

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee  
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SUBJECT: Family Law: Technical Changes Regarding Deadlines for Service and  
Filing of Motions and Documents Supporting or Opposing Motions (revise  
forms DV-160, FL-192, FL-300, FL-301, FL-662, FL-680, and FL-683)  
(Action Required)

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Issue Statement

Assembly Bill 3078 (Stats. 2004, ch. 171 [chaptered July 16, 2004]) revised the deadlines for service and filing of specified moving, supporting, opposing, and reply papers regarding motions and other hearings. Effective January 1, 2005, the deadlines refer to court days rather than calendar days. Additional changes should be made to the forms to conform with recent statutory and other changes in the law and changes in forms guidelines and to correct typographical errors.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2005, revise forms DV-160, FL-192, FL-300, FL-301, FL-662, FL-680, and FL-683 to:

1. Comply with AB 3078 timelines;
2. Update and clarify procedural requirements;
3. Replace gender-specific terms with gender-neutral terms;
4. Add a provision to request accommodations for persons with disabilities;

5. Make their format consistent with the current plain language forms manual; and
6. Correct technical and typographical errors.

The texts of the revised forms are attached at pages 5–27.

#### Rationale for Recommendation

Assembly Bill 3078 revised the deadlines for service and filing of specified moving, supporting, opposing, and reply papers regarding motions and other hearings. AB 3078 amended Code of Civil Procedure section 1005, effective January 1, 2005, to provide that all moving and supporting papers must be served and filed at least 16 court days before the hearing, all opposing papers must be served and filed at least 9 court days before the hearing, and all reply papers must be served and filed at least 5 court days before the hearing. The bill did not revise the provisions of Code of Civil Procedure section 1005 regarding the period of notice for moving and supporting papers when service is by mail.

To assist attorneys and self-represented litigants in calculating the court days and calendar days, a calendar with court holidays will be posted on the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/)) with a hyperlink (under construction) to a calendar calculator to determine the service due dates. This calculator will be available to the public later this year.

The Access and Fairness Advisory Committee has recommended that an accommodations notice be added to all forms that constitute a notice of appearance for a hearing. Civil Code section 54.8(f) requires that the Judicial Council develop and approve official forms for notice of the availability of assistive listening systems and computer-aided transcription systems for individuals who are hearing impaired. A request for accommodations notice is added to forms FL-300, FL-301, FL-680, and FL-683.

Gender-neutral terms will replace gender-specific terms where appropriate consistent with the mandate of Assembly Bill 205, the California Domestic Partner Rights and Responsibilities Act of 2003, to review and revise forms that refer to gender-specific terms.

The committee recommends the following revisions to forms to comply with AB 3078 and other changes in the law, to format the forms consistent with the current plain language forms manual, and to correct typographical errors.

On pages 1 through 3 of form DV-160, *Child Support Order (Order of Protection) (Domestic Violence Prevention)*, (1) replace the gender-specific terms (Mom, Dad) with gender-neutral (Person listed in 1, Person listed in 2) terms consistent with form DV-130,

*Restraining Order After Hearing (CLETS) (Domestic Violence Prevention)*; (2) conform item 2 on form DV-160 to restrained person's name as on form DV-130; and (3) replace other parent with a blank space to be filled in with the correct relationship (stepparent, grandparent, guardian, etc.). Revise page 7 of form DV-160, *Information Sheet on Changing a Child Support Order*, to (1) change the filing deadline for moving and supporting papers on a motion to modify child support from 21 calendar days to 16 court days, (2) clarify the additional days required if service is by mail, (3) clarify the instructions on forms that must be filed for a motion to modify child support, (4) clarify the definition of court days and calendar days, and (5) add a reference to the Self-Help Center ([www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/)). The Spanish-language version will be available when the form is officially approved for revision.

Revise page 2 of form FL-192, *Information Sheet on Changing a Child Support Order*, to (1) change the service and filing deadline for moving papers from 21 calendar days to 16 court days, (2) clarify the additional days required if service is by mail, (3) clarify the forms that must be filed for a motion to modify child support, (4) simplify the instructions, (5) clarify the definition of court days and calendar days, and (6) add a reference to the Self-Help Center. The Spanish-language version will be available when the form is officially approved for revision.

Revise form FL-300, *Order to Show Cause*, to (1) change the filing and service deadline of the opposing papers from 10 calendar days to 9 court days before the hearing, (2) clarify the service requirement for mailing, (3) add a reference to the Self-Help Center, and (4) add a provision to request accommodations for persons with disabilities.

Revise the notice on form FL-301, *Notice of Motion*, to (1) change the filing and service deadline of the opposing papers from 10 calendar days to 9 court days before the hearing, (2) clarify the service requirement for mailing, (3) add a reference to the Self-Help Center, and (4) add a provision to request accommodations for persons with disabilities.

Revise the information sheet on form FL-662, *Responsive Declaration to Motion for Joinder of Other Parent—Consent Order of Joinder (Governmental)*, to (1) change the deadline for filing and serving the completed responsive declaration from 10 calendar days to 9 court days before the hearing, (2) clarify the service requirement for mailing, (3) add a reference to the Self-Help Center, and (4) clarify the number of copies of filed opposing papers that should be made.

Revise form FL-680, *Notice of Motion (Governmental)*, to (1) change the filing and service deadline of the opposing papers from 10 calendar days to 9 court days, (2) clarify the service requirement for mailing, (3) add a reference to the Self-Help Center, and (4) add a provision to request accommodations for persons with disabilities.

Revise form FL-683, *Order to Show Cause (Governmental)*, to (1) change the filing and service deadline of the opposing papers from 10 calendar days to 9 court days, (2) clarify the service requirements, (3) clarify the service requirement for mailing, (4) add a reference to the Self-Help Center, and (5) add a provision to request accommodations for persons with disabilities.

#### Alternative Actions Considered

The alternatives of no action or delayed action were considered. However, these changes are necessary to comply with statutory amendments.

#### Comments From Interested Parties

The 15 comments received generally favored the changes. Suggestions were made to update the forms with gender-neutral terms; to clarify the service requirement for mailing; to update the Spanish-language version; and to clarify court holidays, court days, and calendar days. The committee incorporated these suggestions to improve the forms.

A chart summarizing the comments and the committee's responses is attached at pages 28–33.

#### Implementation Requirements and Costs

Courts will incur some standard costs in copying the forms.

Attachments

DV-160

Child Support Order (Order of Protection)

[X] This form is attached to DV-130, Item 9.

1 Protected person's name: \_\_\_\_\_ [ ] Mother [ ] Father [ ] \_\_\_\_\_

2 Restrained person's name: \_\_\_\_\_ [ ] Mother [ ] Father [ ] \_\_\_\_\_

The court used the information below to calculate child support.

3 [ ] A printout of a computer calculation is attached. (Skip to 7 if the printout is attached, and do not complete 4 or 6.)

4 [ ] Monthly income

Table with 5 columns: Person listed in, Gross income, Net income, Capable of earning, TANF/CalWORKS. Rows for Person listed in 1 and Person listed in 2.

