for temporary emergency orders, (d) Request for order shortening time, (e) Issuance by court clerk, (f) Service requirements, and (g) Responding papers.
- Clarify that additional forms, rules, and local rules apply to requests for temporary emergency orders;
- Authorize the court clerk to issue a *Request for Order* (form FL-300) as a ministerial act in specific circumstances, such as ordering parties to attend orientation and child custody mediation or child custody recommending counseling as well as in circumstances that do not require the use of judicial discretion; and
- Provide a more comprehensive description of when personal service of the FL-300 is required.

Finally, an advisory committee comment would be added following the rule to provide background information about the rule and form FL-300. It would specifically note that the rule and form were developed in response to the Elkins Family Law Task Force recommendations for one comprehensive form and related procedure to replace the former *Order to Show Cause* and *Notice of Motion*.

To facilitate review of rule 5.92 during the comment period, the proposal eliminates standard editing marks. Following public comment, the rule in the Judicial Council report will include conventional editing marks. The text of the current rule may be found at: *http://www.courts.ca.gov/cms/rules/index.cfm?title=five&linkid=rule5_92*.

Rule 5.94. Order shortening time; other filing requirements
The proposal would amend the rule relating to reissuances of the *Request for Order* (form FL-300) and *Temporary Emergency Orders* (form FL-305). The substantive changes proposed to the rule would address the concerns of attorneys and court personnel that the current version of the rule provides insufficient guidance about the consequences of a party's failure to timely serve the moving papers. The proposal would amend rule 5.94(c) as follows:

- Reference the proposed title change to form FL-306 as *Application and Order for Reissuance*;
- Specify that the completed form FL-306 must be attached as the cover page when serving the reissued documents;
- Clarify that failing to timely serve form FL-300 and any temporary orders granted by the court will result in the orders expiring on the actual hearing date; and
- Indicate that the party may request up to three reissuances without charge.

Rule 5.151. Request for temporary emergency court orders; application; required documents
Rule 5.151 would be amended at subdivision (c)(4) to reference a proposed, new optional form that is titled *Declaration Regarding Notice and Delivery of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303). That proposed form is included with this proposal.

Proposed changes to form FL-300
Since the Judicial Council adopted *Request for Order* (form FL-300), effective July 1, 2012, court operations managers, supervisors, and clerks from several counties have provided suggestions for practical and clarifying changes to the form. Their suggestions have informed the Family and Juvenile Law Advisory Committee's proposal for technical and substantive changes to the form. Thus, the proposed changes in this invitation to comment are substantially different from the versions of the form that circulated in two prior public comment cycles. The current proposal includes the following changes to form FL-300:

Changes to page 1

- The following changes are proposed to a caption box: (1) The height of the box would be increased to allow more space for additional entries; (2) to create more space, the term "Modification" would be reduced to "Modify;" (3) "Temporary Emergency Orders" would appear in all capital letters; (4) the "Spousal Support" checkbox would read "Spousal or Partner Support" to more accurately reflect that domestic partners may use the form to request support orders; (5) the term "parenting time" would be added to the "Visitation" check box;[13] (6) new check boxes would be included titled "Property Issues" and "Change or End Domestic Violence Restraining Order After Hearing;" (7) the check boxes would be reformatted to better fit the space; and (8) additional fillable space would be provided following the check box for "Other *(specify)*:".

- The part of the form above "Court Orders" would be given its own title heading, "Notice of Hearing" to clearly state the purpose of the information on page 1 and differentiate it from the "Court Orders" section on the same page.

[13] Footnote 8 on page 41 of the *Elkins Family Law Task Force Final Report and Recommendations* provides: "The task force recommends the use of the term "parenting time" to refer to visitation, where appropriate. See recommendation II.A, page 48." The final report may be found at *http://www.courts.ca.gov/documents/elkins-finalreport.pdf*.

- Item 2 would be simplified to read "A COURT HEARING WILL BE HELD AS FOLLOWS:" The bolded notice regarding mediation would be deleted to avoid redundancy on the form. Also, item 2b would be moved to include it in the same box as item 2a to group information about the hearing.

- The current item 3, which refers to attachments to be served with form FL-300 would be deleted. Since the subsequent items on pages 2 to 4 already list forms that are required to be completed, filed, and served or provide check boxes for the moving party to indicate which forms are attached, the committee believes that item 3 is redundant. Further, item 3 does not provide sufficient space to include all forms that could possibly be served with form FL-300. Such a list is, however, included on *Information Sheet for Request for Order* (form FL-300-INFO).

- A new item 3 would provide a warning to the respondent about failing to serve a *Responsive Declaration* and appear at the hearing. This item would replace the current notice box at the bottom of page 1 and would include a reference to proposed new form *Information Sheet: Responsive Declaration to Request for Order* (form FL-320-INFO). However, the proposal would delete the specific language about paying a filing fee to address concerns of self-help centers. The statement, "You do not have to pay a fee to file the *Responsive Declaration to Request for Order* (form FL-320) or any other declaration….." assumes the responding party has already filed a *Response* in the case. However, frequently, a party's responsive declaration to a request for order is the party's first filing with the court—instead of a *Response*. In this situation, a fee to file form FL-320 would be required and would serve as that party's first appearance fee. Because the statement can be misleading, the committee recommends deleting it from the form.

- The date and signature line in the middle of the page would be deleted. This information was formerly included on a *Notice of Motion* (FL-301). However, because the declarant's signature is required on the last page of the form, the additional signature line on page 1 is redundant.

- A notice immediately before the Court Order section would refer parties to either forms FL-300-INFO or DV-400-INFO for information about completing form FL-300.

Changes to page 1 (Court Order section)
Item 4, order to show cause (OSC) language
The committee proposes deleting the "OSC language" currently at item 4, which states "YOU ARE ORDERED TO APPEAR IN COURT AT THE DATE AND TIME LISTED IN ITEM 2 TO GIVE ANY LEGAL REASON WHY THE ORDERS REQUESTED SHOULD NOT BE GRANTED." Maintaining this language on form FL-300 has caused confusion, which the committee has been trying to address for some time.

The confusion relates to when one should check the OSC language on form FL-300. For example, when should a party be ordered to appear at the hearing? And, who is responsible for checking that box (the party or the court)? Courts have addressed these questions in different ways. Some court clerks have indicated that they leave it up to the party to determine if the other party is ordered to appear. Other court clerks check the box if the respondent has not yet appeared in the case, which requires additional workload for court clerks reviewing the case history. Still, in other counties, court clerks check the box if the issue is determined to be in the nature of a "motion."

To eliminate confusion and additional work load on court staff, the committee proposes deleting the OSC language from form FL-300. Although some commentators have expressed concern that removing the OSC language will result in litigants failing to appear at the hearing of the request for order, the committee believes that the proposed revision to item 3 will encourage the responding party to appear at the hearing.

Deleting the OSC language from the form would:

- Reflect that, upon proper service of the FL-300, the court does not have to *also* issue an order requiring the party to attend the hearing before the court can make orders on the relief requested.

- Not interfere with a judge's ability to order a party to appear at the hearing or issue a bench warrant. Committee members agreed that the court could issue an order for a litigant to appear if necessary to determine the case. The court could grant the order using the "Other Orders" box on page 1 (item 8) of form FL-300. Committee members also reported that they infrequently issue bench warrants if a litigant fails to appear at a hearing.

Finally, to provide direction to a moving party about how to compel the presence of a responding party or a witness at the hearing, the committee proposes revising form FL-300-INFO to include a link to new web content about notices in lieu of subpoena and civil subpoenas. The web page is currently under construction.

Changes to page 1 (items 5–8; notice box)
Most of the concerns about form FL-300 relate to the bottom half of the first page, the Court Order section. Court personnel expressed confusion about when the check box for "Court Order" on the current form is to be checked. Clerks noted differences in their local practices: some clerks check this box only if mediation is ordered, others check the box when any of the items in this section are checked by the parties. To avoid confusion, the committee proposes eliminating the check box in front of "Court Orders" and placing below it "(For Court Use Only)."

With respect to current item 5 (item 4 in the attached form FL-300), the committee members discussed comments about deleting the order shortening time for service or time for the hearing from form FL-300 and placing it on the proposed standalone form, *Temporary Emergency*

Orders (form FL-305). After receiving input from small and large courts, the committee proposed that these orders remain on page 1 of the *Request for Order* (form FL-300). The input demonstrated that the requests for order shortening times are among the most frequently requested orders and are often the only orders requested on form FL-300. Removing the order to shorten time to a separate document could decrease court efficiency in those cases by requiring the party to generate a second form for filing and service. Therefore, the committee proposes maintaining this item in the court orders section and renumbering it as item 4.

Regarding current item 7 (item 6 in the attached FL-300), instead of using the term "mandatory custody services," the item would be rewritten to state: "The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows *(specify date, time, and location)*:". This change would more accurately reflect the language in the Family Code relating to mandatory child custody mediation.

Current checkbox at item 8 (item 7 in the attached form) would be revised to state that temporary emergency orders must be personally served with all documents filed with this *Request for Order*.

In item 9 (item 8 in the attached form), the blank space area would be increased to allow the court to write more than one line of other orders made in connection with the request.

Finally, as previously noted, the notice box below the judicial officer's signature line would be deleted and incorporated into the "warning" at item 3.

Form FL-300, changes to pages 2–4

- "This Is Not a Court Order" would be added to pages 2–4 of FL-300.
- The check boxes at items 1, 2, 6, and 7 would be changed. Instead of stating "To be ordered pending hearing," these check boxes would be revised to state "Applicant requests temporary emergency orders." These revisions are needed to clarify that any request for relief on pages 2–4 pending a hearing is distinct from the actual temporary emergency orders granted by the court.

- Item 3 (Child Support) would be revised to add a check box to indicate if the orders are contained in DV-130. It would also include a new item e to specify that a completed *Income and Expense Declaration* (form FL-150) or a *Financial Statement (Simplified)* (form FL-155) must be filed with the *Request for Order*.

- Item 4 (Spousal or Partner Support) would be reformatted and simplified. Items b and c would be combined and a new check box would be added to alert the court that the support orders are included in DV-130.

- Item 5 (Attorney's Fees and Costs) would be reformatted to make it easier to read. The content would be divided into subitems a through c.

- The language in item 6a on page 3 (Property Restraint) would be expanded to include the full language of the statute and provide: "However, the parties may use community property, quasi-community property, or separate property to pay for the help of an attorney or to pay court costs." Items 6a—along with 7a and 7b (Property Control)—would also include a new check box for "other parent/party" so that a court can make this order, if appropriate.

- As previously indicated, a new item 8 would be added to cover requests to change or end domestic violence restraining orders.

- Item 10 (Order Shortening Time) would be expanded to distinguish between a request for an order shortening time and an order shortening time for the hearing of the request for order.

Family law—proposed changes to FL-300-INFO

This form serves as the instruction sheet to help parties complete form FL-300. The committee has proposed the following extensive revisions of this form in response to comments from the legal community:

- The whole form would be reformatted similar to the plain-language format of *How Do I Ask for a Temporary Restraining Order?* (form DV-505-INFO). It would use a two-column format, except for the first page. The first page includes a long list of forms. To facilitate listing the full name of each form on a single line, the committee proposes a different format for the first page.

- New sections to the form (on pages 1–3) would be added that provide (1) information about when a party should or should not use form FL-300, (2) a checklist of additional forms that might be needed depending upon the relief requested, (3) more detailed information about the additional requirements for seeking a temporary emergency (ex parte) order, and (4) more specific information and graphics that help explain the differences between personal service and service by mail of the request for order.

- New sections to the form on page 4 would be added to help (1) parties understand when the *Request for Order* (form FL-300) should be served using personal service or service by mail and (2) connect a party to legal services and other information.

- In addition, at 4 and 7, the form would make parties aware that different local practices may apply that affect how to complete or file form FL-300. For example, local practices differ as to whether the court clerk or the party complete page 1, item 7 of form FL-300 with the appointment date for the child custody mediation or child custody

recommending counseling. Local procedures may also differ about how the court clerk processes requests for temporary emergency orders.

- A new section at item 21 would provide information about preparing for the hearing, including a link to new web content about notices in lieu of civil subpoenas.

Family law—proposed new form FL-303

Effective January 1, 2013, the Judicial Council adopted specific rules relating to requests for temporary emergency (ex parte) orders: rules 5.151 through 5.169. Rule 5.151 (Request for emergency orders; application; required documents) requires, among other items, that a party's request for temporary emergency orders include a written declaration regarding notice of application for emergency orders based on personal knowledge.

There is no current Judicial Council form to help a party comply with the requirement for such a written declaration. Historically, the reason has been because courts throughout the state had adopted a variety of rules and forms regarding notice of ex parte hearings in family law matters. Local rules and forms often differed from county to county about the time frame for providing notice, which presented particular challenges to proposing a statewide form that could serve the needs of self-represented litigants or attorneys who practice in more than one jurisdiction.

With the adoption of rule 5.165 (Requirements for notice), effective January 1, 2013, the Judicial Council implemented a uniform rule in family court addressing the time frame for providing notice to the other party about the request for temporary emergency orders. The rule requires, absent the court's approval for shortened notice or a waiver of notice, that, "[a] party seeking emergency orders under this chapter must give notice to all parties or their attorneys so that it is received no later than 10:00 a.m. on the court day before the matter is to be considered by the court."

While some local courts offer a form for parties to complete and demonstrate their compliance with the notice requirements of rule 5.165, the committee recognizes that other courts do not. The *Declaration Regarding Notice and Delivery of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303) would help fill a need for a standard form that can be accepted for filing in family courts across the state. Understanding that local courts may still require a party seeking temporary emergency orders to follow local rules and encourage parties to use local forms, the proposed FL-303 would include a notice box under the caption to advise parties that local procedures for this type of hearing may vary in each county and that parties should consult their county court's local rules. In addition, the notice box would include a link to *http://www.courts.ca.gov/3027.htm*, which lists the local court rules from the California Court's Online Self-Help Center.

Family law—proposed changes to FL-305

Current *Temporary Emergency Orders* (form FL-305) serves as a court order that is attached to the *Request for Order* (form FL-300) when it is served on the other party. Judicial officers have

expressed concern that when form FL-305 is attached as the second page of form FL-300, the actual court orders may not be easily distinguished from orders being requested by a party. To avoid confusion, courts have suggested revising the form to be a separate, standalone order that is served along with form FL-300. To respond to these concerns, and other suggestions from commentators to improve this form, the committee proposes the following changes to form FL-305:

- Insert standard captions and headings to create a separate, standalone form;
- Insert a new item 1 to reference the hearing date, time, and location that appears in item 2 of the filed *Request for Order* (form FL-300) that would be served with form FL-305;
- Add a new item to list the names and ages of the children subject to the temporary emergency orders;
- Add check boxes to cover cases in which temporary care, custody, and control of children are divided among the parties; and
- Insert a statement that the party or parties with temporary physical custody, care, and control of minor children must not remove the child from California unless the court allows it after the noticed hearing.

Family law—proposed changes to FL-306

Application and Order for Reissuance of Request for Order (form FL-306) is used by a party to request that the court reissue temporary emergency orders in family court if the other party could not be served before the hearing date. In response to comments received about this form, the committee proposes that:

- The form's title be simplified to *Application and Order for Reissuance*;
- The application portion of the form be reorganized and reflect some of the plain-language content in form DV-115, *Request to Continue Court Hearing and Reissue Temporary Restraining Order*;
- The terms "court mediator or family court services" be updated to "child custody mediator or child custody recommending counselor"; and
- The form be revised to include a request and order to reissue an order shortening time for service or time for the hearing.

Family law and domestic violence—proposed changes to FL-320

Responsive Declaration to Request for Order (form FL-320) is completed by a party to respond to a filed *Request for Order* (form FL-300). Given the proposed changes to the domestic violence forms and form FL-300 in this cycle, the committee proposes revising form FL-320 by:

- Revising "Other Party" to read "Other Parent/Party" in the caption;
- Specifying under check box 3 that, a current *Income and Expense Declaration* (form FL-150) or, if eligible, a current *Financial Statement (Simplified)* (form FL-155) is attached;
- Revising check boxes 4 and 5, item a, to indicate that a current *Income and Expense Declaration* (form FL-150) is attached;

- In item 5, adding a requirement to complete and file with the form a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in the form;
- Providing at item 8 a specific check box titled "Modify or Terminate Domestic Violence Restraining Orders";
- Correcting the titles of forms DV-100 and DV-120 in the box at the bottom of page 2; and
- Creating additional space on the form by consolidating all check boxes that indicate a party does not consent with the order requested with a check box for a party to specify an order to which he or she would consent.

Family law—proposed new form FL-320-INFO

The committee proposes a new form to help parties who are served with a *Request for Order* (form FL-300). The new form, *Information Sheet: Responsive Declaration to Request for Order* (form FL-320-INFO), would provide information about completing, filing, and serving a *Responsive Declaration to Request for Order* (form FL-320). It would serve as the counterpart to the current information sheet (form FL-300-INFO) that was designed for a party who files and serves a *Request for Order*. The proposed new form would also include the same information about legal resources that is currently included in the information sheet developed for moving parties: *Information Sheet for Request for Order* (form FL-300-INFO).

The committee believes that the proposed new form supports the Judicial Council's strategic goals of access, fairness, and diversity because it would help remove barriers to the courts for parties responding to a request for order. It would also address a clear need to provide balanced information to all parties in a family law case, not only to those who use form FL-300 to request orders.

Family Law—proposed changes to forms FL-311, FL-312, FL-336, FL-337, and FL-341

Forms FL-311, FL-312, FL-336, and FL-337 were circulated for comment in spring 2013 with the proposal that they only be revised to delete references to "Order to Show Cause" and *Notice of Motion* (form FL-301) and replaced with *Request for Order* (form FL-300). In addition, the proposal included other technical changes such as inserting "Other Parent/Party" in the caption and throughout the forms.

Based on comments received, the committee now recommends additional substantive revisions to these forms. One global revision would be to replace references to "parents" with "parties" and also identify whether the term "parties" applies to the petitioner, respondent, or other parent/party in the case. This change would improve these forms by allowing for cases in which the petitioner may not be a parent, such as in actions involving a local child support agency (who may be listed as the petitioner in the case), or cases in which the court grants custody or visitation rights to a child's grandparent or another relative. Descriptions of other proposed revisions are listed following the title of each form in this report.