5 [ ] Children of parents listed in 1 and 2:

- a. Number of children covered by this order: \_\_\_\_\_
b. Those children spend \_\_\_\_% of time with person in 1 and \_\_\_\_% with person in 2

6 [ ] Hardships considered by the court:

Person in 1 Person in 2 Explain or attach explanation

- a. [ ] Support for other minor children in the home \$ \_\_\_\_\_ \$ \_\_\_\_\_
b. [ ] Extraordinary medical expenses \$ \_\_\_\_\_ \$ \_\_\_\_\_
c. [ ] Catastrophic losses \$ \_\_\_\_\_ \$ \_\_\_\_\_
d. [ ] Other (specify): \_\_\_\_\_

7 [ ] The total guideline calculation for all children (not including additional support) is \$ \_\_\_\_\_

8 [ ] A Non-Guideline Order is appropriate instead of the guideline calculation in 7. This order is different from the statewide child support guideline set forth in Family Code section 4055.

9 [ ] Other findings: \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

The Court Orders:

10 [ ] Low-Income Adjustment

- a. [ ] The low-income adjustment applies.
b. [ ] The low-income adjustment does not apply because (specify reasons): \_\_\_\_\_

This is a Court Order.



Your name: \_\_\_\_\_

**11**  A **Non-Guideline Order** of \$ \_\_\_\_\_ per month is ordered instead of the guideline calculation in **7**. This order does not meet the child support guideline set forth in Family Code section 4055. **Form FL-342(A) (Non-Guideline Child Support Findings Attachment)** is attached.

**12**  **Basic child support**

a.  Person in **1**  Person in **2** will pay child support for:

Child's name	Date of birth	Monthly amount	Payable to:
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____

b.  Additional children are listed on a separate page.

c. Starting (date): \_\_\_\_\_ support must be paid to:

- person in **1**  person in **2**  local child support agency  Other: \_\_\_\_\_
- By the 1st of each month
- 50% on the 1st and 50% on the 15th of each month
- By earnings assignment order (order to withhold income)
- Other (specify): \_\_\_\_\_

**13**  **Additional child support**

(Write the specific amount. If the specific amount is not available, enter a percentage. The local child support agency can collect only fixed dollar amounts, not percentages.)

a. **Costs**

Person listed in **1** Person listed in **2** Other arrangements:

<input type="checkbox"/> Child-care expenses	\$ _____ or _____ %	\$ _____ or _____ %	_____
<input type="checkbox"/> Children's uninsured health-care expenses	\$ _____ or _____ %	\$ _____ or _____ %	_____
<input type="checkbox"/> Children's educational/other special needs	\$ _____ or _____ %	\$ _____ or _____ %	_____
<input type="checkbox"/> Travel expenses for visitation	\$ _____ or _____ %	\$ _____ or _____ %	_____
<input type="checkbox"/> Other (specify): _____	\$ _____ or _____ %	\$ _____ or _____ %	_____

b. Starting (date): \_\_\_\_\_ these support payments must be paid to:

- person in **1**  person in **2**  local child support agency  Other: \_\_\_\_\_
- By the 1st of each month
- 50% on the 1st and 50% on the 15th of each month
- By earnings assignment order (order to withhold income)
- Other (specify): \_\_\_\_\_

All payments to the local child support agency must be made to:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**This is a Court Order.**



Your name: \_\_\_\_\_

- 14**  **Total Child Support Order**
- a. Total basic child support is \$ \_\_\_\_\_/month.
- b. Total additional child support is \$ \_\_\_\_\_/month (and/or the percentages listed in **13**).
- c. **Total Child Support Order** (basic and additional child support) is \$ \_\_\_\_\_/month, payable as listed in **12** and **13**.

**Notice:**

If you are late in paying child support, interest on overdue amounts will add up at the legal rate, which is currently 10% per year.

This support order will continue until:

- There is a different court order *or*
- The child marries, dies, turns 19, or is emancipated *or*
- The child turns 18 and is not a full-time high school student.

- 15**  **Health-care expenses**
- a.  Person in **1**  Person in **2** will provide and keep health insurance for the children if it is available at no or reasonable cost through work or a group plan, including group plans available through self-employment. Both parents will cooperate to complete health-care claims as stated on **page 5** (Notice of Rights and Responsibilities: Health-Care Costs and Reimbursement Procedures). Parents may have peaceful written contact with each other in order to complete insurance claims.
- b.  No health insurance is available to  person in **1**  person in **2** at a reasonable cost now.
- c.  The parent with insurance will give the right of reimbursement to the other parent.
- d.  Other (*specify*): \_\_\_\_\_

- 16**  **Earnings Assignment Order (Order to Withhold Income)**
- a.  A form **FL-195/OMB No. 0970-0154, Order/Notice to Withhold Income for Child Support**, will be issued.  
*Note:* The parent paying child support must pay support to the other parent until support payments are deducted from the paying parent's wages, and must pay any support owed that is not covered by the earnings assignment.
- b.  If the parent paying support is more than \_\_\_\_\_ days late in making a payment, the earnings assignment order will be served.
- c.  There will be a **Qualified Medical Child Support Order** payable to:  
 person in **1**  person in **2**

- 17**  **Employment Search Order**
- Person in **1**  Person in **2** is ordered to seek employment  as stated in the attachment  as follows:

\_\_\_\_\_

\_\_\_\_\_

- 18**  **Other orders**
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**This is a Court Order.**



Case Number:

Your name: \_\_\_\_\_

- 19 These **required attachments** are attached and are a part of this order:  
*Notice of Rights and Responsibilities: Health-Care Costs and Reimbursement Procedures* (pages 5 and 6)  
*Information Sheet on Changing a Child Support Order* (pages 7 and 8)

20 **Notice Regarding Child Support Case Registry**

If there is a case open in the local child support agency, the parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

If there is no open case in the local child support agency, both parties must complete and file with the court form FL-191, *Child Support Case Registry Form*, within 10 days of the date of this order. Thereafter, the parties must notify the court of any change in the information submitted within 10 days of the change by filing an updated form.

**This is a Court Order.**



**If you have a child support order that includes a provision for the reimbursement of a portion of the child's or children's health-care costs and those costs are not paid by insurance, the law says:**

**1. Notice.** You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

**2. Proof of full payment.** If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

**3. Proof of partial payment.** If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you have paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

**4. Payment by notified parent.** If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment either (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

**5. Disputed charges.** If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion. If you claim that the other party has failed to

reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees and costs against a party who has been unreasonable.

**6. Court-ordered insurance coverage.** If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

**a. Burden to prove.** The party claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

**b. Cost of additional coverage.** If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

**7. Preferred health-care providers.** If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times, consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health-care provider if that provider had been used will be the sole responsibility of the party incurring those costs.

**Si usted tiene una orden de manutención de menores que disponga la devolución de costos incurridos por servicios de salud para menores y costos no cubiertos por el seguro médico, la ley dice lo siguiente:**

**1. Aviso.** Se debe dar al otro padre una factura detallada relacionando los costos cobrados por servicios de salud que no estén cubiertos por seguro médico. Esta factura se le debe dar al otro padre con antelación razonable y no más tarde de 30 días después de haber recibido dichos cobros de pago.

**2. Comprobante de pago total.** Si usted ya pagó todos los costos de salud correspondientes a individuos no asegurados, deberá: (1) proporcionar al otro padre el comprobante de haber pagado y (2) pedirle al otro padre que le pague la porción de los costos que al otro padre le corresponda, según la orden del tribunal.

**3. Comprobante de pago parcial.** Si sólo pagó su porción de los costos no cubiertos por el seguro, debe: (1) darle al otro padre un comprobante indicando que ya pagó dicha porción, (2) pedir al otro padre que pague directamente al proveedor de servicios médicos la parte de los costos que al otro padre le corresponda y (3) darle al otro padre la información necesaria para que pague la factura.

**4. Pago que le corresponde al padre notificado.** Si usted recibe notificación del otro padre indicando costos incurridos por servicios de salud para individuos sin seguro, deberá pagar la porción que le corresponde a usted dentro del plazo ordenado por el tribunal, o si el tribunal no especifica un plazo, usted deberá pagar dichos costos, ya sea, (1) a más tardar en 30 días, desde la fecha en que recibió la notificación sobre los costos por pagar, (2) según un horario acordado por escrito entre usted y el otro padre o (4) según el horario adoptado por el tribunal.

**5. Cuando se disputan los costos.** Si usted disputa un costo, puede presentar al tribunal una moción (o pedimento) para resolver la disputa. Sólo podrá hacer esto, si paga el costo antes de presentar la moción. Si su reclamo consiste en que la otra

parte no le ha pagado a usted por un costo, o que no le ha pagado al proveedor de servicios de salud después de la notificación apropiada, usted puede presentar una moción ante el tribunal para resolver la disputa. El tribunal asumirá que si los costos ya se han pagado, dichos costos han sido razonables. Si una persona se comporta de una manera que no sea razonable, el tribunal puede imponerle que pague honorarios de abogado.

**6. Cobertura de seguro por orden de tribunal.** Si un adre tiene seguro de salud por orden del tribunal, ese seguro se usará todo el tiempo, siempre que esté disponible para cubrir los costos de servicios de salud.

**a. Responsabilidad de comprobar.** La responsabilidad de comprobar ante el tribunal que la cobertura de servicios de salud es inadecuada para los menores recae sobre la parte que reclama que es inadecuada.

**b. Costos de cobertura adicional.** Si uno de los padres compra un seguro de salud adicional al que haya sido ordenado por el tribunal, dicho padre deberá pagar todo el costo de la cobertura adicional. Y si uno de los padres usa una manera alterna para cubrir gastos médicos que cueste más que la cobertura dispuesta por el tribunal, dicho padre tendrá que pagar la diferencia.

**7. Proveedor preferido para servicios de salud.** Si la orden del tribunal especifica un proveedor preferido para servicios de salud, dicho proveedor deberá usarse siempre, según los términos de la póliza del seguro de salud. Si una de las partes decide usar un proveedor que no sea el preferido e incurre costos que podrían haber sido cubiertos por el proveedor preferido si se hubieran utilizado sus servicios, dicha parte asumirá la responsabilidad de cubrir los costos incurridos.

**General information.** The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if it is involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) or *Stipulation and Order (Governmental)* (form FL-625).

**When a child support order may be modified.** The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net incomes of both parents are determined, along with the percentage of time each parent has physical custody of the children. The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when the net income of one of the parents changes significantly, the parenting schedule changes significantly, or a new child is born.

#### Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

#### How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

#### What forms do I need?

If you are asking the court to change a child support order open with the local child support agency, you must fill out one of these forms:

- FL-680, *Notice of Motion (Governmental)* or FL-683 *Order to Show Cause (Governmental)* and
- FL-684, *Request for Order and Supporting Declaration (Governmental)*

If you are asking the court to change a child support order that is **not** open with the local child support agency, you must fill out one of these forms:

- FL-301, *Notice of Motion* or FL-300, *Order to Show Cause* and
- FL-310, *Application for Order and Supporting Declaration* or
- FL-390, *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms:

- FL-150, *Income and Expense Declaration* or FL-155, *Financial Statement (Simplified)*

#### What if I am not sure which forms to fill out?

Talk to the family law facilitator at your court.

**After you fill out the forms,** file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk will ask you to pay a filing fee. If you cannot afford the fee, fill out these forms too:

- Form 982(a)(17), *Application for Waiver of Court Fees and Costs*
- Form 982(a)(18), *Order on Application for Waiver of Court Fees and Costs*

**You must serve the other parent.** If the local child support agency is involved, serve it too.

This means someone 18 or over—**not you**—must serve the other parent copies of your filed court forms at least **16 court days** before the hearing. Add **5 calendar days** if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations). **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To determine court and calendar days, go to [www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/).

The server must also serve blank copies of these forms:

- FL-320, *Responsive Declaration to Order to Show Cause or Notice of Motion* and FL-150, *Income and Expense Declaration*, or
- FL-155, *Financial Statement (Simplified)*

Then the server fills out and signs a *Proof of Service* (form FL-330 or FL-335). Take this form to the clerk and file it.

**Go to your hearing and ask the judge to change the support.** Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- FL-340, *Findings and Order After Hearing* and
- FL-342, *Child Support Information and Order Attachment*

#### Need help?

Contact the family law facilitator in your county or call your county's bar association and ask for an experienced family lawyer.



## Información general

El tribunal acaba de dar una orden judicial sobre manutención de menores en esta causa. Esta orden permanecerá en efecto, a menos que alguna de las partes de la causa pida que se modifique. Sólo se puede modificar una orden de manutención de menores si se presenta ante el tribunal una moción (o pedimento) sobre modificación de manutención y si se da una copia de dicha moción a las partes interesadas en la causa. Si ambos padres llegan a un común acuerdo sobre una suma y si la agencia local que vigila la manutención de menores también acepta el acuerdo (si dicha agencia participa), se puede llenar y hacer que cada una de las partes firme una *Estipulación para Establecer o Modificar una Orden de Manutención de Menores* (formulario FL-350) o *Orden* hacer que cada una de la partes firme una *Estipulación y Orden (Documento gubernamental)* (formulario FL-625).

## ¿Cuándo se puede modificar una orden de manutención de menores?

El juez toma varios factores en consideración cuando emite una orden judicial sobre el pago de manutención de menores. Primero, considera, el número de hijos. Luego, determina los ingresos de ambos padres y el porcentaje del tiempo que cada padre asume la custodia física de los hijos. El tribunal estudia el estado tributario (pago de impuestos) de ambas partes y puede tener en cuenta factores de dificultad económica, tales como la existencia de hijos de otra relación. Se puede modificar la orden sobre manutención de menores si ocurre un cambio considerable en los ingresos netos de uno de los padres, un cambio considerable en el tiempo que los menores pasan con cada uno de los padres, o cuando nace un nuevo hijo.

## Ejemplos:

Si a usted se le ha ordenado pagar \$500 mensuales de manutención de menores y luego pierde su empleo. Continuará debiendo \$500 mensuales, más el 10% de intereses sobre la suma de manutención debida, a menos que presente una moción pidiendo que se modifique y se reduzca la suma de manutención y que el tribunal ordene dicha reducción.

Si usted está recibiendo \$300 mensuales por manutención de menores provenientes del otro padre y los ingresos de ese padre aumentan considerablemente, usted continuaría recibiendo \$300 mensuales, a menos que usted presente una moción para modificar la orden y que el tribunal ordene el aumento de la suma de manutención de menores.