Child Custody and Visitation Application Attachment (form FL-311)
Other revisions to this form would include the following:

- A statement under the title that form FL-311 is not a court order;
- Changing "child custody and visitation" to "child custody and visitation (parenting time)" throughout the form;
- Separating the attachments below the title to read "Petition," "Response," "Request for Order," and "Other (specify)";
- Updating the form to use the terms "child custody mediation" or "child custody recommending counseling";
- Following item 2, inserting a note to inform parties that a court ordered child's holiday schedule has priority over the regular parenting timeshare;
- In item 2e, adding an instruction for this section and including check boxes for a party to indicate if the visitation (parenting time) will begin "at the start of school" or "after school;"
- Changing item 2e(4) to indicate that form MC-025 may be used if space is needed to provide additional information about other visitation (parenting time) days and times;
- Reformatting item 3 to clearly indentify the requests made for supervised visitation; and
- Revising item 4f to replace the term "home" with "home (or exchange location)."

Request for Child Abduction Prevention Orders (form FL-312)
The form would be revised under the title to clarify that it is not a court order. In addition:

- References to "parent" would be replaced by "party" or "other parent/party;"
- Items 2 and 3 would be revised to read as a party's declaration instead of a questionnaire. For example, item 2 would be revised to read "I request orders to prevent child abduction by (specify): __ Petitioner __ Respondent __Other Parent/Party." Item 3 would be simplified to "I think that he or she might take the children without my permission to *(check all that apply):*".
- On page 2, the opening statement would be revised to read "I request the following orders against *(specify)*: __ Petitioner ___ Respondent __ Other Parent/Party."
- Item 5 would be revised to include a statement for a party to acknowledge an understanding that the supervised visitation provider must meet the qualifications listed in form FL-324.
- Item 10 would be revised to include a request for an order that the party turn in all the children's passports in his or her possession. This change would make the choices consistent with the item's title.

Order to Pay Waived Court Fees and Costs (Superior Court) (form FL-336)
Proposed revisions to this form would include:

- Changing the check box at item 1 to "Contested or Trial" to help parties understand that "Contested" can also mean "Trial";

- Adding a check box to item 1 for "On the *Request for Order* filed *(date):* …by *(party):*" to clarify that the order to pay waived court fees costs can originate from a specific request filed by a party in the case;
- Adding check boxes (for "Other Parent/Party") throughout the form to cover court findings and orders relating to another parent or party in the case; and
- Simplifying the notice on page 2 so that it is easier for the court to complete and easier for the recipient to understand, while still reflecting the intent of Government Code section 63687(d).

Application to Set Aside Order to Pay Waived Court Fees—Attachment (Family Law) (form FL-337)
No commentators proposed additional substantive changes to this form. Therefore, the committee proposes only technical changes to the form as previously described.

Child Custody and Visitation (Parenting Time) Order Attachment (form FL-341)
The committee proposes:

- Adding "Other Parent/Party" to the form wherever "Petitioner" and "Respondent" appear;
- Updating item 7c with the terms "child custody mediation" or "child custody recommending counseling;"
- Throughout item 7e(1), including check boxes for a party to indicate if the visitation (parenting time) will begin "at the start of school" or "after school"; and
- Revising item 10f to replace the term "home" with "home (or exchange location)."

Family Law and Juvenile Law—proposed changes to forms FL-341(B)−(E)
Child Abduction Prevention Order Attachment (form FL-341(B))
The committee proposes:

- Adding "Other Parent/Party" to the form's caption;
- Changing the term "parent" to "party" throughout the form, as appropriate to the context;
- Revising item 1(f) by replacing "another country" with "another county";
- Revising items 7 and 8 to create a separate category for orders to turn in children's passports and other vital documents; and
- Renumbering the remaining items accordingly.

Children's Holiday Schedule Attachment (form FL-341(C))
The committee proposes a number of changes to this form, including the following:

- Adding "Other Parent/Party" throughout the form;
- Inserting a note before the holiday table to inform parties that a court ordered child's holiday schedule has priority over the regular parenting time;
- Starting the preprinted list of holidays with December 31 (New Year's Eve);
- Including the specific date for Lincoln's birthday (February 12) and Veterans Day (November 11) as these always occur on a specific date;

- Adding categories to cover other holidays commonly used in stipulations and orders, such as "President's Week Recess," "December/January School Break," and "Breaks for year-round schools;"
- Increasing the entries for "Child's birthday (date):"
- Providing fillable space to specify the date for the parents' birthdays;
- Expanding the form to two pages, providing a blank table of holidays for parties to customize;
- Revising item 2 to better organize and provide more space to complete the section on vacations; and
- Adding, under item 2, new items b(1) and (2)(A)—(D) to reflect language commonly used by parties to designate in advance how to resolve disagreements over a proposed vacation schedule without requesting a court hearing. For example, item (2)(B) would provide that "In even-numbered years, the parties will follow the suggestions of either Petitioner, Respondent, or Other Parent/Party for resolving the disagreement." Item (2)(C) would then have the same language but for odd-numbered years. Item (2)(D) would provide a space for a party to request another means of resolving any disagreement about a vacation schedule.

Additional Provisions—Physical Custody Attachment (FL-341(D))
This form would also be revised to delete references to "parents," replace them with "party" or "parties," and restructure the paragraphs, as appropriate. The form would also include a new introductory paragraph to help identify whether the references to "parties" used throughout the form apply to the petitioner, respondent, or other parent/party. In addition, the committee proposes the following:

- Revising item 1 to include a party's e-mail address and cell phone number;
- Revising items 5b and 5c to provide an option for a party to request more specific orders about canceled visitation (parenting time);
- Adding a new item 8 titled "Discussion of court proceedings with children";
- At item 11, including that the children will not be exposed to either cigarette smoke or medical marijuana smoke; and
- Technical changes such as rearranging the items in the form, providing more space between the provisions to make them easier to read, and renumbering the items.

Joint Legal Custody Attachment (form FL-341(E))
Substantive changes to this form would include:

- Adding "Other Parent/Party" throughout the form, wherever appropriate;
- Including a notice box to explain the meaning of "joint legal custody" and that the form is to be used if a party wants to ask for court orders specifying when the consent of both parties is required to exercise joint legal custody of the parties' children;
- Changing the term "confer" in item 2 to a more plain language term, "discuss"; and
- Rearranging the entries under item 2.

Adapting family law forms for use as juvenile court child custody orders
In addition to the above-mentioned changes, forms FL-341(B)−(E) would be revised to include a check box in the caption to make clear that each form may serve as attachments to either *Custody—Juvenile Court—Final Judgment* (form JV-200) or *Visitation Order—Juvenile* (form JV-205). By doing so, the Family and Juvenile Law Advisory Committee proposes to address issues relating to juvenile court child custody orders, also sometimes known as "exit orders." Using existing family law forms, the juvenile child custody orders would provide sufficient detail and use language familiar to the family law bench and bar to permit their enforcement in family court in the event that a dispute does arise.

A companion proposal for changes to juvenile court child custody orders is circulating concurrently with this invitation to comment. For information about the specific juvenile court forms proposed for revision, please refer to the invitation to comment titled "Juvenile Law: Final Custody and Visitation Orders."

Alternatives Considered

Domestic violence proposal

The committee considered a number of other options to address procedures for requesting a modification or termination of Domestic Violence Prevention Act orders and sought informal feedback and suggestions from court self-help staff, legal services providers, and domestic violence advocates who commonly use DV forms. All the attorneys indicated approval of some type of form for entry of modified or terminated orders into CLETS. The following proposals were considered:

- ***Create a standalone DVPA packet to modify or terminate any of the orders. This option would require new or revised forms for the application, response, and notice of hearing.***
  The benefit to this approach is that all issues could be addressed with "plain-language" forms that indicate that the case is a DV case. The existing DVPA request for child custody and visitation orders could be used with minimal revision (form DV-140). A new information sheet would need to be developed to instruct litigants how to use the forms to modify or terminate orders.

  The drawback to this approach is that courts would be required to distribute an entirely new forms set. The existing *Response to Request for Domestic Violence Restraining Order* (form DV-120) and the existing *Notice of Court Hearing* (form DV-109) are not currently well suited to requests to modify or terminate orders. These forms would need to be significantly revised or new forms would need to be developed to respond to and give notice of hearing on a request to modify or terminate a restraining order.

  Commentators strongly disfavored this option due to the necessity for numerous new forms or complicated multipurpose DVPA forms. The committee agreed with this position.

- ***Create a forms set only to terminate or modify the restraining/protective order (not other-included orders like custody).***
  This approach would create DVPA forms to request only a modification or termination of the restraining orders. There is general agreement that the "restraining orders" constitute only the no-contact, stay-away, and residence exclusion orders, and Family Code section 6380(f) requires Department of Justice-approved forms only for orders to modify or terminate restraining orders. Thus, creating a separate set only to terminate or modify the restraining/protective order would bring the Judicial Council in compliance with section 6380(f).

  The benefit to this option is its simplicity: the forms could have check boxes to add or remove protected persons and to modify or terminate the no-contact, stay-away, and residence exclusion orders. Litigants wishing to modify anything else would use the family law forms. Another benefit of this approach is that Family Code section 6345(d) requires personal service if anyone other than the protected person petitions to modify or terminate the protective order.

  The drawback to this option is that many litigants may want to end a stay-away order from a child and also modify custody, visitation, or support orders. This option would require the litigant to navigate two entirely different form sets to take care of these requests. The committee considered but declined this option in the past due to this significant drawback.

  The commentators strongly disfavored this option for the same reason. The committee agreed with this position.

- ***Modify Renewal Packet.***
  The Family and Juvenile Law Advisory Committee considered expanding existing restraining order renewal forms to use for requests to modify or terminate restraining orders. The forms would consist of *Request to Renew Restraining Order* (form DV-700), *Notice of Hearing to Renew Restraining Order* (form DV-710), and *Response to Request to Renew Restraining Order* (form DV-720). This approach would require development of an information sheet.

  The benefit to this approach is that it would avoid having to develop a new forms set. The main drawback is that it would make the renewal forms complicated for people who only want to renew their order.

  The commentators strongly disfavored this proposal because they thought it would be confusing for litigants. The committee agreed with this position.

- ***Use Existing Family Law Forms, including FL-300.***
  This option would utilize existing family law forms, continuing what is reportedly current court practice.

  There are several benefits to this option. First, many requests to modify orders relate to child custody, visitation, and support. These requests are easily handled with existing family law forms (see form FL-300). In addition, because custody and visitation orders remain in effect even after a protective order ends, litigants with ongoing custody and visitation matters will use family law forms anyway (see Family Code, §§ 6340 and 6345), unless the committee chooses to develop a specific DVPA forms set as noted below. If the family law forms option were selected, an information sheet would be developed to instruct litigants how to use the FL forms to modify the custody, visitation, and support orders.

  Since the family law forms are not in the same format as are the DVPA forms, litigants would need to learn a new format. However, the format difference may not be too significant because litigants seeking support in a DVPA action already use the family law *Income and Expense Declaration*.

  Commentators strongly preferred this option and the committee agreed with this position. For this reason, the committee decided to circulate the forms again for comment.

Family law

Rule 5.62. Appearance by respondent or defendant

As previously stated, the invitation to comment titled "Changes to Request for Order Rules and Forms" circulated for public comment from December 13, 2013, to January 24, 2014. Among the rules and forms, the committee sought comment on the proposal to change rule 5.62 and expand the definition of an "appearance" by adding item (a)(5). The proposal stated that the new language would be consistent with the definition of "appearance" in appellate case law. Following is the pertinent part of the proposed amendments to rule 5.62, which circulated for comment:

(a) Appearance

Except as provided in Code of Civil Procedure sections 418.10 and 1014 or Family Code section 2012, a respondent or defendant is deemed to have ~~appeared~~ made a general appearance in a proceeding when he or she ~~files~~:

(1) Files a response, ~~or~~ answer, or stipulation;

(2) Files a ~~notice of motion~~ request for order to strike, under section 435 of the Code of Civil Procedure;

(3) Files a ~~notice of motion~~ request for order to transfer the proceeding under section 395 of the Code of Civil Procedure; ~~or~~

(4) Files a written notice of his or her appearance; or

(5) Intentionally submits to the jurisdiction of the court in the case by seeking to obtain a ruling or court order that goes to the merits of the case, other than a ruling or court order on jurisdiction.

Four commentators submitted comments about rule 5.62(a)(5). Three out of four comments opposed amending rule 5.62 to include subdivision (a)(5).

- The Superior Court of Los Angeles County submitted a voluminous response in opposition to the new language and stated that the new language made the rule overbroad and would have very specific, significant negative impacts on litigants.

  "[w]e think this rule overreaches and could harm both parties at the expense of trying to protect respondents. Moreover, we believe that respondents should have the right to decide whether they want to make a general appearance and when they want to participate in only a portion of the action." "Additionally, we believe that this rule will lead to inefficiencies in the court system, require additional hearings and trials, and that it implicates changes to the Family Code, Code of Civil Procedure and numerous court forms and instructional materials. The proposed rule does not anticipate nor offer suggestions for these necessary related changes."

- The Superior Court of Sonoma County stated that it would agree with the proposed changes if they included clarification as to what specific filings would constitute an appearance, because the rule as stated is vague and likely to cause confusion as to when a party has actually made an appearance.

- The Superior Court of San Diego staff attorney commented that the rule at 5.62(a)(5) needs to be further clarified: "Rule 5.62 (a)(5), should be made clear if it includes filing an opposition to a request for order, whether agreeing or disagreeing with the requested relief."

Because the majority of commentators stated that the proposed change was confusing, too vague, overbroad, and overreaching, the committee considered the possibility of drafting a version that would clarify the language in 5.62(a)(5) to avoid (1) impacting default procedures in family court, (2) requiring additional hearings and trials, and (3) implicating changes to the Family Code, Code of Civil Procedure, and numerous court forms and instructional materials. After discussion, the committee decided to limit the proposed changes to the rule to those that are technical in nature.

Form FL-300

The committee considered several options in an attempt to address the main issue on the *Request for Order* (form FL-300) relating to the "order to show cause" check box on page 1. The committee considered:

- ***Maintaining the OSC check box as a court order on form FL-300.***
  The committee reflected that when former forms FL-300, FL-301, and FL-310 were combined to make the current form FL-300, effective July 1, 2012, this caused confusion for court clerks, judicial officers, as well as parties and their attorneys about how to complete and process this part of the new form. Generally, the committee reported that their courts have since then found ways to overcome the initial concerns. For this reason, the committee considered the option of maintaining the OSC language on form FL-300. However, the committee did not favor this option.

  The committee noted that maintaining the OSC check box on the form would continue to impact court operations in varying degrees, including the workload of court professionals. It might also impact litigants since checking the OSC box in some counties might trigger additional processing fees. The committee also took into account that the actual appearance of the other party at the hearing may not necessarily be required in all cases for the court to make orders on the moving party's request.

- ***Replacing the OSC language with a new Notice to Appear.***
  To address the concerns that removing the OSC language could result in litigants failing to appear at the hearing of the request for order, the committee considered revising the form to include language similar to a notice in lieu of subpoena for *a party* to compel another party to appear and testify at the hearing under Code of Civil Procedure section 1987(b).[14] The notice would not have appeared in the court orders section, but as a proposed item 3, on page 1, of form FL-300 and read:

  > NOTICE TO ATTEND HEARING: To the party or parties (specify):_____ and their attorneys of record: You must appear at the hearing to testify. Under Code of Civil Procedure section 1987(b), the court may sanction you if you do not appear.
  >
  > Date issued: _____ _____
  > (SIGNATURE OF PARTY OR PARTY'S ATTORNEY ISSUING NOTICE TO ATTEND HEARING)

  The committee examined incorporating the notice into form FL-300 to determine if that could serve to simplify the process for compelling a party to appear at the hearing because it would not require the review or signature of a judicial officer. Service of the notice as specified under Code of Civil Procedure section 1987 has the same effect as service of a subpoena on a witness; however, it also has the same limitations. For example, the notice may be used only to compel the attendance of and production of documents by persons who are California residents at the time of service of the notice.[15] To help make this clear to

[14] The full text of the statute may be found at: *http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1987*.

[15] See Code Civ. Proc., § 1989 at: *http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1989*.

litigants, the *Information Sheet for Request for Order* (form FL-300-INFO) would have also been proposed for revision to note the residence requirement.

The committee decided not to recommend this proposed revision because it raised some concerns. Including the notice to appear on the form could give the impression that the moving party is required to issue the notice for the other party to appear. The committee also recognized that issuing a notice to attend could require a party to pay witness fees if the other party is entitled to such fees. Thus, issuing the notice as part of form FL-300 would likely create an unnecessary financial burden on a party when, in fact, the other party's appearance may not actually be required for the court to make an order on the *Request for Order.*

- ***Remove the OSC language without proposing a new Notice to Appear.***
  Given the concerns raised in the above-mentioned options, the committee preferred to circulate a proposal and seek comments about the impact of deleting the OSC language from page 1 of form FL-300. This provides a streamlined form and allows respondents to focus on the notice that if they do not appear or submit a responsive declaration to the court, the court can make orders without their input. As an alternative to including the OSC language or the notice on form FL-300, the committee proposed informing parties about the options available to them to compel a party to attend the hearing (for example, by serving notice in lieu of subpoena or civil subpoena). To this end, the committee proposed including such information in the *Information Sheet for Request for Order* (form FL-300-INFO). The committee also proposed revising form FL-300 to better alert the responding party of the consequences for failing to respond to the request to appear at the hearing.

Implementation Requirements, Costs, and Operational Impacts

The committee anticipates that this proposal will result in some costs incurred by the courts to revise forms, train court staff about the changes to the rules and forms included in this proposal, and possibly to revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council. However, the committee expects that the changes will save resources for the courts by clarifying and simplifying procedures.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee and task force are interested in comments on the following:

- Are there changes that would improve the rules and forms in this proposal? (If so, please specify the rule, form, and the particular recommended changes.)
- Re: form FL-300
  (1) Should the language at item 4 on page 1 be deleted as proposed (see write-up on page 11)?
  (2) Would removing the OSC language from form FL-300 have any adverse impact on courts or the parties in a family law case (please specify)?
  (3) Should item 8 include an instruction requiring a moving party to attach a copy of the current court ordered *Restraining Order After Hearing* (DV-130) if seeking to modify or terminate that order?
  (4) Should a separate check box be added to items 1 through 4 (as shown on pages 2 and 3 of form FL-300) for a party to indicate that he or she seeks modification of orders for child custody, visitation (parenting time), and support that are found in the *Restraining Order After Hearing* (form DV-130)?
- Re: form DV-400-INFO Should the form instruct a party to attach a copy of the current court ordered *Restraining Order After Hearing* (DV-130) if seeking to modify, terminate, or respond to a request about that order?

The advisory committee and task force also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What are the implementation requirements for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments

1. Rule 5.12, 5.62, 5.63, 5.92, 5.94, 5.151, at pages 28–35
2. Forms DV-130, DV-200, DV-250, DV-400, DV-400-INFO, at pages 36−49
3. Forms FL-300, FL-300-INFO, FL-303, FL-305, FL-306, at pages 50–62
4. Forms FL-311, FL-312, FL-320, FL-320-INFO, FL-336, FL-337, at pages 63–74
5. Forms FL-341, FL-341(B), FL-341(C), FL-341(D), FL-341(E), at pages 75–84

Rules 5.12, 5.62, 5.63, 5.92, 5.94, and 5.151 of the California Rules of Court would be amended, effective January 1, 2016, to read:

Rule 5.12. ~~Discovery motions~~ Request for order regarding discovery

(a) Applicable law

Requests for orders regarding discovery in family court ~~Family law discovery motions~~ are subject to the provisions ~~of~~ for discovery motions under Code of Civil Procedure sections 2016.010 through 2036.050 and Family Code sections 2100 ~~et seq.~~ through 2113 regarding disclosure of assets and liabilities.

(b) Applicable rules

Discovery proceedings brought in a case under the Family Code must comply with applicable civil rules for motions, including:

(1)–(5) * * *

Rule 5.62. Appearance by respondent ~~or defendant~~

(a) Appearance

Except as provided in Code of Civil Procedure sections 418.10 and Family Code sections 2012 and 3409, a respondent ~~or defendant~~ is deemed to have ~~appeared~~ made a general appearance in a proceeding when he or she ~~files~~:

(1) Files a response, or answer;

(2) Files a ~~notice of motion~~ request for order to strike, under section 435 of the Code of Civil Procedure;

(3) Files a ~~notice of motion~~ request for order to transfer the proceeding under section 395 of the Code of Civil Procedure; or

(4) Files a written notice of his or her appearance.

(b) Notice required after appearance

After appearance, the respondent ~~or defendant~~ or his or her attorney is entitled to notice of all subsequent proceedings of which notice is required to be given by these rules or in civil actions generally.

(c) No notice required

Where a respondent ~~or defendant~~ has not appeared, notice of subsequent proceedings need not be given to the respondent ~~or defendant~~ except as provided in these rules.

Rule 5.63. ~~Motion~~ Request for order to quash proceeding or responsive relief

(a) * * *

(b) Service of respondent's ~~motion~~ request for order to quash

The ~~motion~~ request for order to quash must be served in compliance with Code of Civil Procedure section 1005(b). If the respondent files a ~~notice of motion~~ request for order to quash, no default may be entered, and the time to file a response will be extended until 15 days after service of the court's order denying the ~~motion~~ request for order to quash.

(c) * * *

(d) Waiver

The parties are deemed to have waived the grounds set forth in (a) if they do not file a ~~motion~~ request for order to quash within the time frame set forth.

(e) Relief

When a ~~motion~~ request for order to quash is granted, the court may grant leave to amend the petition or response and set a date for filing the amended pleadings. The court may also dismiss the action without leave to amend. The action may also be dismissed if the ~~motion~~ request for order has been sustained with leave to amend and the amendment is not made within the time permitted by the court.

Rule 5.92. Request for court order~~; response~~

(a) Application

(1) In a family law proceeding other than an action under the Domestic Violence Prevention Act or a local child support agency action under the Family Code, a *Request for Order* (form FL-300) must be used to seek court orders, unless another Judicial Council form has been adopted or approved for the specific request.

(2) In an action under the Domestic Violence Prevention Act, a *Request for Order* (form FL-300) must be used to request a modification or termination of existing orders entered after a hearing on *Restraining Order After Hearing* (form DV-130).

(3) In a local child support action under the Family Code, any party other than the local child support agency must use *Request for Order* (form FL-300) to seek court orders.

(b) Required forms and documents

(1) The *Request for Order* (form FL-300) must set forth facts sufficient to notify the other party of the declarant's contentions in support of the relief requested.

(2) A completed, current *Income and Expense Declaration* (form FL-150) must be filed with the *Request for Order* (form FL-300) when a party seeks orders for spousal or partner support, attorney's fees and costs, or when relevant to other relief requested.

(3) A completed, current *Income and Expense Declaration* (form FL-150) or, if eligibile, a *Financial Statement (Simplified)* (form FL-155) must be filed with the *Request for Order* (form FL-300) when a party seeks child support orders.

(4) The moving party may be required to complete, file, and have additional forms or attachments served along with a *Request for Order* (form FL-300) when seeking court orders for child custody and visitation (parenting time), attorney fees and costs, support, and other financial matters.

(5) No memorandum of points and authorities need be filed with a *Request for Order* (form FL-300) unless required by the court on a case-by-case basis.

(c) Request for temporary emergency orders

If the moving party seeks temporary emergency orders pending the hearing, the moving party must:

(1) Comply with rules 5.151 through 5.169 of the California Rules of Court;

(2) Complete and include a proposed *Temporary Emergency Orders* (form FL-305) with the Request for Order (form FL-300); and

(3) Comply with local court procedures or local court rules about reserving the day for the emergency hearing, and submitting the paperwork to the court.

(d) Request for order shortening time

If the moving party seeks an order shortening time for the hearing or service of the request:

(1) The moving party must submit the request as a temporary emergency order on form FL-300 and comply with rules 5.151 through 5.169 of the California Rules of Court; and

(2) The moving party's request must be supported by a declaration showing good cause for the court to prescribe shorter times for the filing and service of the *Request for Order* (form FL-300) than the times specified in Code of Civil Procedure section 1005.

(3) The court may issue the order shortening time in the "Court Orders" section of *Request for Order* (form FL-300).

(e) Issuance by court clerk

The court clerk's authority to issue a *Request for Order* (form FL-300) as a ministerial act is limited to those orders or notices:

(1) For the parties to attend orientation and confidential mediation or child custody recommending counseling; and

(2) That may be delegated by a judicial officer and do not require the use of judicial discretion.

(f) Service requirements

(1) The *Request for Order* (form FL-300) and appropriate documents or orders must be served in the manner specified for the service of a summons in Code of Civil Procedure sections 415.10 through 415.95, including personal service, if:

(A) The court granted temporary emergency orders pending the hearing;

(B) The responding party has not yet appeared in the case as described in rule 5.62; or

(C) The court ordered personal service on the other party.

(2) The *Request for Order* (form FL-300) and other appropriate documents or orders must be served as specified in Family Code section 215 if filed after entry of a judgment in an action for dissolution of marriage, nullity of marriage, legal separation of the parties, paternity, custody and support, or after a permanent order in any other proceeding in which the visitation (parenting time), custody, or support of a child is at issue.

(3) All other requests for orders and appropriate documents may be served as specified in Code of Civil Procedure section 1010 et seq., including service by mail.

(4) The following blank forms must be served with a *Request for Order* (form FL-300):

(A) *Responsive Declaration to Request for Order* (form FL-320); and

(B) *Income and Expense Declaration* (form FL-150), when the requesting party is serving a competed FL-150 or FL-155.

(g) Responding papers

To respond to the issues raised in the *Request for Order* (form FL-300) and accompanying papers, the responding party must complete, file, and have a *Responsive Declaration to Request for Order* (form FL-320) served on all parties.

(1) The *Responsive Declaration to Request for Order* (form FL-320) must set forth facts sufficient to notify the other party of the declarant's contentions in response to the request for order and in support of any relief requested.

(2) The responding papers may request relief related to the orders requested in the moving papers. However, unrelated relief must be sought by filing a separate *Request for Order* (form FL-300) as specified in (a).

(3) A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) must be filed with the *Responsive Declaration to Request for Order* (form FL-320) when relevant to the relief requested.

(4) The responding party may be required to complete, file, and serve additional forms or attachments along with a *Responsive Declaration to Request for Order* (form FL-320) when responding to a *Request for Order* (form FL-300) about child custody and visitation (parenting time), attorney fees and costs, support, and other financial matters.

(5) No memorandum of points and authorities need be filed with a *Responsive Declaration to Request for Order* (form FL-320) unless required by the court on a case-by-case basis.

(6) A *Responsive Declaration to Request for Order* (form FL-320) may be served on the parties by mail, unless otherwise required by court order.

Advisory Committee Comment

The Family and Juvenile Law Advisory Committee and the Elkins Implementation Task Force developed rule 5.92 and *Request for Order* (form FL-300) in response to *Elkins Family Law Task Force: Final Report and Recommendations (April 2010)* for one comprehensive form and related procedures to replace the *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-301). (See page 35 of the final report online at *www.courts.ca.gov/elkins-finalreport.pdf*.)

Rule 5.94. Order shortening time; other filing requirements; reissuance of request for order

(a) Order shortening time

The court, on its own motion or on application for an order shortening time supported by a declaration showing good cause, may prescribe shorter times for the filing and service of papers than the times specified in Code of Civil Procedure section 1005.

(b) Time for filing proof of service

Proof of service of the *Request for Order* (form FL-300) and supporting papers should be filed five court days before the hearing date.

(c) ~~(d)~~ Filing of late papers

No moving or responding papers relating to a request for order maybe rejected for filing on the ground that ~~it was~~ they were untimely submitted for filing. If the court, in its discretion, refuses to consider the late filed paper, the minutes or order must so indicate.

(d) ~~(e)~~ ~~Computation of~~ Timely submission to court clerk

Moving or responding papers are deemed timely filed if they are submitted: ~~before the close of the clerk's office to the public on the day that the paper is due is deemed timely filed.~~

(1) Before the close of the court clerk's office to the public; and

(2) On the day the papers are due.

(e) ~~(c)~~ Failure to timely serve ~~moving papers~~ Request for Order; reissuance

~~If a *Request for Order* (FL-300) is not timely served on the opposing party, the moving party must notify the court as soon as possible before the date assigned for the court hearing and request a new hearing date to allow additional time to serve the *Request for Order* (FL-300) and supporting documents.~~

~~The moving party must also request that the court reissue the *Request for Order* (FL-300) and any temporary orders. To do so, the moving party must complete and submit to the court an *Application and Order for Reissuance of Request for Order* (form FL-306).~~

(1) If a *Request for Order* (form FL-300) is not timely served on the other party and the moving party wishes to proceed with the request, the moving party must use the following procedures:

(A) Notify the court as soon as possible before the date assigned for the court hearing and request a new hearing date to allow additional time to have all parties served with the *Request for Order* (FL-300), any temporary orders, and supporting documents; and

(B) Request that the court schedule a new hearing date and reissue the *Request for Order* (FL-300) and any temporary orders. To do so, the moving party must complete and submit to the court an *Application and Order for Reissuance* (form FL-306).

(i) The *Application and Order for Reissuance* (form FL-306) should be filed no later than five court days before the scheduled hearing date or presented at the hearing.

(ii) A filed copy of form FL-306 must be attached as the cover page of the filed *Request for Order* (form FL-300) packet and must be served on all parties to whom the orders are directed in the manner required under rule 5.92 or as ordered by the court.

(iii) If the moving party fails to timely serve the filed *Application and Order for Reissuance* (form FL-306), form FL-300, and supporting orders, and the moving party wishes to proceed with the request for orders, he or she must repeat the reissuance procedure in this rule.

(2) Failure to timely serve the *Request for Order* (FL-300), any temporary emergency orders and supporting documents or to obtain a reissuance will result in all orders included in that *Request for Order* and *Temporary Emergency Orders* (form FL-305) expiring on the actual hearing date.

(3) No fee will be charged for reissuance of the order unless the order has been dissolved three times previously.

Rule 5.151. Request for emergency orders; application; required documents

(a)–(b) * * *

(c) Required documents

A request for emergency orders must be in writing and must include all of the following completed documents ~~when relevant to the relief requested~~:

(1) *Request for Order* (form FL-300) that identifies the relief requested.

(2) When relevant to the relief requested, a current *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) and *Property Declaration* (form FL-160).

(3) *Temporary Emergency Orders* (form FL-305) to serve as the proposed temporary order.

(4) A written declaration regarding notice of application for emergency orders based on personal knowledge. *Declaration Regarding Notice and Delivery of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303) may be used for this purpose.

(5) * * *

(d)–(e) * * *

DV-130 Restraining Order After Hearing (Order of Protection)

Clerk stamps date here when form is filed.

DRAFT -

NOT APPROVED BY THE JUDICIAL COUNCIL

1 Name of Protected Person:

Your lawyer in this case *(if you have one):*
Name: _____ State Bar No.: _____
Firm Name: _____
Address *(If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):*
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

2 Name of Restrained Person:

Clerk fills in case number when form is filed.

Case Number:

Description of restrained person:

Sex: ☐ M ☐ F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
Race: _____ Age: _____ Date of Birth: _____
Mailing Address *(if known):* _____
City: _____ State: _____ Zip: _____
Relationship to protected person: _____

3 ☐ Additional Protected Persons

In addition to the person named in 1, the following persons are protected by orders as indicated in items 6 and 7 *(family or household members):*

Full name	Relationship to person in 1	Sex	Age

☐ *Check here if there are additional protected persons. List them on an attached sheet of paper and write,* "DV-130, Additional Protected Persons," *as a title.*

4 Expiration Date ☐ Original Order ☐ ____ Amended Order

The orders, except as noted below, end on

(date): _____ at *(time):* _____ ☐ a.m. ☐ p.m. or ☐ midnight

- *If no date is written, the restraining order ends three years after the date of the hearing in item 5 (a).*
- *If no time is written, the restraining order ends at midnight on the expiration date.*
- *Note: Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends. Custody, visitation, and child support orders usually end when the child is 18.*
- ***The court orders are on pages 2, 3, 4, and 5 and attachment pages (if any).***

This order complies with VAWA and shall be enforced throughout the United States. See page 5.

This is a Court Order.

5 Hearings

a. The hearing was on *(date):* _____ with *(name of judicial officer):* _____

b. These people were at the hearing *(check all that apply):*

☐ The person in 1 ☐ The lawyer for the person in 1 *(name):* _____

☐ The person in 2 ☐ The lawyer for the person in 2 *(name):* _____

c. The people in 1 and 2 must **return to Dept.** _____ **of the court** on *(date):* _____

at *(time):* _____ ☐ a.m. ☐ p.m. to review *(specify issues):* _____

To the person in 2 :

The court has granted the orders checked below. Item 9 is also an order. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to $1,000, or both.

6 ☐ Personal Conduct Orders

a. The person in 2 must **not** do the following things to the protected people in 1 and 3 :

☐ Harass, attack, strike, threaten, assault *(sexually or otherwise),* hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate *(on the Internet, electronically or otherwise),* or block movements.

☐ Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail, or other electronic means.

☐ Take any action, directly or through others, to obtain the addresses or locations of any protected persons. *(If this item is not checked, the court has found good cause not to make this order.)*

b. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.

c. ☐ Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

7 ☐ Stay-Away Order

a. The person in 2 **must** stay at least *(specify):* _____ yards away from *(check all that apply):*

☐ The person in 1
☐ The persons in 3
☐ Home of person in 1
☐ The job or workplace of person in 1
☐ Vehicle of person in 1
☐ School of person in 1
☐ The child(ren)'s school or child care
☐ Other *(specify):* _____

b. ☐ Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 ☐ Move-Out Order

The person in 2 must move out immediately from *(address):* _____

9 No Guns or Other Firearms or Ammunition

a. The person in 2 cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

This is a Court Order.

9 b. The person in (2) must:
- Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within his or her immediate possession or control. Do so within 24 hours of being served with this order.
- Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, sold, or stored. *(*Form DV-800, *Proof of Firearms Turned In, Sold, or Stored*, may be used for the receipt.*)* Bring a court filed copy to the hearing.

c. ☐ The court has received information that the person in (2) owns or possesses a firearm.

d. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Family Code section 6389(h). Under California law, the person in (2) is not required to relinquish this firearm *(specify make, model, and serial number of firearm):* _____
The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

10 ☐ **Record Unlawful Communications**
The person in (1) has the right to record communications made by the person in (2) that violate the judge's orders.

11 ☐ **Care of Animals**
The person in (1) is given the sole possession, care, and control of the animals listed below. The person in (2) must stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: _____

12 ☐ **Child Custody and Visitation**
Child custody and visitation are ordered on the attached form DV-140, *Child Custody and Visitation Order* or *(specify other form):* _____

13 ☐ **Child Support**
Child support is ordered on the attached form FL-342, *Child Support Information and Order Attachment* or *(specify other form):* _____

14 ☐ **Property Control**
Only the person in (1) can use, control, and possess the following property: _____

15 ☐ **Debt Payment**
The person in (2) must make these payments until this order ends:
Pay to: _____ For: _____ Amount: $ _____ Due date: _____
Pay to: _____ For: _____ Amount: $ _____ Due date: _____
Pay to: _____ For: _____ Amount: $ _____ Due date: _____
☐ *Check here if more payments are ordered. List them on an attached sheet of paper and write* "DV-130, Debt Payments" *as a title.*

16 ☐ **Property Restraint**
The ☐ person in (1) ☐ person in (2) must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, the person must notify the other of any new or big expenses and explain them to the court. *(The person in (2) cannot contact the person in (1) if the court has made a "No-Contact" order.)*
Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.

17 ☐ **Spousal Support**
Spousal support is ordered on the attached form FL-343, *Spousal, Partner, or Family Support Order Attachment* or *(specify other form):* _____

18 ☐ **Insurance**
☐ The person in (1) ☐ the person in (2) is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

19 ☐ **Lawyer's Fees and Costs**
The person in (2) must pay the following lawyer's fees and costs:
Pay to: _____ For: _____ Amount: $ _____ Due date: _____
Pay to: _____ For: _____ Amount: $ _____ Due date: _____

20 ☐ **Payments for Costs and Services**
The person in (2) must pay the following:
Pay to: _____ For: _____ Amount: $ _____ Due date: _____
Pay to: _____ For: _____ Amount: $ _____ Due date: _____
Pay to: _____ For: _____ Amount: $ _____ Due date: _____
☐ *Check here if more payments are ordered. List them on an attached sheet of paper and write* "DV-130, Payments for Costs and Services" *as a title.*

21 ☐ **Batterer Intervention Program**
The person in (2) must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

22 ☐ **Other Orders**
Other orders *(specify):* _____

23 **No Fee to Serve (Notify) Restrained Person**
If the sheriff or marshal serves this order, he or she will do it for free.

24 **Service**
a. ☐ The people in (1) and (2) were at the hearing or agreed in writing to this order. No other proof of service is needed.
b. ☐ The person in (1) was at the hearing on the request for original orders. The person in (2) was not present.
(1) ☐ Proof of service of form DV-109 and form DV-110 (if issued) was presented to the court. The judge's orders in this form are the same as in form DV-110 except for the end date. The person in (2) must be served. This order can be served by mail.
(2) ☐ Proof of service of form DV-109 and form DV-110 (if issued) was presented to the court. The judge's orders in this form are different from the orders in form DV-110, or form DV-110 was not issued. The person in (2) must be personally "served" (delivered) a copy of this order.
c. ☐ Proof of service of form FL-300 to modify the orders in form DV-130 was presented to the court.
(1) ☐ The people in (1) and (2) were at the hearing or agreed in writing to this order. No other proof of service is needed.
(2) ☐ The person in ☐ (1) ☐ (2) was not at the hearing and must be personally "served" (delivered) a copy of this amended order.