Si paga manutención de menores basándose en que pasa un 30% de tiempo asumiendo la custodia parcial de sus hijos y después de varios meses, resulta que en efecto pasa el 50% del tiempo a cargo de la custodia física de sus hijos, en dado caso, podrá presentar una moción pidiendo que se reduzca la suma de manutención.

## Cómo modificar una orden existente de manutención de hijos menores

Para modificar una orden de manutención de hijos menores usted debe radicar documentos ante el tribunal. Recuerde: Usted tiene la obligación de cumplir la orden judicial existente.

## ¿Qué formularios necesita?

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso esté abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-680 Aviso de petición (Gubernamental) o FL-683 Orden de motivos justificativos (Gubernamental) y
- FL-684 Solicitud de orden y declaración de respaldo

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso **no** esté abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-301 Aviso de petición o FL-300 Orden de motivos justificativos y
- FL-310 Solicitud para una orden y declaración de respaldo (Derecho de familia -Paternidad uniforme) o
- FL-390 Aviso de petición y petición simplificada de modificación de orden de manutención de hijos menores, de cónyuge o de familia

## También deberá llenar uno de los siguientes formularios:

- FL-150 Declaración de ingresos y gastos o FL-155 Declaración sobre finanzas (Simplificada)

## ¿Qué puedo hacer si no sé qué formulario llenar?

Hable con el asesor legal del tribunal de familia.

**Después de llenar los formularios**, radíquelos en el tribunal y pida una audiencia ante el tribunal. Escriba la fecha de su audiencia en su formulario. En la secretaría le pedirán que pague la cuota de radicación. Si no tiene los medios para pagar la cuota, llene también los siguientes formularios:

- Formulario 982(a)(17) Solicitud de exención de cuotas y costos judiciales
- Formulario 982(a)(18) Orden de exoneración de cuotas y costos judiciales

## Usted tiene que hacer la "entrega legal" de los formularios de modificación al otro padre.

Si la agencia local que vigila la manutención de hijos menores participa en la causa, entregue también a esa agencia los documentos.

Esto significa que una persona de no menos de 18 años (**y que no sea usted mismo**) debe entregar copias de los formularios por lo menos 16 días hábiles del tribunal antes de la audiencia. Se deben añadir 5 días más si la entrega se hace por correo postal dentro de California (véase Código Civil de Procedimientos, sección 1005 para ver otras situaciones). Los **días hábiles del tribunal** son los días cuando el tribunal está funcionando, de lunes a viernes, exceptuando los días feriados. Los **días calendarios** son todos los días de la semana, incluyendo los fines de semana y los días feriados. Para obtener mayor información, visite:

[www.courtinfo.ca.gov/selfhelp/courtcalendars](http://www.courtinfo.ca.gov/selfhelp/courtcalendars)

La persona que haga entrega de la copia de los documentos deberá entregar copias de los siguientes formularios:

- FL-320 Declaración de respuesta y FL-150 Declaración de ingresos y gastos, o
- FL-155 Declaración de finanzas (Simplificada)

La persona que hace la entrega entonces llena y firma el comprobante de entrega (formularios FL-330 o FL-335). Luego, usted lleva este documento a la secretaría del tribunal para radicarlo.

## Vaya a su audiencia ante el tribunal y pídale a juez que modifique la manutención.

Lleve consigo sus formularios más recientes de declaración de impuestos federales de los últimos dos años y sus talones de pago de los últimos dos meses. El juez estudiará la información presentada, escuchará a ambos padres y emitirá una orden. Después de la audiencia usted debe llenar los formularios:

- FL-340 Conclusiones y orden después de la audiencia y
- FL-342 Documento adjunto con información sobre manutención de menores y orden judicial.

## ¿Necesita ayuda?

Consulte con el Asesor Legal del Tribunal de Familia de su condado o llame al colegio de abogados de su condado y pida un abogado con experiencia en el tribunal de familia.

**NOTICE OF RIGHTS AND RESPONSIBILITIES**  
**Health-Care Costs and Reimbursement Procedures**

**IF YOU HAVE A CHILD SUPPORT ORDER THAT INCLUDES A PROVISION FOR THE REIMBURSEMENT OF A PORTION OF THE CHILD'S OR CHILDREN'S HEALTH-CARE COSTS AND THOSE COSTS ARE NOT PAID BY INSURANCE, THE LAW SAYS:**

**1. Notice.** You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

**2. Proof of full payment.** If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

**3. Proof of partial payment.** If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

**4. Payment by notified parent.** If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

**5. Disputed charges.** If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion.

If you claim that the other party has failed to reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees and costs against a party who has been unreasonable.

**6. Court-ordered insurance coverage.** If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

- a. **Burden to prove.** The party claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.
- b. **Cost of additional coverage.** If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

**7. Preferred health providers.** If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the party incurring those costs.

## **Aviso Sobre Derechos y Responsabilidades**

### **Procedimiento relativo a costos de salud y devolución de dichos costos**

**Si usted tiene una orden de manutención de menores que disponga la devolución de costos incurridos por servicios de salud para menores y costos no cubiertos por el seguro médico, la ley dice lo siguiente:**

**1. Aviso.** Se debe dar al otro padre una factura detallada relacionando los costos cobrados por servicios de salud que no estén cubiertos por seguro médico. Esta factura se le debe dar al otro padre con antelación razonable y no más tarde de 30 días después de haber recibido dichos cobros de pago.

**2. Comprobante de pago total.** Si usted ya pagó todos los costos de salud correspondientes a individuos no asegurados, deberá: (1) proporcionar al otro padre el comprobante de haber pagado y (2) pedirle al otro padre que le pague la porción de los costos que al otro padre le corresponda, según la orden del tribunal.

**3. Comprobante de pago parcial.** Si sólo pagó su porción de los costos no cubiertos por el seguro, debe: (1) darle al otro padre un comprobante indicando que ya pagó dicha porción, (2) pedir al otro padre que pague directamente al proveedor de servicios médicos la parte de los costos que al otro padre le corresponda y (3) darle al otro padre la información necesaria para que pague la factura.

**4. Pago que le corresponde al padre notificado.** Si usted recibe notificación del otro padre indicando costos incurridos por servicios de salud para individuos sin seguro, deberá pagar la porción que le corresponde a usted dentro del plazo ordenado por el tribunal, o si el tribunal no especifica un plazo, usted deberá pagar dichos costos, ya sea, (1) a más tardar en 30 días, desde la fecha en que recibió la notificación sobre los costos por pagar, (2) según un horario acordado por escrito entre usted y el otro padre o (3) según el horario adoptado por el tribunal.

**5. Cuando se disputan los costos.** Si usted disputa un costo, puede presentar al tribunal una moción (o pedimento) para resolver la disputa. Sólo podrá hacer esto, si paga el costo antes de presentar la moción. Si su reclamo consiste en que la otra parte no le ha pagado a usted por un costo, o que no le ha pagado al proveedor de servicios de salud después de la notificación apropiada, usted puede presentar una moción ante el tribunal para resolver la disputa.

El tribunal asumirá que si los costos ya se han pagado, dichos costos han sido razonables. Si una persona se comporta de una manera que no sea razonable, el tribunal puede imponerle que pague honorarios de abogado.

**6. Cobertura de seguro por orden de tribunal.** Si un padre tiene seguro de salud por orden del tribunal, ese seguro se usará todo el tiempo, siempre que esté disponible para cubrir los costos de servicios de salud.

**a. Responsabilidad de comprobar.** La responsabilidad de comprobar ante el tribunal que la cobertura de servicios de salud es inadecuada para los menores recae sobre la parte que reclama que es inadecuada.

**b. Costos de cobertura adicional.** Si uno de los padres compra un seguro de salud adicional al que haya sido ordenado por el tribunal, dicho padre deberá pagar todo el costo de la cobertura adicional. Y si uno de los padres usa una manera alterna para cubrir gastos médicos que cueste más que la cobertura dispuesta por el tribunal, dicho padre tendrá que pagar la diferencia.

**7. Proveedor preferido para servicios de salud.**

Si la orden del tribunal especifica un proveedor preferido para servicios de salud, dicho proveedor deberá usarse siempre, según los términos de la póliza del seguro de salud. Si una de las partes decide usar un proveedor que no sea el preferido e incurre costos que podrían haber sido cubiertos por el proveedor preferido si se hubieran utilizado sus servicios, dicha parte asumirá la responsabilidad de cubrir los costos incurridos.

# INFORMATION SHEET ON CHANGING A CHILD SUPPORT ORDER

## General Information

The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if it is involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) or *Stipulation and Order (Governmental)* (form FL-625).

## When a Child Support Order May Be Modified

The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net incomes of both parents are determined, along with the percentage of time each parent has physical custody of the children. The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when the net income of one of the parents changes significantly, the parenting schedule changes significantly, or a new child is born.

## Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

## How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

## What forms do I need?

If you are asking to change a child support order open with the local child support agency, you must fill out one of these forms:

- FL-680, *Notice of Motion (Governmental)* **or** FL-683 *Order to Show Cause (Governmental)* **and**
- FL-684, *Request for Order and Supporting Declaration (Governmental)*

If you are asking to change a child support order that is **not** open with the local child support agency, you must fill out one of these forms:

- FL-301, *Notice of Motion* **or** FL-300, *Order to Show Cause* **and**
- FL-310, *Application for Order and Supporting Declaration* **or**
- FL-390, *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms:

- FL-150, *Income and Expense Declaration* **or** FL-155, *Financial Statement (Simplified)*

## What if I am not sure which forms to fill out?

Talk to the family law facilitator at your court.

**After you fill out the forms**, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk will ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form 982(a)(17), *Application for Waiver of Court Fees and Costs*
- Form 982(a)(18), *Order on Application for Waiver of Court Fees and Costs*

**You must serve the other parent.** If the local child support agency is involved, serve it too.

This means someone 18 or over—**not you**—must serve the other parent copies of your filed court forms at least **16 court days** before the hearing. Add **5 calendar days** if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations).

**Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To determine court and calendar days, go to [www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/).

The server must also serve blank copies of these forms:

- FL-320, *Responsive Declaration to Order to Show Cause or Notice of Motion* **and** FL-150, *Income and Expense Declaration*, **or**
- FL-155, *Financial Statement (Simplified)*

Then the server fills out and signs a *Proof of Service* (form FL-330 or FL-335). Take this form to the clerk and file it.

**Go to your hearing and ask the judge to change the support.** Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- FL-340, *Findings and Order After Hearing* **and**
- FL-342, *Child Support Information and Order Attachment*

## Need help?

Contact the family law facilitator in your county or call your county's bar association and ask for an experienced family lawyer.

# Información sobre cómo cambiar una orden judicial sobre manutención de menores

## Información general

El tribunal acaba de dar una orden judicial sobre manutención de menores en esta causa. Esta orden permanecerá en efecto, a menos que alguna de las partes de la causa pida que se modifique. Sólo se puede modificar una orden de manutención de menores si se presenta ante el tribunal una moción (o pedimento) sobre modificación de manutención y si se da una copia de dicha moción a las partes interesadas en la causa. Si ambos padres llegan a un común acuerdo sobre una suma y si la agencia local que vigila la manutención de menores también acepta el acuerdo (si dicha agencia participa), se puede llenar y hacer que cada una de las partes firme una *Estipulación para Establecer o Modificar una Orden de Manutención de Menores* (formulario FL-350) o llenar y hacer que cada una de las partes firme una *Estipulación y Orden (Documento gubernamental)* (formulario FL-625).

## ¿Cuándo se puede modificar una orden de manutención de menores?

El juez toma varios factores en consideración cuando emite una orden judicial sobre el pago de manutención de menores. Primero, considera, el número de hijos. Luego, determina los ingresos de ambos padres y el porcentaje del tiempo que cada padre asume la custodia física de los hijos. El tribunal estudia el estado tributario (pago de impuestos) de ambas partes y puede tener en cuenta factores de dificultad económica, tales como la existencia de hijos de otra relación. Se puede modificar la orden sobre manutención de menores si ocurre un cambio considerable en los ingresos netos de uno de los padres, un cambio considerable en el tiempo que los menores pasan con cada uno de los padres, o cuando nace un nuevo hijo.

## Ejemplos:

- Si a usted se le ha ordenado pagar \$500 mensuales de manutención de menores y luego pierde su empleo. Continuará debiendo \$500 mensuales, más el 10% de intereses sobre la suma de manutención debida, a menos que presente una moción pidiendo que se modifique y se reduzca la suma de manutención y que el tribunal ordene dicha reducción.
- Si usted está recibiendo \$300 mensuales por manutención de menores provenientes del otro padre y los ingresos de ese padre aumentan considerablemente, usted continuaría recibiendo \$300 mensuales, a menos que usted presente una moción para modificar la orden y que el tribunal ordene el aumento de la suma de manutención de menores.
- Si paga manutención de menores basándose en que pasa un 30% de tiempo asumiendo la custodia parcial de sus hijos y después de varios meses, resulta que en efecto pasa el 50% del tiempo a cargo de la custodia física de sus hijos, en dado caso, podrá presentar una moción pidiendo que se reduzca la suma de manutención.

## Cómo modificar una orden existente de manutención de hijos menores

Para modificar una orden de manutención de hijos menores usted debe radicar documentos ante el tribunal. Recuerde: Usted tiene la obligación de cumplir la orden judicial existente.

## ¿Qué formularios necesita?

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso esté abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-680 Aviso de petición (Gubernamental) o FL-683 Orden de motivos justificativos (Gubernamental) **y**
- FL-684 Solicitud de orden y declaración de respaldo

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso **no** esté abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-301 Aviso de petición o FL-300 Orden de motivos justificativos **y**
- FL-310 Solicitud para una orden y declaración de respaldo (Derecho de familia -Paternidad uniforme) **o**
- FL-390 Aviso de petición y petición simplificada de modificación de orden de manutención de hijos menores, de cónyuge o de familia

También deberá llenar uno de los siguientes formularios:

- FL-150 Declaración de ingresos y gastos **o** FL-155 Declaración sobre finanzas (Simplificada)

## ¿Qué puedo hacer si no sé qué formulario llenar?

Hable con el asesor legal del tribunal de familia.

**Después de llenar los formularios**, radíquelos en el tribunal y pida una audiencia ante el tribunal. Escriba la fecha de su audiencia en su formulario.