25 ☐ **Criminal Protective Order**
a. ☐ Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.
Case Number: _____ County: _____ Expiration Date: _____
(List all other orders on an attached sheet of paper. Write "DV-130, Other Criminal Protective Orders" *as a title.)*

This is a Court Order.

b. ☐ No information has been provided to the judge about a criminal protective order.

26 ☐ **Attached pages are orders.**

- Number of pages attached to this six-page form: _____
- All of the attached pages are part of this order.
- Attachments include *(check all that apply):*

☐ DV-140 ☐ DV-145 ☐ DV-150 ☐ FL-342 ☐ FL-343

☐ Other *(specify):* _____

Date: _____

_____

Judge (or Judicial Officer)

Certificate of Compliance With VAWA

This restraining (protective) order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

Warnings and Notices to the Restrained Person in 2

If you do not obey this order, you can be arrested and charged with a crime.

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

You cannot have guns, firearms, and/or ammunition.

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a $1,000 fine. Unless the court grants an exemption, you must sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect. Even if exempt under California law, you may be subject to federal prosecution for possessing or controlling a firearm.

Instructions for Law Enforcement

Start Date and End Date of Orders

The orders *start* on the earlier of the following dates:

- The hearing date in item 5 (a) on page 2, or
- The date next to the judge's signature on this page.

The orders *end* on the expiration date in item 4 on page 1. If no date is listed, they end three years from the hearing date.

This is a Court Order.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (notified) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Order System (DVROS). (Fam. Code, § 6381(b)-(c).)

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

Child Custody and Visitation

The custody and visitation orders are on form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.

Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *EPO:* If one of the orders is an *Emergency Protective Order* (form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order:* If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order:* If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order:* If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate [seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DV-200 Proof of Personal Service

Clerk stamps date here when form is filed.

DRAFT -

NOT APPROVED BY THE JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Name of Person Asking for Protection:

2 Name of Person to Be Restrained:

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items 1 or 3 of form DV-100, *Request for Domestic Violence Restraining Order*.
- Give a copy of all documents checked in 4 to the restrained person in 2. (You cannot send them by mail.) Then complete and sign this form, and give or mail it to the person in 1.

4 I gave the person in 2 a copy of all the documents checked:

a. ☐ DV-109 with DV-100 and a blank DV-120 *(Notice of Court Hearing; Request for Domestic Violence Restraining Order;* blank *Response to Request for Domestic Violence Restraining Order)*
b. ☐ DV-110 *(Temporary Restraining Order)*
c. ☐ DV-105 and DV-140 *(Request for Child Custody and Visitation Orders, Child Custody and Visitation Order)*
d. ☐ FL-150 with a blank FL-150 *(Income and Expense Declaration)*
e. ☐ FL-155 with a blank FL-155 *(Financial Statement (Simplified))*
f. ☐ DV-115 *(Request to Continue Hearing and Reissue Temporary Restraining Order)*
g. ☐ DV-116 *(Notice of New Hearing and Order on Reissuance)*
h. ☐ DV-130 *(Restraining Order After Hearing)*
i. ☐ FL-300 *(Request for Order)*
j. ☐ Other *(specify):*

5 I personally gave copies of the documents checked above to the person in 2 on:

a. Date: _____ b. Time: _____ ☐ a.m. ☐ p.m.

c. At this address: _____

City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

_____ ▶ _____

Type or print server's name *Server to sign here*

DV-250 Proof of Service by Mail

Clerk stamps date here when form is filed.

DRAFT -

NOT APPROVED BY THE JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

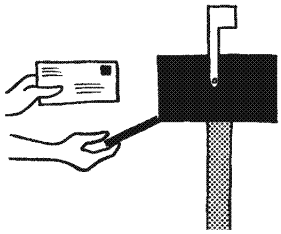
Court fills in case number when form is filed.

Case Number:

1 Name of Person Asking for Protection:

2 Name of Person to Be Restrained:

3 Notice to Server



The server must:

- Be 18 years of age or older.
- Not be listed in items 1 or 2 or 3 of form DV-100, *Request for Domestic Violence Restraining Order*.
- Mail a copy of all documents checked in 4 to the person in 5.

4 I (the server) am 18 years of age or over and live in or am employed in the county where the mailing took place. I mailed a copy of all documents checked below to the person in 5:

a. ☐ DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*
b. ☐ DV-120, *Response to Request for Domestic Violence Restraining Order*
c. ☐ FL-150, *Income and Expense Declaration*
d. ☐ FL-155, *Financial Statement (Simplified)*
e. ☐ DV-130, *Restraining Order After Hearing (Order of Protection)*
f. ☐ FL-300, *Request for Order*
g. ☐ Other *(specify):* _____

Note: You cannot serve DV-100, DV-105, DV-109, or DV-110 by mail.

5 I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

a. Name of person served: _____
b. To this address: _____
City: _____ State: _____ Zip: _____
c. Mailed on *(date)*: _____
d. Mailed from: City: _____ State: _____

6 Server's Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
(If you are a registered process server):
County of registration: _____ Registration number: _____

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

Date: _____

_____ ▶ _____

Type or print server's name *Server to sign here*

DV-400 Findings and Notice of Termination of Restraining Order

This form is for court use only.

Clerk stamps date here when form is filed.

DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 **Name of Protected Person:** _____

2 **Name of Restrained Person:** _____

3 **Court Findings** (Fam. Code, § 6345 (a) & (d))

a. ☐ The **Protected Party** filed the request to terminate the restraining orders in *Restraining Order After Hearing* (form DV-130). A proof of service (by mail or personal service) of the request on the Restrained Party is filed with the court.

b ☐ The **Restrained Party** filed the request to terminate restraining orders. The filed proof of service shows that the Protected Party received notice of the Request by:

1. ☐ Personal service.
2. ☐ Service on the Secretary of State (the Protected Person is registered in the Safe at Home Program).
3. ☐ An alternative, court-ordered method of service designed to afford actual notice.

c. ☐ The **Restrained Party** filed the request to terminate restraining orders. The party protected by the restraining orders was physically present in court, waived his or her right to notice, and does not challenge the sufficiency of the notice.

d. ☐ The **Protected Party and the Restrained Party** filed a signed, written stipulation to terminate the restraining orders in the *Restraining Order After Hearing*.

e. ☐ This case was dismissed. The dismissal was entered on *(date):* _____ (Code Civ. Proc., § 581)

4 **Court Orders**

The protective orders in *Restraining Order After Hearing* (form DV-130) issued on *(date):* _____ are terminated.

a. This order is effective when made.

b. Any existing orders for child custody, child visitation, child support, and spousal or partner support made in a Domestic Violence Prevention Act case after a noticed hearing survive the termination of the protective order, and remain in effect unless changed by court order. Family Code sections 6340(a), 6345(b).

c. This order does not modify or terminate any criminal, juvenile, civil, or probate orders.

d. ☐ Orders for child custody, child visitation, and child support in the *Restraining Order After Hearing:*
   1. ☐ Have been modified.
   2. ☐ Are also terminated.

e. ☐ Orders for spousal or domestic partner support in the *Restraining Order After Hearing*:
   1. ☐ Have been modified.
   2. ☐ Are also terminated.

This is a Court Order.

5 **CLETS Entry**

The court or its designee will transmit this form within one business day to law enforcement personnel for entry into CLETS.

6 **Service of this Order**

a. ☐ The people in (1) and (2) were at the hearing or agreed in writing to this order. No other proof of service is needed.

b. ☐ The person in (1) was at the hearing. The person in (2) was not.
Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally "serve" the restraining order a copy of this form DV-400 on the person in (2).

c. ☐ The person in (2) was at the hearing. The person in (1) was not.
Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally "serve" the restraining order a copy of this form DV-400 on the person in (1).

Date: _____ _____
Signature of Judicial Officer

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate [seal]

I certify that this *Findings and Notice of Termination of Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DV-400-INFO How to Change or End a Domestic Violence Restraining Order

1 Who can ask the court to change or end the *Restraining Order After Hearing*?

Either of the parties in the case (the protected person or the restrained person) can ask to modify (change) or terminate (end) the restraining orders issued on *Restraining Order After Hearing* (form DV-130) before the orders expire.

2 What orders can be changed or ended?

A party may request an order to change or end any of the orders made on form DV-130, including:

- ☑ Restraining orders that protect persons from violence or threat of violence by others, including personal conduct, no contact, stay-away, move out, firearms, recording of unlawful communication;
- ☑ Names of protected people;
- ☑ The end date of the restraining orders;
- ☑ Child custody, child visitation, or child support orders; and
- ☑ Spousal or domestic partner support orders.

3 If I ask to end the restraining order, can I keep child custody, visitation, or support orders?

Yes. Even if the restraining order ends, any child custody, visitation, support, or spousal/domestic partnership orders will remain in effect.

4 What if the Restrained Person wants to change or end the restraining orders?

The law requires strict notice to the protected party. This means that the court cannot change or end the restraining orders unless the protected person receives notice of the request.

5 What forms do I fill out to ask to change or end the Restraining Order?

a. To ask for an order to change or end your *Restraining Order After Hearing* (form DV-130);
- ☐ Fill out FL-300, *Request for Order.*
- ☐ Attach a copy of the *Restraining Order After Hearing* (form DV-130) that you want to change or end.
- ☐ Make sure the copy of the restraining order includes all attachments, if any.

b. To also ask for child custody or visitation (parenting time) orders, you may need to complete some of these forms:
- ☐ FL-105, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
- ☐ FL-311, *Child Custody and Visitation (Parenting Time) Application Attachment*
- ☐ FL-312, *Request for Child Abduction Prevention Orders*
- ☐ FL-341(C), *Children's Holiday Schedule Attachment*
- ☐ FL-341(D), *Additional Provisions—Physical Custody Attachment*
- ☐ FL-341(E), *Joint Legal Custody Attachment*

c. If you also want child support orders, you also need:
- ☐ A current form FL-150, *Income and Expense Declaration* or form FL-155, *Financial Statement (Simplified)* (To know which form is right for you, read form DV-570, *Which Financial Form—FL-155 or FL-150?*)

d. If you also want spousal or partner support orders or orders about your finances, you also need:
- ☐ A current Form FL-150, *Income and Expense Declaration*
- ☐ FL-157, *Spousal or Partner Support Declaration Attachment* (if asking to change a support judgment)

e. If you also want to ask the court orders for attorney's fees and costs, you also need:
- ☐ A current FL-150, *Income and Expense Declaration*
- ☐ FL-319, *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
- ☐ FL-158, *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)

f. If you plan on having witnesses testify at the hearing, you will need:
- ☐ FL-321, *Witness List*

g. Additional forms you may need are described on pages 3 and 4 of this information sheet.

6 What if I want to respond to a request to change or end the Restraining Order?

Complete, file, and serve form FL-320, *Responsive Declaration to Request for Order*. See form FL-320-INFO, *Information Sheet: Responsive Declaration to Request for Order* for more information.

DV-400-INFO How to Change or End a Domestic Violence Restraining Order

7 Complete form FL-300 (Page 1)

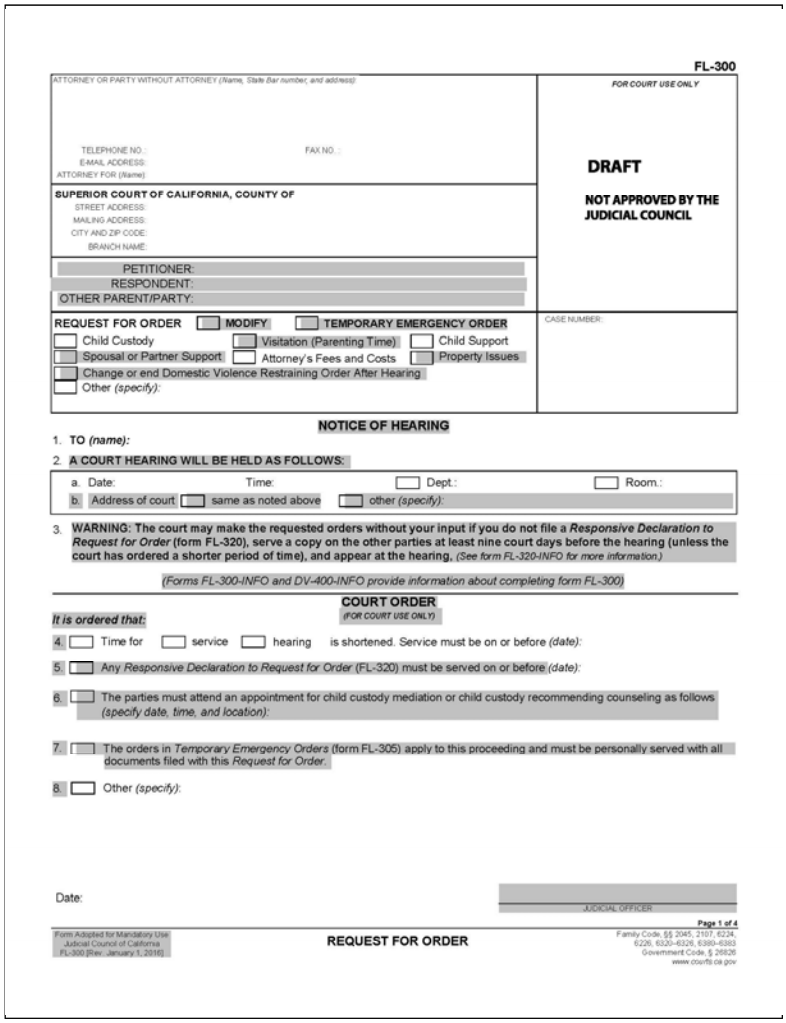
Caption: Complete the top part of the form, including your name, address, and telephone number, and the court address.

- **Write the names of the parties in the caption.**
  If you already have a family law case, use the party names as they are in that case. If you are the Petitioner in that case, you will be the Petitioner on form FL-300. If you are the Respondent in the family law case, you will be the Respondent on form FL-300.

  If you do not already have a family law case, list yourself as the Petitioner on form FL-300 if you are the Protected Person on the restraining order. List yourself as the Respondent on form FL-300 if you are the Restrained Person on the restraining order.

- **Check all the boxes that apply to the orders you want.**
  For example, check the "MODIFY" box if you want to change an existing order. Below that, choose the orders that you want to change (for example, child custody, visitation, spousal or partner support).

  If you want to ask the court to change or end the restraining orders granted in form DV-130 (for example, the personal conduct, no contact, stay-away, move-out orders), check the box titled "Change or end Domestic Violence Restraining Order After Hearing."



FL-300

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): | FOR COURT USE ONLY

TELEPHONE NO.: FAX NO.:
E-MAIL ADDRESS:
ATTORNEY FOR (Name):

DRAFT
NOT APPROVED BY THE JUDICIAL COUNCIL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

PETITIONER:
RESPONDENT:
OTHER PARENT/PARTY:

REQUEST FOR ORDER ☐ MODIFY ☐ TEMPORARY EMERGENCY ORDER
☐ Child Custody ☐ Visitation (Parenting Time) ☐ Child Support
☐ Spousal or Partner Support ☐ Attorney's Fees and Costs ☐ Property Issues
☐ Change or end Domestic Violence Restraining Order After Hearing
☐ Other (specify):

CASE NUMBER:

NOTICE OF HEARING

1. TO (name):
2. A COURT HEARING WILL BE HELD AS FOLLOWS:
   a. Date: Time: ☐ Dept.: ☐ Room.:
   b. Address of court ☐ same as noted above ☐ other (specify):
3. WARNING: The court may make the requested orders without your input if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)

(Forms FL-300-INFO and DV-400-INFO provide information about completing form FL-300)

COURT ORDER (FOR COURT USE ONLY)

It is ordered that:

4. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):
5. ☐ Any *Responsive Declaration to Request for Order* (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 Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8. ☐ Other (specify):

Date: JUDICIAL OFFICER

Page 1 of 4

Form Adopted for Mandatory Use Judicial Council of California FL-300 [Rev. January 1, 2016]

REQUEST FOR ORDER

Family Code, §§ 2045, 2107, 6224, 6226, 6320–6326, 6389–6393 Government Code, § 26826
www.courts.ca.gov

Item 1: Write the name of the other parties in your case.

Item 2: Leave this blank. The court clerk will fill in the date, time, and location of the hearing.

Item 3: This is a notice to the other parties.

Items 4-5: Leave these blank. If you asked for an order shortening time (form FL-300 on page 4, item 9), the court will complete items 4-5 if the order is granted.

Item 6: In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party's attorney to make the appointment and then complete item 6 before filing form FL-300. Ask your court's family law facilitator or self-help center to find out what your court requires.

Items 7-8: Leave these blank. The court will complete them if needed.

8 Complete form FL-300 (Pages 2–4)

Complete the items 1 through 10 on pages 2, 3, and 4 that apply to the orders you request.

Example: If you are asking the court to make or change child custody and visitation orders AND terminate the personal conduct, stay-away, and move-out orders in form DV-130, check and complete items 1 and 2 on page 2. Next, check and complete item 8 on page 4.

Write your declaration in item 11 to explain why you want the new orders. If you want to change or end existing orders, explain in your declaration the change in circumstances that support your request. If needed, you may also attach additional pages to complete your declaration. Finally, sign and date page 4.

DV-400-INFO How to Change or End a Domestic Violence Restraining Order

9 Complete additional forms and make copies

Complete any additional forms that you will need to give to the court clerk to process with the *Request for Order.* Make at least three copies of your full packet.

10 File your completed forms to the court clerk

Give your paperwork and the copies you made to the court clerk to process. You may take them to the clerk's office in person, mail them, or, in some counties, you can e-file them. The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*. The procedure may be different in some courts if you are requesting temporary emergency orders.

11 Pay filing fees

A fee may be due at the time of filing. For example, courts may charge a fee to file a request to end a restraining order. A fee may also be charged to file a request to change a child custody, visitation, or support order if a protective order is no longer in effect. If you cannot afford to pay the filing fee, and you do not have a valid fee waiver order in this case, you can ask the court to waive the fee by completing and filing form FW-001, *Request to Waive Court Fees* and form FW-003, *Order on Court Fee Waiver*.

12 Temporary Emergency (Ex Parte) Orders

To address emergencies, courts can sometimes grant a party's request for temporary emergency orders with or without notice to the other party before the court hearing. The temporary orders last until the day of the hearing.