En la secretaría le pedirán que pague la cuota de radicación. Si no tiene los medios para pagar la cuota, llene también los siguientes formularios:

- Formulario 982(a)(17) Solicitud de exención de cuotas y costos judiciales
- Formulario 982(a)(18) Orden de exoneración de cuotas y costos judiciales

**Usted tiene que hacer la "entrega legal" de los formularios de modificación al otro padre.** Si la agencia local que vigila la manutención de hijos menores participa en la causa, entregue también a esa agencia los documentos.

Esto significa que una persona de no menos de 18 años (**y que no sea usted mismo**) debe entregar copias de los formularios por lo menos 16 días hábiles del tribunal antes de la audiencia. Se deben añadir 5 días más si la entrega se hace por correo postal dentro de California (véase Código Civil de Procedimientos, sección 1005 para ver otras situaciones). Los **días hábiles del tribunal** son los días cuando el tribunal está funcionando, de lunes a viernes, exceptuando los días feriados. Los **días calendarios** son todos los días de la semana, incluyendo los fines de semana y los días feriados. Para obtener mayor información, visite:

[www.courtinfo.ca.gov/selfhelp/courtcalendars](http://www.courtinfo.ca.gov/selfhelp/courtcalendars)

La persona que haga entrega de la copia de los documentos deberá entregar copias de los siguientes formularios:

- FL-320 Declaración de respuesta y FL-150 Declaración de ingresos y gastos, o
- FL-155 Declaración de finanzas (Simplificada)

La persona que hace la entrega entonces llena y firma el comprobante de entrega (formularios FL-330 o FL-335). Luego, usted lleva este documento a la secretaría del tribunal para radicarlo.

**Vaya a su audiencia ante el tribunal y pídale a juez que modifique la manutención.** Lleve consigo sus formularios más recientes de declaración de impuestos federales de los últimos dos años y sus talones de pago de los últimos dos meses. El juez estudiará la información presentada, escuchará a ambos padres y emitirá una orden. Después de la audiencia usted debe llenar los formularios:

- FL-340 Conclusiones y orden después de la audiencia y
- FL-342 Documento adjunto con información sobre manutención de menores y orden judicial.

#### **¿Necesita ayuda?**

Consulte con el Asesor Legal del Tribunal de Familia de su condado o llame al colegio de abogados de su condado y pida un abogado con experiencia en el tribunal de familia.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):    TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>          <div style="font-size: 1.2em; font-weight: bold;">Draft 5 04/14/05 1000 hrs</div>												
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:													
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:													
<table style="width:100%; border: none;"> <tr> <td style="width:33%;"><b>ORDER TO SHOW CAUSE</b></td> <td style="width:33%;"><input type="checkbox"/> <b>MODIFICATION</b></td> <td style="width:33%;"><input type="checkbox"/> <b>Injunctive Order</b></td> </tr> <tr> <td><input type="checkbox"/> <b>Child Custody</b></td> <td><input type="checkbox"/> <b>Visitation</b></td> <td><input type="checkbox"/> <b>Other (specify):</b></td> </tr> <tr> <td><input type="checkbox"/> <b>Child Support</b></td> <td><input type="checkbox"/> <b>Spousal Support</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/> <b>Attorney Fees and Costs</b></td> <td></td> <td></td> </tr> </table>	<b>ORDER TO SHOW CAUSE</b>	<input type="checkbox"/> <b>MODIFICATION</b>	<input type="checkbox"/> <b>Injunctive Order</b>	<input type="checkbox"/> <b>Child Custody</b>	<input type="checkbox"/> <b>Visitation</b>	<input type="checkbox"/> <b>Other (specify):</b>	<input type="checkbox"/> <b>Child Support</b>	<input type="checkbox"/> <b>Spousal Support</b>		<input type="checkbox"/> <b>Attorney Fees and Costs</b>			CASE NUMBER:
<b>ORDER TO SHOW CAUSE</b>	<input type="checkbox"/> <b>MODIFICATION</b>	<input type="checkbox"/> <b>Injunctive Order</b>											
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<input type="checkbox"/> <b>Child Support</b>	<input type="checkbox"/> <b>Spousal Support</b>												
<input type="checkbox"/> <b>Attorney Fees and Costs</b>													

1. TO (name):
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED. **If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed below.**

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

c.  The parties are ordered to attend custody mediation services as follows:

3. THE COURT FURTHER ORDERS that a completed *Application for Order and Supporting Declaration* (form FL-310), a **blank Responsive Declaration** (form FL-320), and the following documents be served with this order:

- a. (1)  Completed *Income and Expense Declaration* (form FL-150) and a **blank Income and Expense Declaration**
- (2)  Completed *Financial Statement (Simplified)* (form FL-155) and a **blank Financial Statement (Simplified)**
- (3)  Completed *Property Declaration* (form FL-160) and a **blank Property Declaration**
- (4)  Points and authorities
- (5)  Other (specify):

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

Any responsive declaration must be served on or before (date):

- c.  You are ordered to comply with the temporary orders attached.
- d.  Other (specify):

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

**NOTICE: If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.**

**You do not have to pay any fee to file declarations in response to this order to show cause (including a completed Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least nine court days before the hearing date. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to [www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/).**



**Request for Accommodations**

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>          <b>Draft 4</b> <b>030905</b> <b>1700 hrs</b>												
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:													
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:													
<table style="width:100%; border: none;"> <tr> <td style="width:33%;"><b>NOTICE OF MOTION</b></td> <td style="width:33%;"><input type="checkbox"/> <b>MODIFICATION</b></td> <td style="width:33%;"><input type="checkbox"/> <b>Injunctive Order</b></td> </tr> <tr> <td><input type="checkbox"/> <b>Child Custody</b></td> <td><input type="checkbox"/> <b>Visitation</b></td> <td><input type="checkbox"/> <b>Other (specify):</b></td> </tr> <tr> <td><input type="checkbox"/> <b>Child Support</b></td> <td><input type="checkbox"/> <b>Spousal Support</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/> <b>Attorney Fees and Costs</b></td> <td></td> <td></td> </tr> </table>	<b>NOTICE OF MOTION</b>	<input type="checkbox"/> <b>MODIFICATION</b>	<input type="checkbox"/> <b>Injunctive Order</b>	<input type="checkbox"/> <b>Child Custody</b>	<input type="checkbox"/> <b>Visitation</b>	<input type="checkbox"/> <b>Other (specify):</b>	<input type="checkbox"/> <b>Child Support</b>	<input type="checkbox"/> <b>Spousal Support</b>		<input type="checkbox"/> <b>Attorney Fees and Costs</b>			CASE NUMBER:
<b>NOTICE OF MOTION</b>	<input type="checkbox"/> <b>MODIFICATION</b>	<input type="checkbox"/> <b>Injunctive Order</b>											
<input type="checkbox"/> <b>Child Custody</b>	<input type="checkbox"/> <b>Visitation</b>	<input type="checkbox"/> <b>Other (specify):</b>											
<input type="checkbox"/> <b>Child Support</b>	<input type="checkbox"/> <b>Spousal Support</b>												
<input type="checkbox"/> <b>Attorney Fees and Costs</b>													

1. TO (name):
2. A hearing on this motion for the relief requested in the attached application will be held as follows:

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

3. Supporting attachments:

- |  |   |
|--|---|
| a. Completed <i>Application for Order and Supporting Declaration</i> (form FL-310) and a <b>blank Responsive Declaration</b> (form FL-320)<br>b. <input type="checkbox"/> Completed <i>Income and Expense Declaration</i> (form FL-150) and a <b>blank Income and Expense Declaration</b><br>c. <input type="checkbox"/> Completed <i>Financial Statement (Simplified)</i> (form FL-155) and a <b>blank Financial Statement (Simplified)</b> | d. <input type="checkbox"/> Completed <i>Property Declaration</i> (form FL-160) and a <b>blank Property Declaration</b><br>e. <input type="checkbox"/> Points and authorities<br>f. <input type="checkbox"/> Other (specify): |
|--|---|

Date: \_\_\_\_\_ \_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE)

**ORDER**

4.  Time for  service  hearing is shortened. Service must be on or before (date):
5. Any responsive declaration must be served on or before (date):
6. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed above. The parties are ordered to attend orientation and mandatory custody services as follows:

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 JUDICIAL OFFICER

**NOTICE: If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.**

**You do not have to pay any fee to file declarations in response to this *Notice of Motion* (including a completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least nine court days before the hearing date. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to [www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/).**

PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:	CASE NUMBER:
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7. PROOF OF SERVICE BY MAIL

- a. I am at least age 18, **not a party to this action**, and am a resident or employed in the county where the mailing took place. My residence or business address is:
- b. I served copies of the following documents by enclosing them in a sealed envelope with postage fully prepaid, depositing them in the United States mail as follows:
- (1) Papers served:
- (a) *Notice of Motion* and a completed *Application for Order and Supporting Declaration* (form FL-310) **and** a blank *Responsive Declaration* (form FL-320)
  - (b)  Completed *Income and Expense Declaration* (form FL-150) **and** a blank *Income and Expense Declaration*
  - (c)  Completed *Financial Statement (Simplified)* (form FL-155) **and** a blank *Financial Statement (Simplified)*
  - (d)  Completed *Property Declaration* (form FL-160) **and** a blank *Property Declaration*
  - (e)  Points and authorities
  - (f) Other (*specify*):
- (2) Manner of service:
- (a) Date of deposit:
  - (b) Place of deposit (*city and state*):
  - (c) Addressed as follows:

c. 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)



**Request for Accommodations**

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

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>   TELEPHONE NO. <i>(Optional):</i> _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>  <div style="font-size: 24pt; font-weight: bold; margin: 20px 0;">DRAFT 4</div> <div style="font-size: 24pt; font-weight: bold; margin: 0 0 20px 0;">03/09/05</div> <div style="font-size: 24pt; font-weight: bold; margin: 0 0 20px 0;">1300 hrs</div>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER PARENT:	
<div style="text-align: center; font-weight: bold;"> <b>RESPONSIVE DECLARATION TO MOTION FOR            JOINDER OF OTHER PARENT</b> </div> <input type="checkbox"/> <b>CONSENT ORDER OF JOINDER</b>	CASE NUMBER: _____

1.  Local child support agency     Defendant     Other parent *(specify name):*
  - a.  agrees to an order joining the other parent as a party to this action.
  - b.  does not agree to the requested joinder of the other parent as a party to this action.
  
2. a.  There are no other cases where custody or visitation orders have been previously made in which both parents are parties.  
 b.  Both parents are parties in the following family law cases:  

Name and county of court \_\_\_\_\_ Case number \_\_\_\_\_
  
3.  The statements contained in the *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action (Governmental)* (form FL-661) are incorrect or insufficient as follows *(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 OF DECLARANT)
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PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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**CONSENT ORDER**

1.  Plaintiff  Defendant  Other parent having consented and good cause appearing,

IT IS ORDERED that

- a.  the other parent is joined as a party to this proceeding.
- b.  the hearing on the motion for joinder set on *(date)*: is taken off calendar.

Date:

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JUDICIAL OFFICER

PETITIONER/PLANTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. My residence or business address is (*specify*):
  
3. I served a copy of the foregoing *Responsive Declaration* as follows (*check either a or b for each person served*):
  - a.  **Personal delivery.** I personally delivered a copy and all attachments as follows:
 

(1) <input type="checkbox"/> Name of party or attorney served:	(2) <input type="checkbox"/> Name of local child support agency served:
(a) Address where delivered:	(a) Address where delivered:
(b) Date delivered:	(b) Date delivered:
(c) Time delivered:	(c) Time delivered:
  
  - b.  **Mail.** I am a resident or employed in the county where the mailing occurred.
    - (1) I enclosed a copy in an envelope AND
      - (a)  **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
      - (b)  **placed** the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
    - (2) The envelope was addressed and mailed as follows:
 

(a) <input type="checkbox"/> Name of party or attorney served:	(b) <input type="checkbox"/> Name of local child support agency served:
(i) Address:	(i) Address:
(ii) Date mailed:	(ii) Date mailed:
(iii) Place of mailing ( <i>city and state</i> ):	(iii) Place of mailing ( <i>city and state</i> ):

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

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)



\_\_\_\_\_  
 (SIGNATURE OF PERSON WHO SERVED MOTION)

## INFORMATION SHEET FOR RESPONSIVE DECLARATION TO MOTION FOR JOINDER OF OTHER PARENT—CONSENT ORDER OF JOINDER

Please follow these instructions to complete the *Responsive Declaration to Motion for Joinder of Other Parent—Consent Order of Joinder* (form FL-662) if you do not have an attorney representing you. Your attorney, if you have one, should complete this form. **This form should be used if a parent wants to respond to a *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form FL-661).** This form must be used if a parent does not agree to the joinder of the “other parent.” This form may also be used if a parent agrees to the joinder of the other parent but does not want to go to the scheduled court hearing.

You must file with the court clerk the completed *Responsive Declaration* and serve copies on all parties at least **nine court days** before the hearing date. Add **five calendar days** if you serve by mail within California. (See Code of Civil Procedure section 1005 for other situations.) To determine court and calendar days, go to [www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/). The address of the court clerk is the same as the one shown for the superior court on the *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form FL-661). You may have to pay a filing fee. If you cannot afford to pay the filing fee, contact the court clerk. **Make three copies of your filed response. Serve one copy on the other parent, serve the second copy on the local child support agency, and keep the third copy for your records. (See *Information Sheet for Service of Process*, form FL-611.)**

### INSTRUCTIONS FOR COMPLETING THE *RESPONSIVE DECLARATION TO MOTION FOR JOINDER OF OTHER PARENT—CONSENT ORDER OF JOINDER* (TYPE OR PRINT IN INK)

Page 1, first box, top of form, left side: Print the name, address, and phone number in this box.

Page 1, second box, left side: Print the name of the county in which the legal action is filed and the court’s address in this box. Use the same address for the court that is on the *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form FL-661).

Page 1, third box, left side: Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form FL-661).