- *A request for temporary emergency orders must involve an immediate danger or irreparable harm to a party or children in the case, or an immediate loss or damage to property.*
- Ask your court's family law facilitator or self-help center to explain procedures for requesting temporary emergency orders at your court, and follow those procedures.
- By law, the court **CANNOT** grant a Restrained Person's request for temporary emergency orders to change or end the restraining orders before the noticed court hearing. However, the Restrained Person may seek a court order for a shorter time for the hearing or for service of the request on the Protected Person.

13 Serve the Request for Order documents

- You must make sure that the other party is "served" with a copy of the *Request for Order* and all the other filed forms, attachments, and temporary orders. A blank Form FL-320, *Responsive Declaration to Request for Order* must also be served.
- If you completed and filed a form FL-150, *Income and Expense Declaration* or a form FL-155, *Financial Statement (Simplified),* you must include a blank copy of form FL-150, *Income and Expense Declaration* for the other party to complete.

14 General information about "service"

"Service" is the act of giving your legal papers to all persons named as parties in the case so that they know: what orders you are asking for; whether temporary emergency orders were made before the hearing; the date, time, and location of the hearing; and how to respond to your request. There are two types of service: "personal service" and "service by mail."

15 Time for service

The other party must be served with the request to change or end restraining orders at least 16 court days before the hearing. If service is permitted by mail, you must add 5 days if served within California. In some cases, the court can order a shorter time for service.

16 Who can serve the other party?

Ask someone you know, a registered process server, or law enforcement agency (for example, a sheriff) to serve a copy of the request to change or end restraining orders to the other party. The server must:

- Be 18 years of age or over; and
- Not be you or anyone protected by the orders.

17 When personal service is required

☑ A Restrained Person's request to change or end restraining orders must be personally served, unless the court allows another method. When required, service on the Secretary of State is made by delivering 2 copies of each document being served to the personnel at the office of the "Safe at Home" address confidentiality program.

☑ A request for any temporary emergency orders (for example for child custody or property orders) requires personal service.

18 When service by mail is permitted

☑ A Protected Person's *Request for Order* that includes a request to change or end the restraining orders in form DV-130 may be served on the Restrained Person by mail.

☑ Requests made by either party to change *temporary orders* in form DV-130 for child custody or visitation (parenting time), support, financial, or other orders (NOT protective orders), may be served by mail.

☑ Requests made by either party only to change *"permanent"* or *"final"*orders for child custody and visitation (parenting time), or child support in form DV-130 may be served by mail if an *Address Verification* is included (see form FL-334 at courts.ca.gov/documents/fl334.pdf).

19 Server must complete a *Proof of Service*

After the server has personally served the forms on the other party, he or she must complete a proof of service. Form DV-200, *Proof of Personal Service* may be used for this purpose. See DV-200-INFO, *What is "Proof of Personal Service"* for instructions. If service was by mail, the server may use DV-250, *Proof of Service by Mail.* (Note: if the registered process server uses a different proof of service form, make sure it lists the forms served.)

20 File the *Proof of Service* before your hearing

The *Proof of Service* shows the judge that the person received a copy of the *Request for Order* and all other documents or attachments. Make three copies of the completed *Proof of Service*.

Give the original and copies to the court clerk as soon as possible (or e-file them) **before your hearing.** The clerk will keep the original and give you back the copies stamped "Filed." Bring a copy stamped "Filed" to your hearing.

21 Get ready for your hearing

Find more information about preparing for your hearing at http://www.courts.ca.gov/1094.htm.

22 Go to the court hearing

Take at least three copies of your filed forms to the hearing, including the proof of service. At the hearing, the judge will decide whether to amend (change) or terminate (end) the DV-130.

23 What if the judge changes or ends the restraining order at the hearing?

☑ If the judge *changes* the orders, fill out a new form DV-130, *Restraining Order After Hearing* to show the new orders. At item 4, check the "Amended" box. Make three copies.

☑ If the judge *ends* the restraining order, give the court a blank form DV-400, *Findings and Notice of Termination of Restraining Order* to complete, along with three copies.

☑ After the judge signs the new order, the clerk will file the original and and give you three stamped copies.

☑ Have the other party personally served with a copy of the filed, amended form DV-130 or form DV-400, unless the court order says otherwise.

24 File the Proof of Service

- If the amended form DV-130 or form DV-400 must be personally served after the hearing, the server must complete a proof of personal service, such as form DV-200, *Proof of Personal Service*. Make three copies. The original proof of personal service must be filed with the court clerk. The clerk will file the original and give you back the copies you sent to the clerk stamped "Filed."
- Keep one copy with you and another in a safe place in case you need to show it to the police.

25 Get the new order entered into California's statewide Registry of Restraining Orders

The court will send the filed, amended form DV-130 or form DV-400 and proof of service to law enforcement for you. That way, police across the state and the nation will know the order has changed or ended.

26 *If you need protection in the future, you can always go back to court and ask for a restraining order.*

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (*Name*):	**DRAFT** **NOT APPROVED BY THE JUDICIAL COUNCIL**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
REQUEST FOR ORDER ☐ **MODIFY** ☐ **TEMPORARY EMERGENCY ORDER** ☐ Child Custody ☐ Visitation (Parenting Time) ☐ Child Support ☐ Spousal or Partner Support ☐ Attorney's Fees and Costs ☐ Property Issues ☐ Change or end Domestic Violence Restraining Order After Hearing ☐ Other *(specify):*	CASE NUMBER:

NOTICE OF HEARING

1. **TO *(name):***

2. **A COURT HEARING WILL BE HELD AS FOLLOWS:**

   a. Date: Time: ☐ Dept.: ☐ Room.:

   b. Address of court ☐ same as noted above ☐ other *(specify):*

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

(Forms FL-300-INFO and DV-400-INFO provide information about completing form FL-300)

COURT ORDER

(FOR COURT USE ONLY)

It is ordered that:

4. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before *(date):*

5. ☐ Any *Responsive Declaration to Request for Order* (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 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:

REQUEST FOR ORDER AND SUPPORTING DECLARATION

—THIS IS NOT A COURT ORDER—

☐ Petitioner ☐ Respondent ☐ Other Parent/Party requests the following orders

1. ☐ CHILD CUSTODY ☐ Applicant requests temporary emergency orders

a. Child's name and age | b. Legal Custody to *(person who decides about health, education, etc.)* | c. Physical Custody to *(person with whom the child lives)*

d. ☐ As requested in attached form:
(1) ☐ *Child Custody and Visitation Application Attachment* (form FL-311)
(2) ☐ *Request for Child Abduction Prevention Orders* (form FL-312)
(3) ☐ *Children's Holiday Schedule Attachment* (form FL-341(C))
(4) ☐ *Additional Provisions—Physical Custody Attachment* (form FL-341(D))
(5) ☐ *Joint Legal Custody Attachment* (form FL-341(E))
(6) ☐ Other *(specify):*
(7) ☐ Attachment 1d

e. Modify existing order filed on *(date):* ☐ in *Restraining Order After Hearing* (form DV-130)
ordering *(specify):*

2. ☐ CHILD VISITATION (PARENTING TIME) ☐ Applicant requests temporary emergency orders

a. As requested in: (1) ☐ *Child Custody and Visitation Application Attachment* (form FL-311) (2) ☐ Attachment 2a
(3) ☐ Other *(specify):*

b. ☐ Modify existing order filed on *(date):* ☐ in *Restraining Order After Hearing* (form DV-130)
ordering *(specify):*

c. ☐ 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):*
(1) ☐ Criminal: County/state *(specify):* Case No. *(if known)*:
(2) ☐ Family: County/state *(specify):* Case No. *(if known)*:
(3) ☐ Juvenile: County/state *(specify):* Case No. *(if known)*:
(4) ☐ Other: County/state *(specify):* Case No. *(if known)*:

3. ☐ CHILD SUPPORT *(An earnings assignment order may be issued.)*

a. Child's name and age | b. ☐ I request support based on the child support guidelines | c. Monthly amount ($) requested (if not by guideline)

Notice: The court will order child support based on the income of both parents. It normally continues until the child is 18 and has graduated from high school. You must supply the court with information about your finances by filing a current *Income and Expense Declaration* (FL-150) or *Financial Statement (Simplified)* (FL-155). If you do not, the child support order will be based on information about your income that the court receives from other sources, including the other parent.

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

—THIS IS NOT A COURT ORDER—

3. ☐ CHILD SUPPORT (continued)

d. ☐ Modify existing order filed on *(date):* ☐ in *Restraining Order After Hearing* (form DV-130)
ordering *(specify):*

e. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150) or, if eligible, *a Financial Statement (Simplified)* (form FL-155).

4. a. ☐ SPOUSAL OR PARTNER SUPPORT *(An earnings assignment order may be issued.)*

(1) ☐ Amount requested *(monthly):* $

(2) a. ☐ Modify b. ☐ Terminate existing order filed on *(date):*
☐ in *Restraining Order After Hearing* (form DV-130) ordering *(specify):*

b. ☐ I request a modification of spousal or partner support after entry of a judgment. I have completed and attached a *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in that form.

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150).

5. ☐ ATTORNEY'S FEES AND COSTS

I request attorney's fees and costs and have completed and filed with this *Request for Order* all of the following documents:

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.

6. ☐ PROPERTY RESTRAINT ☐ Applicant requests temporary emergency orders

a. The ☐ petitioner ☐ respondent ☐ other parent/party ☐ claimant be restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.

☐ The applicant be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court. However, the parties may use community property, quasi-community property, or separate property to pay for the help of an attorney or to pay court costs.

b. ☐ All parties and claimants be restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.

c. ☐ No party or claimant to incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

7. ☐ PROPERTY CONTROL ☐ Applicant requests 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 *(specify):*

NOTE: To ask for domestic violence restraining orders, you must use the forms *Request for Domestic Violence Restraining Order* (form DV-100), *Temporary Restraining Order (Domestic Violence Prevention)* (form DV-110), and *Notice of Court Hearing (Domestic Violence)* (form DV-109).

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

—THIS IS NOT A COURT ORDER—

7. ☐ PROPERTY CONTROL (continued) ☐ Applicant requests temporary emergency orders

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

Debt	Amount of payment	Pay to

8. ☐ DOMESTIC VIOLENCE RESTRAINING ORDERS (personal conduct, stay-away, move-out orders, or other protective order made in *Restraining Order After Hearing* (form DV-130))

a. ☐ Change b. ☐ End existing order filed on *(date):* as follows *(specify):*

c ☐ Attachment 8c

9. ☐ OTHER RELIEF *(specify):*

10. ☐ ORDER SHORTENING TIME

I request that time for *(specify):*

a. ☐ Service of the *Request for Order* and accompanying papers be shortened so that these documents may be served no less than *(specify number):* court days before the time set for the hearing. I need to have this order shortening time because of the facts specified below in item 11 or in the attached declaration.

b. ☐ The hearing on the *Request for Order* and accompanying papers be shortened. I need to have this order shortening time because of the facts specified below in item 11 or the attached declaration.

11. ☐ FACTS IN SUPPORT of orders requested and change of circumstances for any modification are *(specify):*

☐ Contained in the attached declaration. (*You may use* Attached Declaration (form MC-031) *for this purpose). The attached declaration must not exceed 10 pages in length unless permission to file a longer declaration has been obtained from the court.)*

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

(TYPE OR PRINT NAME) ▶ (SIGNATURE OF APPLICANT)

Requests for Accommodations
Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to *www.courts.ca.gov/forms* for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)

FL-300-INFO Information Sheet for Request for Order

1 USE *Request for Order* (form FL-300):

- To schedule a court hearing and ask the court to make new orders or to change orders in your case. The request can be about child custody, visitation (parenting time), child support, spousal or partner support, property, finances, attorney's fees and costs, or other matters.
- To modify (change) or terminate (end) the domestic violence restraining orders granted by the court in *Restraining Order After Hearing* (form DV-130). Read form DV-400-INFO for information about filing, responding to, serving, and other procedures relating to a request to change or end domestic violence restraining orders.

2 DO NOT USE *Request for Order* (form FL-300):

- If you have not yet filed the *Petition* in your family law case.
- To ask the court for domestic violence restraining orders under the Domestic Violence Protection Act.
- If you and the other party have an agreement and you don't need a judge to resolve any issues. For information about how to write up your agreement and get it approved by the court, see *http://www.courts.ca.gov/selfhelp-agreements.htm.*

3 Forms checklist

a. Form FL-300, *Request for Order* is the basic form you need to file with the court. Depending on your request, you may need these additional forms:

b. To request child custody or visitation (parenting time) orders, you may need to complete some of these forms:
- ☐ FL-105, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
- ☐ FL-311, *Child Custody and Visitation (Parenting Time) Application Attachment*
- ☐ FL-312, *Request for Child Abduction Prevention Orders*
- ☐ FL-341(C), *Children's Holiday Schedule Attachment*
- ☐ FL-341(D), *Additional Provisions—Physical Custody Attachment*
- ☐ FL-341(E), *Joint Legal Custody Attachment*

c. If you want child support, you also need:
- ☐ A current form FL-150, *Income and Expense Declaration* or form FL-155, *Financial Statement (Simplified)*. (To know which form is right for you, read form DV-570, *Which Financial Form—FL-155 or FL-150?*)

d. If you want spousal or partner support or orders about your finances, you also need:
- ☐ A current form FL-150, *Income and Expense Declaration*
- ☐ FL-157, *Spousal or Partner Support Declaration Attachment*

e. To request court orders for attorney's fees and costs, you also need:
- ☐ A current form FL-150, *Income and Expense Declaration*
- ☐ FL-319, *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
- ☐ FL-158, *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)

f. To request temporary emergency (ex parte) orders, you also need:
- ☐ FL-305, *Temporary Emergency Orders* to serve as the proposed temporary emergency orders
- ☐ Your declaration describing how and when you gave notice about the request for temporary emergency orders. You may use form FL-303, *Declaration Regarding Notice and Delivery of Request for Temporary Emergency (Ex Parte) Orders*.
- ☐ Other forms required by local courts. See item 9 on page 3 of this form for more information.

g. If you plan on having witnesses testify at the hearing, you also need:
- ☐ FL-321, *Witness List*

h. If you want to request a separate trial (bifurcation) on an issue, you also need:
- ☐ FL-315, *Request or Response to Request for Separate Trial*

FL-300-INFO Information Sheet for Request for Order

4 Complete form FL-300 (Page 1)

Caption: Complete the top portion with your name, address, and telephone number, and the court address. Next, enter the name of the Petitioner, Respondent, or Other Parent/Party (You must use the party names as they appear in the petition that was originally filed with the court). Then, enter the case number.

Check all the boxes that apply to the orders you are requesting. Check the "MODIFY" box if you are requesting a change to an existing order. Check the "TEMPORARY EMERGENCY ORDER" box if you are requesting that the court issue emergency orders that will be effective before the hearing date.

Item 1: Write the name of the other party or parties in the case.

Item 2: Leave this blank. The court clerk will fill in the date, time, and location of the hearing.

Item 3: This is a notice to all the parties.

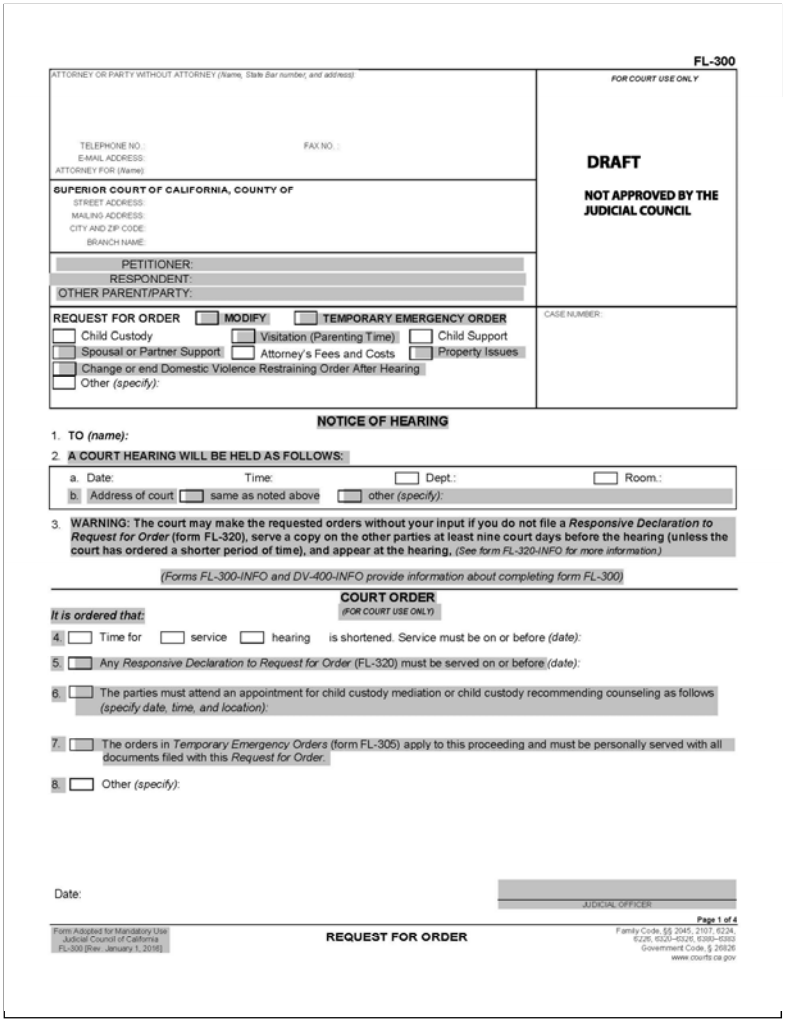
Item 4-5: Leave these blank. If you asked for an order shortening time (on form FL-300, page 4, item 9), the court will complete items 4-5 if the court grants the order.

Item 6: In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party's attorney to make the appointment and then complete item 6 before filing form FL-300. Ask your court's family law facilitator or self-help center to find out what your court requires.

Item 7-8: Leave these blank. The court will complete them if needed.

5 Complete form FL-300 (pages 2–4)

Complete the items on pages 2, 3, and 4 that apply to the orders you request. For example, if you are asking the court to make child custody orders, on page 2 check the box at item 1 and complete this section. Then on page 4, write your declaration in item 11. If needed, you may also attach additional pages to complete your declaration. Then, sign and date page 4.



FL-300

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
FOR COURT USE ONLY
TELEPHONE NO.: FAX NO.:
E-MAIL ADDRESS:
ATTORNEY FOR (Name):
DRAFT
NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:
PETITIONER:
RESPONDENT:
OTHER PARENT/PARTY:
REQUEST FOR ORDER ☐ MODIFY ☐ TEMPORARY EMERGENCY ORDER
CASE NUMBER:
☐ Child Custody ☐ Visitation (Parenting Time) ☐ Child Support
☐ Spousal or Partner Support ☐ Attorney's Fees and Costs ☐ Property Issues
☐ Change or end Domestic Violence Restraining Order After Hearing
☐ Other (specify):

NOTICE OF HEARING

1. TO (name):
2. A COURT HEARING WILL BE HELD AS FOLLOWS:
a. Date: Time: ☐ Dept.: ☐ Room.:
b. Address of court ☐ same as noted above ☐ other (specify):
3. WARNING: The court may make the requested orders without your input if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)

(Forms FL-300-INFO and DV-400-INFO provide information about completing form FL-300)

COURT ORDER
(FOR COURT USE ONLY)

It is ordered that:

4. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):
5. ☐ Any *Responsive Declaration to Request for Order* (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 Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8. ☐ Other (specify):

Date:
JUDICIAL OFFICER

Page 1 of 4
Form Adopted for Mandatory Use Judicial Council of California FL-300 [Rev. January 1, 2016]
REQUEST FOR ORDER
Family Code, §§ 2045, 2107, 6224, 6226, 6325–6326, 6360–6363 Government Code, § 26826 www.courts.ca.gov

6 Complete additional forms and make copies

Complete any additional forms that you will need to give to the court clerk to process with the *Request for Order.* Make at least two copies of your full packet.

7 File your documents with the court clerk

Give your paperwork and the copies you made to the court clerk to process. You may take them to the clerk's office in person, mail them, or, in some counties, you can e-file them. The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*. The procedure may be different in some courts if you are requesting temporary emergency orders.

8 Pay filing fees

A fee is due at the time of filing. If you cannot afford to pay the filing fee, and you do not already have a valid fee waiver order in this case, you can ask the court to waive the fee by completing and filing form FW-001, *Request to Waive Court Fees* and form FW-003, *Order on Court Fee Waiver.*

FL-300-INFO Information Sheet for Request for Order

9 Temporary Emergency (Ex Parte) Orders

Courts can make temporary orders to respond to emergencies that cannot wait to be heard on the court's regular hearing calendar. *The emergency must involve an immediate danger or irreparable harm to a party or children in the case, or an immediate loss or damage to property.*

To request temporary emergency orders, you must:

- Complete form FL-300. Describe the emergency and explain why you need the temporary emergency orders.
- Complete form FL-305 to serve as your proposed temporary orders.
- Include a declaration describing how and when you notified the other parties (or why you could not give notice) about your request and the hearing (see form FL-303).
- If needed, complete other forms required by your local court.
- Follow your court's local procedures for reserving the day for the hearing, submitting your paperwork, and paying filing fees.

10 General information about "service"

"Service" is the act of giving your legal papers to all persons named as parties in the case so that they know what orders you are asking for, whether temporary emergency orders were made before the hearing, the date, time, and location of the hearing, and how to respond to your request.

If the other parties are NOT properly served, the judge cannot make the orders you requested on the date of the hearing and law enforcement cannot help enforce your orders.

11 Serving the Request for Order

You must make sure that the other parties are "served" with a copy of the *Request for Order* and all the other filed forms, attachments, and temporary orders. A blank FL-320, *Responsive Declaration to Request for Order* must also be served. In addition, if you completed and filed a form FL-150, *Income and Expense Declaration* or a form FL-155, *Financial Statement (Simplified),* you must include a blank copy of form FL-150, *Income and Expense Declaration* for the other party to complete.

You may also need to complete and have served a form FL-334, *Address Verification.* (Read the notice following item 14e, on page 4 for more information.)

12 Time for Service

Generally, the other parties must be served with the *Request for Order* and other forms at least 16 court days before the hearing.

If service is by mail, parties must be served at least 16 court days plus 5 calendar days before the hearing if they are served within the state of California. Other timelines apply if the other parties need to be served by mail outside of California.

13 Types of "Service" and "Servers"

Sometimes, the other parties must be served your *Request for Order* by "personal service." Sometimes service can be completed by mailing the papers. You cannot serve the papers. Have someone else (who is at least 18 years old) do it. The "server" can be a friend, a relative who is not involved in your case, a sheriff, or a professional process server.

14 "Personal Service"

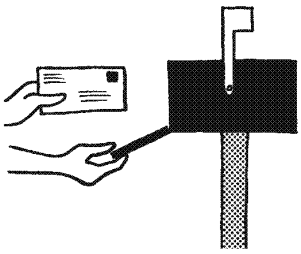
means that your "server" walks up to each person to be served, makes sure he or she is the right person, and then hand-delivers a copy of all the papers (and the blank forms) to him or her.

15 When to use personal service

Personal service is the preferred method to ensure a party receives notice of the hearing. Personal service of the *Request for Order* may always be used, but is *required* if:

- The court orders personal service;
- The court granted temporary emergency orders; or
- The respondent has NOT yet been served with a *Summons* and *Petition*. (Note: In this situation, the respondent must be served with a *Summons*, *Petition*, and *Request for Order* before the court can make orders at the hearing.)

16 "Service by mail"



means that your "server" places copies of all the documents (and blank forms) in a sealed envelope and mails them to the address of each person being served. The server must be 18 years ofage or over and must live or be employed in the county where the mailing took place.

17 When can the other party be served by mail?

☑ **No judgment or final orders entered?**
If there is no judgment or final order in your case on the issues raised in the *Request for Order*, you may have it served by mail if:

- The documents being served do not include temporary emergency orders;
- The court did not order personal service;
- Respondent was previously served with a *Summons* and *Petition* Or Respondent previously filed any of these documents:
  ---*Response* to a *Petition*;
  ---*Appearance, Stipulations, and Waivers;*
  ---Written notice of appearance;
  ---Request to strike or transfer the case.

☑ **Judgment or final orders entered?**
Child custody, visitation (parenting time), child support? If you want to change a judgment or final order on the issue of child custody, visitation (parenting time), or child support, you may have the *Request for Order* served by mail if:

- The documents being served do not include temporary restraining orders;
- The court did not order personal service; and
- You have verified the other party's current residence or office address. (You may use *Address Verification* (form FL-334).)

Property or financial issues? If you want to change a judgment or final order on any other issue, including spousal or domestic partner support, the *Request for Order* may need to be personally served.

For questions contact your family facilitator or self-help center *http://www.courts.ca.gov/1083.htm/* .

18 Server must complete a *Proof of Service*

Personal Service. After the server gives the forms to the other party in person, he or she should complete a form FL-330, *Proof of Personal Service*. Form FL-330-INFO, *Information Sheet for Proof of Personal Service* has instructions to help the server complete the form.

Service by mail. After the server mails the forms, he or she should complete form FL-335, *Proof of Service by Mail*. Form FL-335-INFO, *Information Sheet for Proof of Service by Mail* has instructions to help the server complete the form.

19 File the *Proof of Service* before your hearing date

The *Proof of Service* shows the judge that the person received a copy of the *Request for Order* and any temporary emergency orders. Make three copies of the completed *Proof of Service*. Take the original and copies to the court clerk (or e-file them) as soon as possible **before your hearing.** If you file in person, the clerk will keep the original and give you back the copies stamped "Filed." Bring a copy stamped "Filed" to your hearing.

20 Still have questions or need help?

- Contact the family law facilitator or self-help center for information, local rules and court forms, and referrals to local legal services providers. Go to *http://www.courts.ca.gov/selfhelp-courtresources.htm*.
- Find an attorney through your local bar association, the State Bar of California at *http://calbar.ca.gov*, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to http://*www.lawhelpca.org*.

21 Get ready for your hearing

- Take at least two copies of your documents and filed forms to the hearing.
- Find more information about preparing for your hearing at *http://www.courts.ca.gov/1094.htm.*
- To require the other party to testify at the hearing, you may need to serve a notice to appear or subpoena. Go to *http://www.courts.ca.gov/____*. (*Note: URL under construction*)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (*Name*):	DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
DECLARATION REGARDING NOTICE AND DELIVERY OF REQUEST FOR TEMPORARY EMERGENCY (EX PARTE) ORDERS	CASE NUMBER:

NOTICE: A party requesting temporary emergency (ex parte) orders must file with the court a declaration showing compliance with rules about notice to the other party. Local court procedures for this type of hearing may vary. Check your court's local rules about temporary emergency (ex parte) hearings at courts.ca.gov/3027.htm.

1. I, *(name):* am the ☐ attorney for ☐ petitioner ☐ respondent ☐ other parent/party
   ☐ other *(specify):* in this case.

2. **NOTICE** (*Complete either a, b, or c)*
   a. ☐ **I gave notice of the request for temporary emergency orders** *(complete items (1), (2), and (3) below):*
      (1) I told the following person the date, time, and place of the emergency hearing and the specific court orders I seek:
      (a) ☐ Petitioner ☐ Petitioner's Attorney
      (b) ☐ Respondent ☐ Respondent's Attorney
      (c) ☐ Other Parent/Party ☐ Other Parent's/Party's Attorney
      (d) ☐ Other *(specify):*
      (2) I gave notice by this method:
      (a) ☐ personally on *(date):* at *(location):* , California; at ☐ a.m. ☐ p.m.
      (b) ☐ telephone on *(date):* telephone no.: at ☐ a.m. ☐ p.m.
      (c) ☐ voicemail on *(date):* voicemail no.: at ☐ a.m. ☐ p.m.
      (d) ☐ fax on *(date):* fax no.: at ☐ a.m. ☐ p.m.
      (3) The time I gave notice:
      (a) ☐ By 10 a.m. the court day before this emergency hearing.
      (b) ☐ After 10 a.m. the court day before this emergency hearing because of the following exceptional circumstances *(specify):*

   b. ☐ **I did not give notice to the opposing party** about this request for temporary emergency orders. I request that the court waive notice to the other party due to the following exceptional circumstances *(check all that apply):*
      (1) ☐ To help prevent an immediate danger or irreparable harm to myself (or my client) or to the children in the case.
      (2) ☐ There is an immediate risk that the children in the case will be removed from the state of California.
      (3) ☐ To help prevent immediate loss or damage to property subject to disposition in the case.
      (4) ☐ Other exceptional circumstances *(specify):*

      (5) Facts in support of the request to waive notice *(specify):*

Form Approved for Optional Use
Judicial Council of California
FL-303 [New January 1, 2016]

Family Code, §§ 2045, 3062–3064, 4620, 6200, 6300, 7710
Cal. Rules of Court, rules 5.151–5.169
www.courts.ca.gov

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

c. ☐ **I did not give notice to the opposing party** about this request for temporary emergency orders. I used my best efforts to tell the opposing party when and where this hearing would take place but was unable to do so. The efforts I made to inform the other person were *(specify):*

3. ☐ **DELIVERY**

a. The *Request for Order* (form FL-300) for temporary emergency orders, *Temporary Emergency Orders* (form FL-305) and related documents were delivered to:

(a) ☐ Petitioner ☐ Petitioner's Attorney
(b) ☐ Respondent ☐ Respondent's Attorney
(c) ☐ Other Parent/Party ☐ Other Parent's/Party's Attorney
(d) ☐ Other *(specify):*

b. Method of delivery:

(a) ☐ personal delivery on *(date):* at *(location):* , California; at ☐ a.m. ☐ p.m.
(b) ☐ fax on *(date):* fax no.: at ☐ a.m. ☐ p.m.
(c) ☐ Overnight mail or other overnight carrier

c. ☐ **Documents were not delivered to the opposing party** due to the following exceptional circumstances *(specify facts in support of the request to waive delivery of the documents)*.

4. I ☐ do ☐ do not believe the opposing party will oppose this request for temporary emergency orders.

5. ☐ **OTHER COURT CASES**
The parties in this case are involved in another family, probate, juvenile, or criminal court case *(specify the type of case and the case number for each):*

6. **PREVIOUS REQUEST FOR SAME ORDERS**

a. ☐ I have not requested the same order from the court in the past.
b. ☐ I have previously requested the same orders from the court, and the court denied my request in whole or in part as follows *(specify):*

7. ☐ Additional space to explain your answers to any of the above items *(specify):*

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

(TYPE OR PRINT NAME) (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (*Name*):	DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
TEMPORARY EMERGENCY ORDERS ☐ Child Custody/Parenting Time ☐ Property Restraint ☐ Property Control ☐ Other *(specify):*	CASE NUMBER:

1 **TO *(name):*** A court hearing will be held on the *Request for Order* (form FL-300) served with these *Temporary Emergency Orders*, as follows:

a. Date: Time: ☐ Dept.: ☐ Room:

b. Address of court ☐ same as noted above ☐ other *(specify):*

2. The court makes the following temporary emergency orders. These orders automatically expire on the hearing date in item 1.

a. ☐ **CHILD CUSTODY**

(1) Child's name and age

	Temporary physical custody, care, and control to: Petitioner	Respondent	Other Party/Parent
	☐	☐	☐
	☐	☐	☐
	☐	☐	☐
	☐	☐	☐
	☐	☐	☐

(2) 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.**

(3) ☐ **Visitation (Parenting time)** The temporary orders for physical custody, care, and control of the minor children are subject to the other party's or parties' rights of visitation (parenting time) as follows *(specify):*

☐ See Attachment or form *(specify):*

(4) ☐ **Travel restrictions**

☐ Petitioner ☐ Respondent ☐ Other Parent/Party must not remove the minor children of the parties

(a) ☐ from the state of California.

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

(c) ☐ other *(specify):*

(5) ☐ **Child abduction prevention orders** are attached (see form FL-341(B)).

THIS IS A COURT ORDER.

Form Adopted for Mandatory Use
Judicial Council of California
FL-305 [Rev. January 1, 2016]

TEMPORARY EMERGENCY ORDERS

Family Code, §§ 2045, 3062–3064, 6226, 6320–6383
Government Code, § 26826
www.courts.ca.gov

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

(6) (a) **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).

(b) **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.

(c) **Country of habitual residence:** The country of habitual residence of the child or children is
☐ The United States of America ☐ Other *(specify):*

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

b. ☐ **PROPERTY RESTRAINT**

(1) ☐ Petitioner ☐ Respondent ☐ Other Parent/Party ☐ Claimant is restrained from transferring, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.

☐ The other party is to be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such is to be made to the court. However, the parties may use community property, quasi-community property, or separate property to pay for the help of an attorney or to pay court costs.

(2) ☐ The parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor child or children.

(3) ☐ None of the parties may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

c. ☐ **PROPERTY CONTROL**

(1) ☐ Petitioner ☐ Respondent ☐ Other Parent/Party is given exclusive temporary use, possession, and control of the following property that the parties own or are buying *(specify):*

(2) ☐ 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:

Debt	Amount of payment	Pay to

d. ☐ All other existing orders, not in conflict with these temporary emergency orders, remain in full force and effect.

e. ☐ **OTHER ORDERS** *(specify):*

☐ Additional orders are listed in Attachment 2e.

Date:

JUDGE OF THE SUPERIOR COURT

THIS IS A COURT ORDER.

FL-306

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(Optional):* E-MAIL ADDRESS: ATTORNEY FOR (*Name*): **SUPERIOR COURT OF CALIFORNIA, COUNTY OF** STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	**DRAFT** **NOT APPROVED BY THE JUDICIAL COUNCIL**
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
APPLICATION AND ORDER FOR REISSUANCE ☐ REQUEST FOR ORDER ☐ TEMPORARY EMERGENCY ORDERS ☐ Other *(specify):*	CASE NUMBER:

1. Name of Applicant:
2. I request that the court reset the hearing date and *(check all that apply):*
   a. ☐ Reissue the *Request for Order* (form FL-300).
   b. ☐ Reissue the order shortening time for service or for the hearing.
   c. ☐ Reissue any temporary emergency orders granted on *Temporary Emergency Orders* (form FL-305).
3. a. The orders were originally issued on *(date):*
   b. The last scheduled hearing date was *(date):*
   c. Number of times the *Request for Order* (form FL-300) and any temporary orders have been reissued *(specify)*:
4. I request a reissuance because:
   a. ☐ The papers could not be served as required before the hearing date.
   b. ☐ The hearing was continued for the parties to meet with a child custody mediator or child custody recommending counselor.
   c. ☐ Other *(specify):*

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

(TYPE OR PRINT NAME) SIGNATURE

COURT ORDER

5. IT IS ORDERED that the ☐ Request for Order ☐ Temporary Emergency Orders ☐ Order shortening time for service ☐ Other *(specify):*
   and any orders listed are reissued unless this order changes them. The hearing is reset as follows:

Date:	Time:	Dept.:	Room:
at the street address of the court shown above.			

6. a. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before *(date):*
   b. Any responsive declaration must be served on or before *(date):*
7. ☐ Other *(specify):*
8. A filed copy of this order must be attached as the cover page of the *Request for Order* (form FL-300) and orders and served.
9. All orders will end on the date and time shown for the hearing in item 5, unless the court extends the time.

Date:

JUDICIAL OFFICER

Form Adopted for Mandatory Use
Judicial Council of California
FL-306 [Rev. January 1, 2016]

APPLICATION AND ORDER FOR REISSUANCE
(Family Law—Governmental—Uniform Parentage—Custody and Support)

www.courts.ca.gov

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

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):*

1. ☐ **Custody.** Custody of the minor children of the parties is requested as follows:

Child's Name	Date of Birth	Legal Custody to *(person who decides about health, education, etc.)*	Physical Custody to *(person with whom the child lives)*

2. ☐ **Visitation (parenting time).**

Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting timeshare.

a. ☐ Reasonable right of visitation (parenting time) to the party without physical custody **(not appropriate in cases involving domestic violence)**

b. ☐ See the attached _____ -page document dated *(specify date):*

c. ☐ The parties will go to child custody mediation or child custody recommending counseling at *(specify location below):*

d. ☐ No visitation (parenting time)

e. ☐ Visitation (parenting time). *(Specify start and ending date and time. If applicable, check "start of" or "after school.")*

☐ **Petitioner's** ☐ **Respondent's** ☐ **Other Parent's/Party's** visitation (parenting time) will be as follows:

(1) ☐ **Weekends starting** *(date):*

(Note: The first weekend of the month is the first weekend with a Saturday.)

☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of the month

from _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school

to _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school

(a) ☐ The parties will alternate the fifth weekends, with the ☐ petitioner ☐ respondent ☐ other parent/party having the initial fifth weekend, which starts *(date):*

(b) ☐ The ☐ petitioner ☐ respondent ☐ other parent/party will have the fifth weekend in ☐ odd ☐ even numbered months.

(2) ☐ **Alternate weekends starting** *(date):*

from _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school

to _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school

(3) ☐ **Weekdays starting** *(date):*

from _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school

to _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school

(4) ☐ Other *(Specify days and times as well as any additional restrictions.):*

☐ See Attachment 2e(4) (You may use *Attachment* (form MC-025) for this purpose).

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

3. ☐ **Supervised visitation (parenting time).**
   a. **If item 3 is checked, you must attach a declaration that shows why unsupervised visitation (parenting time) would be bad for your children. The judge is required to consider supervised visitation if one parent or party is alleging domestic violence and is protected by a restraining order.**
   b. The person you request to supervise the visits must meet the qualifications listed in *Declaration of Supervised Visitation Provider* (form FL-324).
   c. I request that *(name):* have supervised visits with the minor children according to the schedule set out on page 1.
   d. I request that the visits be supervised by *(name):*
      who is a ☐ professional ☐ nonprofessional supervisor.
      The supervisor's phone number is *(specify):*
   e. I request that any costs of supervision be paid as follows: petitioner: percent; respondent: percent; other parent/party: percent.

4. ☐ **Transportation for visitation (parenting time) and place of exchange.**
   a. The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
   b. ☐ Transportation **to** the visits will be provided by *(name):*
   c. ☐ Transportation **from** the visits will be provided by *(name):*
   d. ☐ Drop-off of the children will be at *(address):*
   e. ☐ Pick-up of the children will be at *(address):*
   f. ☐ During the exchanges, the party driving the children will wait in the car and the other party will wait in his or her home (or exchange location) while the children go between the car and the home (or exchange location).
   g. ☐ Other *(specify):*

5. ☐ **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 following places:
   a. ☐ the state of California.
   b. ☐ the following counties *(specify):*
   c. ☐ other places *(specify):*

6. ☐ **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.

7. ☐ **Children's holiday schedule.** I request the holiday and vacation schedule set out on the attached ☐ form FL-341(C)
   ☐ Other *(specify):*

8. ☐ **Additional custody provisions.** I request the additional orders regarding custody set out on the attached
   ☐ form FL-341(D) ☐ Other *(specify):*

9. ☐ **Joint legal custody provisions.** I request joint legal custody and want the additional orders set out on the attached
   ☐ form FL-341(E) ☐ Other *(specify):*

10. ☐ **Other.** I request the following additional orders *(specify):*

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

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):*
      ☐ quit his or her 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 me in parenting.
      ☐ taking the children without my permission. *Explain:*
   e. ☐ has a criminal record. *Explain:*

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

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).
The specific terms are attached *(check one):* ☐ form FL-311 ☐ form FL-341(A) ☐ 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 _____ before the children can travel to that state for 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.
☐ 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 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)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(optional):* E-MAIL ADDRESS: ATTORNEY FOR (*Name*):	**DRAFT** **Not Approved by the Judicial Council**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: **RESPONDENT:** **OTHER PARENT/PARTY:**	
RESPONSIVE DECLARATION TO REQUEST FOR ORDER	CASE NUMBER:
HEARING DATE: TIME: DEPARTMENT OR ROOM:	

(Form FL-320-INFO provides information about completing this form.)

1. ☐ CHILD CUSTODY
   a. ☐ I consent to the order requested.
   b. ☐ I do not consent to the order requested ☐ but I consent to the following order:

2. ☐ CHILD VISITATION (PARENTING TIME)
   a. ☐ I consent to the order requested.
   b. ☐ I do not consent to the order requested ☐ 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) in support of this 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:
      (1) ☐ Guideline
      (2) ☐ Other *(specify):*

4. ☐ SPOUSAL OR PARTNER SUPPORT
   a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of this declaration.
   b. ☐ I consent to the order requested.
   c. ☐ I do not consent to the order requested ☐ but I consent to the following order:

5. ☐ ATTORNEY'S FEES AND COSTS
   a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of this declaration.
   b. I have completed and filed with this *Responsive Declaration* (form FL-320) a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

Form Adopted for Mandatory Use
Judicial Council of California
FL-320 [Rev. January 1, 2016]

Code of Civil Procedure, § 1005
www.courts.ca.gov

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

5. ☐ ATTORNEY'S FEES AND COSTS (continued)
   c. ☐ I consent to the order requested.
   d. ☐ I do not consent to the order requested ☐ but I consent to the following order:

6. ☐ PROPERTY RESTRAINT
   a. ☐ I consent to the order requested.
   b. ☐ I do not consent to the order requested ☐ but I consent to the following order:

7. ☐ 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:

8. ☐ CHANGE OR END DOMESTIC VIOLENCE RESTRAINING ORDERS
   a. ☐ I consent to the order requested.
   b. ☐ I do not consent to the order requested ☐ but I consent to the following order:

9. ☐ OTHER RELIEF
   a. ☐ I consent to the order requested.
   b. ☐ I do not consent to the order requested ☐ but I consent to the following order:

10. ☐ SUPPORTING INFORMATION
    ☐ Contained in the attached declaration. (You may use *Attached Declaration* (form MC-031) for this purpose).

NOTE: To respond to domestic violence restraining orders requested in *Request for Domestic Violence Restraining Order* (form DV-100), you must use the *Response to Request for Domestic Violence Restraining Order* (form DV-120).

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Draft not approved by the Judicial Council

FL-320-INFO Information Sheet: Responsive Declaration to Request for Order

1 **If you received a *Request for Order* (form FL-300),** carefully read the papers you received to make sure you understand what orders are being requested. Note the date, time, and location of the court hearing.

2 **Responding to the *Request for Order* (form FL-300)** You must respond if you want the court to know what your position is on the orders requested at the court hearing. If you do not respond, the court will make orders without your input.

3 **USE *Responsive Declaration to Request for Order* (form FL-320)** to let the court and the other party know what your position is on each of the requests made on the *Request for Order* (form FL-300) and to ask for court orders related to each request.

4 **DO NOT USE *Responsive Declaration to Request for Order* (form FL-320)** to:

a. Ask for court orders that are not related to the requests made on the *Request for Order* (form FL-300). File and serve your own form FL-300 to ask for orders on other issues.

b. Respond to domestic violence restraining orders requested in *Request for Domestic Violence Restraining Order* (form DV-100). You must use the *Response to Request for Domestic Restraining Order* (form DV-120).

5 **Forms checklist**

a. Form FL-320, *Responsive Declaration to Request for Order* is the basic form you need to file with the court. Depending on the requests made in the *Request for Order* (form FL-300), you may need these additional forms.

b. For child custody or visitation (parenting time) orders, you may need to complete some of these forms:
- ☐ FL-105, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
- ☐ FL-311, *Child Custody and Visitation (Parenting Time) Application Attachment*
- ☐ FL-312, *Request for Child Abduction Prevention Orders*
- ☐ FL-341(C), *Children's Holiday Schedule Attachment*
- ☐ FL-341(D), *Additional Provisions—Physical Custody Attachment*
- ☐ FL-341(E), *Joint Legal Custody Attachment*

c. For child support, you also need:
- ☐ A current form FL-150, *Income and Expense Declaration* or form FL-155, *Financial Statement (Simplified)* (To know which form is right for you, read form DV-570, *Which Financial Form—FL-155 or FL-150?*)

d. For spousal or partner support or orders about your finances, you also need:
- ☐ A current form FL-150, *Income and Expense Declaration*
- ☐ FL-157, *Spousal or Partner Support Declaration Attachment* (if the request is to change a support judgment)

e. For attorney's fees and costs, you also need:
- ☐ A current form FL-150, *Income and Expense Declaration*
- ☐ FL-319, *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
- ☐ FL-158, *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)

f. If you plan on having witnesses testify at the hearing, you also need:
- ☐ FL-321, *Witness List*

g. If you want to request a separate trial (bifurcation) on an issue, you also need:
- ☐ FL-315, *Request or Response to Request for Separate Trial*

FL-320-INFO Information Sheet: Responsive Declaration to Request for Order

To respond to a *Request for Order*, you must:

6 Complete caption of the form

Complete the top portion including your name, address, and telephone number, the court address, the name of all the parties in the case, and the case number. Also, write the same hearing date, time, and department that appears on the *Request for Order* (form FL-300).

7 Specify a response to orders requested

Item 1: Check this box if it is checked on form FL-300 and indicate your response.

Item 2: Check this box if it is checked on form FL-300 and indicate your response.

Item 3: Check this box if it is checked on FL-300 and indicate your response. You must also complete an *Income and Expense Declaration* (form FL-150).

Item 4: Check this box if it is checked on form FL-300 and indicate your response. You must also complete and file form FL-150.

Item 5: Check this box if it is checked on form FL_300 and indicate your response. You must also complete and file forms FL-150 and FL-158.

Item 6–9: Check these boxes if they are checked on form FL-300 and indicate your response.

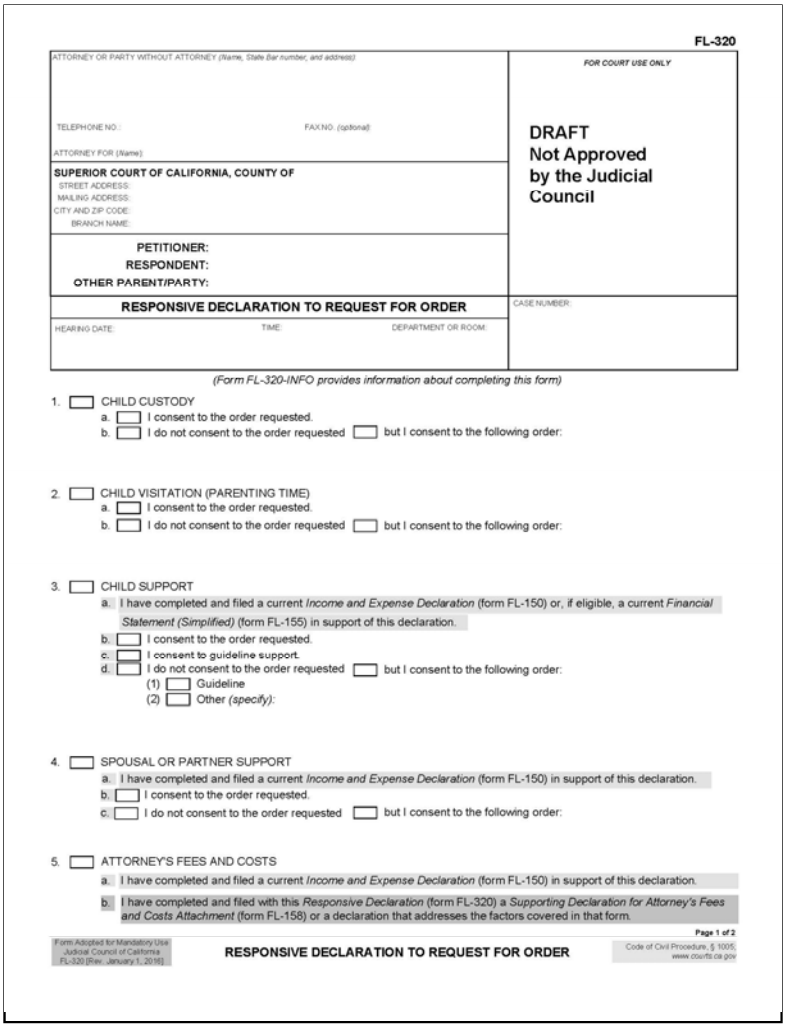
Item 10: Check this box to provide information that supports your responses. If you need more space, check the box to indicate that your supporting declaration is included in another document attached to form FL-320.

Bottom of page 2: Print your name, sign the form, and write the date you signed this form.

7 Next steps: file or serve your paperwork

File your original paperwork with the court clerk. The clerk will keep the original and give you back the copies with a court stamp on them.

Alternatively, you may first serve an unstamped copy of form FL-320 (and other forms you needed to complete) before you take the originals to the court clerk to file. Just make sure you do not serve the originals. See items 9 to 12 for information about "service."



FL-320

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
TELEPHONE NO.: FAX NO. (optional):
ATTORNEY FOR (Name):
FOR COURT USE ONLY
DRAFT
Not Approved
by the Judicial
Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:
PETITIONER:
RESPONDENT:
OTHER PARENT/PARTY:
RESPONSIVE DECLARATION TO REQUEST FOR ORDER
CASE NUMBER:
HEARING DATE: TIME: DEPARTMENT OR ROOM:

(Form FL-320-INFO provides information about completing this form)

1. ☐ CHILD CUSTODY
   a. ☐ I consent to the order requested.
   b. ☐ I do not consent to the order requested ☐ but I consent to the following order:
2. ☐ CHILD VISITATION (PARENTING TIME)
   a. ☐ I consent to the order requested.
   b. ☐ I do not consent to the order requested ☐ 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) in support of this 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:
      (1) ☐ Guideline
      (2) ☐ Other *(specify)*:
4. ☐ SPOUSAL OR PARTNER SUPPORT
   a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of this declaration.
   b. ☐ I consent to the order requested.
   c. ☐ I do not consent to the order requested ☐ but I consent to the following order:
5. ☐ ATTORNEY'S FEES AND COSTS
   a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of this declaration.
   b. I have completed and filed with this *Responsive Declaration* (form FL-320) a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

Page 1 of 2
Form Adopted for Mandatory Use Judicial Council of California FL-320 [Rev. January 1, 2016]
RESPONSIVE DECLARATION TO REQUEST FOR ORDER
Code of Civil Procedure, § 1005; www.courts.ca.gov

8 Pay filing fees

Generally, you do not have to pay a fee to file the *Responsive Declaration*. However, if you have never filed any papers in the case, you may have to pay a "first appearance fee," which, in general, everyone has to pay when filing court papers in a case for the first time.

If you do have to pay a fee and you cannot afford it, you can ask the court to waive the fees by completing and filing form FW-001, *Request to Waive Court Fees* and form FW-003, *Order on Court Fee Waiver*.

9 Serve your papers on the other party

"Service" is the act of giving your legal papers to all persons named as parties in the case so that they know what orders you want the court to make. You cannot serve the papers. Have someone else (who is at least 18 years old) do it. The "server" can be a friend, a relative

FL-320-INFO Information Sheet: Responsive Declaration to Request for Order

9 Serve your papers (continued)

who is not involved in your case, a county sheriff, or a professional process server.

Your papers may be served by "personal service" or by mail. "Personal service" means that your "server" walks up to each person to be served, makes sure he or she is the right person, and then hand-delivers a copy of all the papers to him or her.

"Service by mail" means that your "server" places copies of all the documents in a sealed envelope and mails them to the address of each person being served. The server must be 18 years of age or over and must live in or be employed in the county where the mailing took place.

10 Time requirements for service

Personal service on the other party must be completed at least *9 days* before the court hearing. Service done by mail must be completed at least *14 days* before the hearing.

11 Server must complete a *Proof of Service*

After personal service, the server should complete a form FL-330, *Proof of Personal Service*. Form FL-330-INFO, *Information Sheet for Proof of Personal Service* has instructions to help the person complete the form.

After service by mail, the server should complete form FL-335, *Proof of Service by Mail*. Form FL-335-INFO, *Information Sheet for Proof of Service by Mail* has instructions to help the person complete the form.

12 File the *Proof of Service* before your hearing date

The *Proof of Service* shows the judge that the person received a copy of your *Responsive Declaration to Request for Order*. Make three copies of the completed *Proof of Service*. Take the original and copies to the court clerk as soon as possible **before your hearing.** The clerk will keep the original and give you back the copies stamped "Filed." Bring a copy stamped "Filed" to your hearing. (If unstamped copies of your paperwork were served, you can file the completed *Proof of Service* when you file the original *Responsive Declaration*.)

13 Get ready for your hearing

Find more information about preparing for the hearing at *www.courts.ca.gov/1094.*

14 Still have questions or need help?

- Contact the family law facilitator or self-help center for information, local rules and court forms, and referrals to local legal services providers. Go to http://www.courts.ca.gov/1083.htm/.
- Find an attorney through your local bar association, the State Bar of California at *calbar.ca.gov*, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to *lawhelpcalifornia.org*.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(optional):* ATTORNEY FOR (*Name*):	**DRAFT Not Approved by the Judicial Council**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: **RESPONDENT:** **OTHER PARENT/PARTY:**	
ORDER TO PAY WAIVED COURT FEES AND COSTS (Superior Court)	CASE NUMBER:

1. This proceeding was heard as follows: ☐ Default or uncontested ☐ By declaration under Family Code section 2336
   ☐ Contested or Trial ☐ On the *Request for Order* filed *(date):* by *(party):*
   ☐ Other *(specify):*
   on *(date):* at *(time):* in Dept.: Room:
   a. by Judge *(name):* ☐ Temporary Judge
   b. ☐ Petitioner/Plaintiff present ☐ Attorney present *(name):*
   c. ☐ Respondent/Defendant present ☐ Attorney present *(name):*
   d. ☐ Other present ☐ Attorney present *(name):*

2. **THE COURT FINDS**
   a. The court made an order waiving court fees and costs for ☐ Petitioner ☐ Respondent ☐ Other Parent/Party in this matter on *(date):*
   b. ☐ The court made an order for support payable by ☐ Petitioner ☐ Respondent ☐ Other Parent/Party to ☐ Petitioner ☐ Respondent ☐ Other Parent/Party on *(date):*
   c. After considering information in the court file and other evidence, ☐ Petitioner ☐ Respondent ☐ Other Parent/Party has the ability to pay all or part of the waived court fees and costs.

3. **THE COURT ORDERS**
   a. ☐ Petitioner ☐ Respondent ☐ Other Parent/Party must pay ☐ his or her own ☐ Petitioner's ☐ Respondent's ☐ Other Parent's/Party's previously waived court fees and costs totalling *(specify):*
   b. Payment be made:
      (1) $ per month until paid in full, beginning *(date):*
      (2) ☐ Within 10 days from the date of service of this *Order to Pay Waived Court Fees and Costs (see attached Proof of Service).*
      (3) After all current support and accrued support arrears have been paid (if ordered to pay the other party's waived court fees). (Gov. Code, § 68637(d).)
      (4) ☐ Other *(specify):*
   c. Payment be sent to *(specify):*

Form Adopted for Mandatory Use
Judicial Council of California
FL-336 [Rev. January 1, 2016]

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

☐ **NOTICE TO THE PERSON ORDERED TO PAY WAIVED COURT FEES AND COSTS**

☐ Petitioner ☐ Respondent ☐ Other Parent/Party *(name):*

1. You are receiving this notice because:
   a. The court ordered you to pay the initial fee waiver recipient's previously waived court fees and costs described on page 1; and
   b. You were NOT present in court at the time the order was made or the judgment was entered.

2. You have the right to request a hearing to ask that the court set aside the order:

YOU HAVE AN OPPORTUNITY FOR A HEARING TO REQUEST THAT THE COURT SET ASIDE THE ORDER TO PAY WAIVED COURT FEES AND COSTS

a. To request a hearing, complete and file with the court clerk:
   (1) *Request for Order* (form FL-300); and
   (2) *Application to Set Aside Order to Pay Waived Court Fees—Attachment* (form FL-337).

b. The forms specified in item a must be completed and filed with the court clerk **within 30 days** from the date of service of this *Order to Pay Waived Court Fees and Costs* (see attached Proof of Service).

c. In addition, the party requesting the hearing must serve the other party with:
   (1) Copies of the documents in item a filed with the court; and
   (2) A **blank** *Responsive Declaration to Request for Order* (form FL-320).

   You can obtain these forms from the clerk of the court, your county law library, or online at *www.courts.ca.gov/forms*.

3. If your request for hearing to set aside the order is filed with the court clerk within 30 days from the date you were served with this *Order to Pay Waived Court Fees and Costs*, the order will not be enforced until after the hearing.

WARNING: The court has ordered that you pay court fees and costs. If you do not pay the court fees and costs, the court can institute collection proceedings and charge you interest and a collection fee.

Date:

JUDICIAL OFFICER

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

APPLICATION TO SET ASIDE ORDER TO PAY WAIVED COURT FEES—ATTACHMENT
Attachment to *Request for Order* (form FL-300)

1. I am the ☐ petitioner ☐ respondent ☐ other parent/party. I request that the court set aside the *Order to Pay Waived Court Fees and Costs* (form FL-336).

2. In making this request, I ask the court to consider the information in the court's case file, the information attached to this application, the information specified in the supporting declaration, and the evidence presented at the hearing.

NOTICE

To request a hearing, the party must complete and file with the court clerk the following: (1) *Request for Order* (form FL-300) and (2) *Application to Set Aside Order to Pay Waived Court Fees—Attachment (Family Law)* (form FL-337). These forms must be completed and filed with the court clerk within 30 days from the date of personal service of the *Order to Pay Waived Court Fees and Costs* (form FL-336) *OR* within 35 days from the date the O*rder to Pay Waived Court Fees and Costs* (form FL-336) was served by mail.

In addition, the party requesting the hearing must serve the other party with (1) copies of the above-listed documents filed with the court and (2) a **blank** *Responsive Declaration to Request for Order* (form FL-320). You may obtain Judicial Council forms from the clerk of the court, your county law library, or *www.courts.ca.gov/forms*.

If the request for hearing is filed with the court clerk within this time, the *Order to Pay Waived Court Fees and Costs* (form FL-336) will not be enforced until after the hearing.

3. The reasons in support of this request are *(specify below):*
   ☐ Complete supporting declaration attached. You may use *Attached Declaration* (form MC-031).

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

Date:

(TYPE OR PRINT NAME)

▶ (SIGNATURE OF DECLARANT)

Form Adopted for Mandatory Use
Judicial Council of California
FL-337 [Rev. January 1, 2016]

Government Code, § 68637
www.courts.ca.gov

FL-341

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

CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

TO ☐ **Findings and Order After Hearing (form FL-340)** ☐ **Judgment (form FL-180)**
☐ **Stipulation and Order fo Custody and/or Visitation of Children (form FL-355)**
☐ Other *(specify):*

1. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Family Code sections 3400-3465).

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 in this case is
☐ the United States ☐ Other *(specify):*

4. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.

5. ☐ **Custody**. Custody of the minor children of the parties is awarded as follows:

Child's Name	Birth Date	Legal custody to: *(person who makes decisions about health, education, etc.)*	Physical custody to: *(person with whom child lives)*

6. ☐ **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. (*Child Abduction Prevention Orders Attachment* (form FL-341(B)) must be attached and must be obeyed.)

7. ☐ **Visitation (parenting time)**
   a. ☐ Reasonable right of visitation to the party without physical custody **(not appropriate in cases involving domestic violence)**
   b. ☐ See the attached _____ -page document.
   c. ☐ The parties will go to child custody mediation or child custody recommending counseling at *(specify location)*:
   d. ☐ No visitation (parenting time)
   e. ☐ Visitation (parenting time) for the ☐ petitioner ☐ respondent ☐ other *(name):* will be as follows:
      (1) ☐ **Weekends starting** *(date):*
      (Note: The first weekend of the month is the first weekend with a Saturday.)
      ☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of the month
      from _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school
      to _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school
      (a) ☐ The parties will alternate the fifth weekends, with the ☐ petitioner ☐ respondent ☐ other parent/party having the initial fifth weekend, which starts *(date):*
      (b) ☐ The ☐ petitioner ☐ respondent ☐ other parent/party will have the fifth weekend in ☐ odd ☐ even numbered months.

THIS IS A COURT ORDER.

Form Approved for Optional Use
Judicial Council of California
FL-341 [Rev. January 1, 2016]

CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

Family Code, §§ 3020, 3022, 3025, 3040–3043, 3048, 3100, 6340, 7604
www.courts.ca.gov

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

7. e. (2) ☐ **Alternate weekends starting** *(date):*

from _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school

to _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school

(3) ☐ **Weekdays starting** *(date):*

from _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school

to _____ *(day of week)* at _____ *(time)* ☐ a.m. ☐ p.m./ ☐ start of school ☐ after school

(4) ☐ **Other** *(specify days and times as well as any additional restrictions):*

☐ See Attachment 7e(4) (You may use *Attached Declaration* (form MC-031) for this purpose.)

8. ☐ **The court acknowledges** that criminal protective orders in case number *(specify):* in *(specify court):* relating to the parties in this case are in effect under Penal Code section 136.2, are current, and have priority of enforcement.

9. ☐ **Supervised visitation**. Until ☐ further order of the court ☐ other *(specify):* the ☐ petitioner ☐ respondent ☐ other *(name):* will have supervised visitation (parenting time) with the minor children according to the schedule.

set forth on page 1. **(You must attach *Supervised Visitation Order* (form FL-341(A).)**

10. ☐ **Transportation for visitation**

a. The children must be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.

b. ☐ Transportation **to** the visits will be provided by the ☐ petitioner ☐ respondent ☐ other *(specify):*

c. ☐ Transportation **from** the visits will be provided by the ☐ petitioner ☐ respondent ☐ other *(specify):*

d. ☐ The exchange point at the beginning of the visit will be at *(address):*

e. ☐ The exchange point at the end of the visit will be at *(address):*

f. ☐ During the exchanges, the party driving the children will wait in the car and the other party will wait in his or her home (or exchange location) while the children go between the car and the home (or exchange location).

g. ☐ Other *(specify):*

11. ☐ **Travel with children**. The ☐ petitioner ☐ respondent ☐ other parent/party *(name):* **must** have written permission from the other parent or a court order to take the children out of

a. ☐ the state of California.

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

c. ☐ other places *(specify):*

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

12. ☐ **Holiday schedule**. The children will spend holiday time as listed ☐ below ☐ in the attached schedule. *(Children's Holiday Schedule Attachment* (form FL-341(C)) may be used for this purpose.)

13. ☐ **Additional custody provisions**. The parties will follow the additional custody provisions listed ☐ below ☐ in the attached schedule. (*Additional Provisions—Physical Custody Attachment* (form FL-341(D)) may be used for this purpose.)

14. ☐ **Joint legal custody**. The parties will share joint legal custody as listed ☐ below ☐ in the attached schedule. (*Joint Legal Custody Attachment* (form FL-341(E)) may be used for this purpose.)

15. ☐ **Other** *(specify):*

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

CHILD ABDUCTION PREVENTION ORDER ATTACHMENT

TO ☐ **Child Custody and Visitation Order Attachment** (form FL-341(A))
☐ **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 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**. Terms of visitation 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.

8. ☐ **The party in item 1 must turn in all the children's passports and other vital documents**, such as a visa or birth certificates, in his or her possession or control, including the following documents *(specify):*

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

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 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 *(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 (California Fam. Code, § 3400 et seq.) and the Hague Convention on Civil Aspects of International Child Abduction (42 U.S.C. § 11601 et seq.). If jurisdiction is based on other factors, they are listed in item 12 above.

Date:

JUDICIAL OFFICER

FL-341(C)

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

CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT

TO ☐ **Petition** ☐ **Response** ☐ **Request for Order** ☐ **Responsive Declaration to Request for Order**
☐ **Stipulation and Order for Custody and/or Visitation of Children** ☐ **Findings and Order After Hearing or Judgment**
☐ **Visitation Order—Juvenile** ☐ **Other *(specify):***

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Petitioner," "Respondent," "Other Parent," or "Other Party" to specify each parent's (or party's) years—odd or even numbered years or both ("every year")—and under "Times," specify the starting and ending days and times.
Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting timeshare.

Holidays	**Times (from when to when)** *(Unless noted below, all single-day holidays start at ___ a.m. and end at ___ p.m.)*	**Every Year** *Petitioner/ Respondent/ Other Parent/Party*	**Even Numbered Years** *Petitioner/ Respondent/ Other Parent/Party*	**Odd Numbered Years** *Petitioner/ Respondent/ Other Parent/Party*
December 31 (New Year's Eve)				
January 1 (New Year's Day)				
Martin Luther King's Birthday (weekend)				
February 12 (Lincoln's Birthday)				
President's Day (Weekend)				
President's Week Recess, first half				
President's Week Recess, second half				
Spring Break, first half				
Spring Break, second half				
Mother's Day				
Memorial Day (weekend)				
Father's Day				
July 4th				
Summer Break				
Labor Day (weekend)				
Columbus Day (weekend)				
Halloween				
November 11 (Veterans Day)				
Thanksgiving Day				
Thanksgiving weekend				
December/January School Break				
Child's birthday (*date):*				
Child's birthday *(date):*				
Child's birthday *(date):*				
Mother's birthday *(date):*				
Father's birthday *(date):*				
Other Parent/Party's birthday *(date):*				
Breaks for year-round schools				

Form Approved for Optional Use
Judicial Council of California
FL-341(C) [Rev. January 1, 2016]

Family Code, §§ 3003, 3083
www.courts.ca.gov

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

1. **Holiday parenting *(continued)***

Other Holidays	**Times (from when to when)** *(Unless noted below, all single-day holidays start at ___ a.m. and end at ___ p.m.)*	**Every Year** *Petitioner/ Respondent/ Other Parent/Party*	**Even Numbered Years** *Petitioner/ Respondent/ Other Parent/Party*	**Odd Numbered Years** *Petitioner/ Respondent/ Other Parent/Party*

☐ Any three-day weekend not specified in item 1 will be spent with the parent or party who would normally have that weekend.
☐ Other *(specify):*

2. **Vacations.**

The ☐ Petitioner ☐ Respondent ☐ Other Parent/Party:

a. May take vacation with the children of up to (*specify number*): ☐ days ☐ weeks the following number of times per year *(specify):*

b. Must notify the other parent or party in writing of vacation plans a minimum of *(specify number):* days in advance and provide the other parent or party with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes.

(1) ☐ The other parent or party has *(number):* days to respond if there is a problem with the vacation schedule.

(2) ☐ If the parties cannot agree on the vacation plans (*check all that apply):*

(A) ☐ They must confer to try to resolve any disagreement before filing for a court hearing.

(B) ☐ In even-numbered years, the parties will follow the suggestions of ☐ Petitioner ☐ Respondent ☐ Other Parent/Party for resolving the disagreement.

(C) ☐ In odd-numbered years, the parties will follow the suggestions of ☐ Petitioner ☐ Respondent ☐ Other Parent/Party for resolving the disagreement.

(D) ☐ Other *(specify):*

c. ☐ This vacation may be outside the state of California.

d. ☐ Any vacation outside ☐ California ☐ the United States requires prior written consent of the other parent or a court order.

e. ☐

FL-341(D)

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

ADDITIONAL PROVISIONS—PHYSICAL CUSTODY ATTACHMENT

TO ☐ **Petition** ☐ **Response** ☐ **Request for Order** ☐ **Responsive Declaration to Request for Order**
☐ **Stipulation and Order for Custody and/or Visitation of Children** ☐ **Findings and Order After Hearing or Judgment**
☐ **Custody Order—Juvenile —Final Judgment** ☐ **Other *(specify):***

The additional provisions to physical custody apply to *(specify parties):* ☐ Petitioner ☐ Respondent ☐ Other Parent/Party

1. ☐ **Notification of parties' current address.** ☐ Petitioner ☐ Respondent ☐ Other Parent/Party
must notify all parties within *(specify number)*: days of any change in his or her
a. address for ☐ residence ☐ mailing ☐ work ☐ email
b. telephone/message number at ☐ home ☐ cell phone ☐ work ☐ the children's schools
The parties may not use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. If a party has an address with the State of California's Safe at Home confidential address program, no residence or work address is needed.

2. ☐ **Notification of proposed move of child.** Each party must notify the other *(specify number):* days before any planned change in residence of the children.The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence.The notification must be sent by certified mail, return receipt requested.

3. ☐ **Child care.**
a. ☐ The children must not be left alone without age-appropriate supervision.
b. ☐ The parties must let each other know the name, address, and phone number of the children's regular child-care providers.

4. ☐ **Right of first option of child care.** In the event any party requires child care for *(specify number):* hours or more while the children are in his or her custody, the other party or parties must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a party is working.

5. ☐ **Canceled visitation (parenting time).**
a. ☐ If the noncustodial party fails to arrive at the appointed time and fails to notify the custodial party that he or she will be late, then the custodial party need wait for only *(specify number):* minutes before considering the visitation (parenting time) canceled.
b. ☐ If the noncustodial party is unable to exercise visitation (parenting time) on a given occasion, he or she must notify the custodial party *(specify):*
☐ at the earliest possible opportunity.
☐ Other *(specify):*
c. ☐ If the children are ill and unable to participate in the scheduled visitation (parenting time), the custodial party must give the noncustodial party *(specify):* ☐ A doctor's excuse is required.
☐ as much notice as possible
☐ Other *(specify):*

6. ☐ **Phone contact between parties and children.**
a. ☐ The children may have telephone access to the parties ☐ and the parties may have telephone access to the children at reasonable times, for reasonable durations.
b. ☐ The scheduled phone contact between the parties and children is *(specify):*

c. ☐ No party or any other third party may listen to or monitor the calls.

Form Approved for Optional Use
Judicial Council of California
FL-341(D) [Rev. January 1, 2016]

Family Code, §§ 3003, 3024, 3083
www.courts.ca.gov

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

7. ☐ **No negative comments.** The parties will not make or allow others to make negative comments about each other or about their past or present relationships, family, or friends within hearing distance of the children.

8. ☐ **Discussion of court proceedings with children.** Other than age appropriate discussion of the parenting plan and the children's role in mediation or other court proceedings, the parties will not discuss with the children any court proceedings relating to custody or visitation (parenting time).

9. ☐ **No use of children as messengers.** The parties will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.

10. ☐ **Alcohol or substance abuse.** The ☐ petitioner ☐ respondent ☐ other parent/party may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within *(specify number):* hours prior to or during periods of time with the children ☐ and may not permit any third party to do so in the presence of the children.

11. ☐ **No exposure to cigarette or medical marijuana smoke.** The parties will not expose the children to secondhand cigarette or medical marijuana smoke.

12. ☐ **No interference with schedule of any party without that party's consent.** The parties will not schedule activities for the children during the other party's scheduled visitation (parenting time) without the other party's prior agreement.

13. ☐ **Third-party contact.**
    a. ☐ The children will have no contact with *(specify name):*
    b. ☐ The children must not be left alone in the presence of *(specify name):*

14. ☐ **Children's clothing and belongings.**
    a. ☐ Each party will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
    b. ☐ The children will be returned to the other party with the clothing and other belongings they had when they arrived.

15. ☐ **Log book.** The parties will maintain a "log book" and make sure that the book is sent with the children between their homes. Using businesslike notes (no personal comments), parties will record information related to the health, education, and welfare issues that arise during the time the children are with them.

16. ☐ **Terms and conditions of order may be changed.** The terms and conditions of this order may be added to or changed as the needs of the children and parties change. Such changes will be in writing, dated and signed by the parties; each party will retain a copy. If the parties want a change to be a court order, it must be filed with the court in the form of a court document.

17. ☐ **Other *(specify):***

FL-341(E)

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

JOINT LEGAL CUSTODY ATTACHMENT

TO ☐ **Petition** ☐ **Response** ☐ **Request for Order** ☐ **Responsive Declaration to Request for Order**
☐ **Stipulation and Order for Custody and/or Visitation of Children** ☐ **Findings and Order After Hearing or Judgment**
☐ **Custody Order—Juvenile—Final Judgment** ☐ **Other *(specify):***

NOTICE: In exercising joint legal custody, the parties may act alone, as long as the action does not conflict with any orders about the physical custody of the children. Use this form only if you want to ask the court to make orders specifying when the consent of both parties is required to exercise legal control of the children and the consequences for failing to obtain mutual consent.

1. The parties *(specify):* ☐ Petitioner ☐ Respondent ☐ Other Parent/Party will have joint legal custody of the children.
2. In exercising joint legal custody, the parties will share in the responsibility and discuss in good faith matters concerning the health, education, and welfare of the children. The parties must discuss and consent in making decisions on the following matters:
   a. ☐ Enrollment in or leaving a particular private or public school or daycare center
   b. ☐ Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy
   c. ☐ Participation in extracurricular activities
   d. ☐ Selection of a doctor, dentist, or other health professional (except in emergency situations)
   e. ☐ Participation in particular religious activities or institutions.
   f. ☐ Out-of-country or out-of-state travel
   g. ☐ Other *(specify):*
3. **If a party does not obtain the consent of the other party to those items in 2, which are granted as court orders:**
   a. He or she may be subject to civil or criminal penalties.
   b. The court may change the legal and physical custody of the minor children.
   c. ☐ Other consequences *(specify):*
4. ☐ **Special decision making designation and Access to children's records**
   a. The ☐ petitioner ☐ respondent ☐ other parent/party will be responsible for making decisions regarding the following issues *(specify):*
   b. ☐ Each party will have access to the children's school, medical, and dental records, and the right to consult with professionals who are providing services to the children.
5. ☐ **Health-care notification.**
   a. ☐ Each party must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within *(specify number):* days of the commencement of the first such treatment or examination.
   b. ☐ Each party is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment.The party authorizing such emergency treatment must notify the other party as soon as possible of the emergency situation and of all procedures or treatment administered to the children.
   c. ☐ The parties are required to administer any prescribed medications for the children.
6. ☐ **School notification.** Each party will be designated as a person the children's school will contact in the event of an emergency.
7. ☐ **Name.** The parties will not change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other party.
8. ☐ Other *(specify):*

Form Approved for Optional Use
Judicial Council of California
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Family Code, §§ 3003, 3083
www.courts.ca.gov