1. Unless you are the local child support agency, check the box for the defendant if you are the defendant, or check the box for the other parent and print your name in the space provided if you are the other parent.
  - a. Check this box if you agree to an order joining the other parent as a party to this action.
  - b. Check this box if you do not agree to joining the other parent to this action. If you do not agree, you should complete paragraph 3 below.
2. a. Check this box if neither parent has filed a dissolution action against the other parent or any other action, such as a restraining order involving custody or visitation of the children, and to the best of your knowledge the parents are not both parties in any other family law case.
  - b. Check this box if the parents are both parties in another case that involves custody or visitation of the children, such as a dissolution action. Fill in the name and county of the court and the court case number for any other family law cases involving both parents. You can get this information from the order or judgment from those actions. If you do not have a copy of the order or judgment, you may go to the court clerk’s office in the county in which the legal action is filed to get a copy.
3. Check this box if you do not agree to joining the other parent to this action. Explain why you disagree in the space provided.

You must date the form, print your name, and sign the form under a penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

Top of second page, box on left side: Print the names of petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the front page.

Top of second page, box on right side: Print the case number here. Use the same number as that on the front page.

#### **Leave the rest of the page blank for the court to complete.**

When you file the responsive declaration, ask the court clerk how to obtain a copy once it is signed by the judicial officer. You are responsible for mailing signed copies of the consent order to the petitioner/plaintiff, respondent/defendant, and other parent. Instructions for how to serve this response are in *Information Sheet for Service of Process* (form FL-611). The person who serves the response must fill out this section of the form. **You cannot serve your own response.**

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



PETITIONER/PLANTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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**NOTICE**

This case may be referred to a court commissioner for hearing. By law court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, *before the hearing*, you or any other party objects to the commissioner acting as a temporary judge. The court commissioner may still hear your case to make findings and a recommended order. If you do not like the recommended order, you must object to it within 10 court days; otherwise, the recommended order will become a final order of the court. If you object to the recommended order, a judge will make a temporary order and set a new hearing.

Child support is based on your ability to pay, which may include your income, earning capacity, lifestyle, or presumed income set by statute. The amount of child support can be large and can continue until the children reach age 18. You should give the court information about your income and expenses. If you do not, the support order will be based on other information given to the court or presumed income set by statute.

You do not have to pay any fee to file your *Response to Governmental Notice of Motion or Order to Show Cause (Governmental)* (form FL-685) and your completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155). You must file any documents with the court and serve copies at least nine court days before the hearing date to the local child support agency and the other party unless ordered otherwise. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure section 1005 for other situations.) To determine court days and calendar days, go to [www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/).

**PROOF OF SERVICE BY MAIL**

1. I am at least 18 years of age, **not a party to this cause**, and a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
  
3. I served a copy of this motion by enclosing it in a sealed envelope and depositing the envelope  directly in the United States mail with postage paid OR  at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices, with which I am readily familiar.
  - a. Date of deposit:
  - b. Place of deposit (*city and state*):
  - c. Addressed as follows:
  
4. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶  
 \_\_\_\_\_  
 (SIGNATURE OF PERSON COMPLETING THIS FORM)



**Request for Accommodations**

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

GOVERNMENTAL AGENCY (Family Code §§ 17400 and 1706):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  Draft 4 030905 1700 hrs  <b>DRAFT 4</b> <b>03/09/05</b> <b>1530 hrs</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
<b>ORDER TO SHOW CAUSE FOR</b> <input type="checkbox"/> <b>MODIFICATION</b> <input type="checkbox"/> <b>Child Support</b> <input type="checkbox"/> <b>Health Care</b> <input type="checkbox"/> <b>Injunctive Relief</b> <input type="checkbox"/> <b>Other:</b>	CASE NUMBER:

1. TO (name):
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED.

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

3.a. IT IS FURTHER ORDERED that a completed *Request for Order and Supporting Declaration (Governmental)* (form FL-684), or equivalent application order form, a **blank** *Response to Governmental Notice of Motion or Order to Show Cause (Governmental)* (form FL-685), and the following must be served with this order:

- (1)  Financial information and blank *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155)
- (2)  Points and authorities
- (3)  *Order for Genetic (Parentage) Testing* (form FL-627)
- (4)  Other (specify):

3.b. (1)  Time for  service  hearing is shortened. Service must be on or before (date):

Any responsive declaration must be served on or before (date):

- (2)  Petitioner/plaintiff     Respondent/defendant     Other parent  
is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of the following property (describe):
- (3)  Other (specify):

Date: \_\_\_\_\_ JUDICIAL OFFICER

**NOTICE**

This case may be referred to a court commissioner for hearing. By law, court commissioners do not have the authority to issue final orders and judgments in contested cases unless they are acting as temporary judges. The court commissioner in your case will act as a temporary judge unless, *before the hearing*, you or any other party objects to the commissioner acting as a temporary judge. The court commissioner may still hear your case to make findings and a recommended order. If you do not like the recommended order, you must object to it within 10 court days; otherwise, the recommended order will become a final order of the court. If you object to the recommended order, a judge will make a temporary order and set a new hearing.

**Child support is based on your ability to pay, which may include your income, earning capacity, lifestyle, or presumed income set by statute. The amount of child support can be large and can continue until the children reach age 18. You should give the court information about your income and expenses. If you do not, the support order will be based on other information given to the court or presumed income set by statute.**

**You do not have to pay any fee to file your *Response to Governmental Notice of Motion or Order to Show Cause (Governmental)* (form FL-685) and your completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155). You must file any documents with the court and serve copies at least nine court days before the hearing date to the local child support agency and the other party unless ordered otherwise. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to [www.courtinfo.ca.gov/selfhelp/courtcalendars/](http://www.courtinfo.ca.gov/selfhelp/courtcalendars/).**



**Request for Accommodations**

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

W05-03

Family Law: Technical Changes Regarding Deadline for Service and Filing of Motions and Documents Supporting or Opposing Motions (revise forms DV-160, FL-192, FL-300, FL-301, FL-662, FL-680, and FL-683)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Christine Copeland Attorney Superior Court of Santa Clara County San Jose	A	N	Agree.	No response needed.
2.	Patricia Garcia Judge Superior Court of San Diego County Chula Vista	A	N	Agree.	No response needed.
3.	Laura Masunaga Commissioner Superior Court of Siskiyou County Yreka	A	N	Agree.	No response needed.
4.	Cathy Scoggins Superior Court of Yolo County Woodland	AM	N	<i>Deadline for Service and Filing of Motions</i> —Will there be language to include holiday and furloughed periods of time?	Agree. Add to the information sheets on forms FL-192 and DV-160 (page 7 of 8): <b>Court days</b> are weekdays (Monday through Friday except holidays) when the court is open for business. <b>Calendar days</b> include all days of the week, including weekend and holidays. For more information, go to: <a href="http://www.courtinfo.ca.gov/selfhelp/courtcalendars/">www.courtinfo.ca.gov/selfhelp/courtcalendars/</a> .  All courts are required to observe the same court holidays. A closure of a branch court (i.e., furloughed day) location is not a court holiday.

W05-03

Family Law: Technical Changes Regarding Deadline for Service and Filing of Motions and Documents Supporting or Opposing Motions (revise forms DV-160, FL-192, FL-300, FL-301, FL-662, FL-680, and FL-683)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					C.C.P. 135.
5.	Barbara Suskind Attorney/Mediator Law Office of Barbara Suskind Pleasant Hill	A	N	Agree.	No response needed.
6.	Bruce Greenlee Lexis-Nexis	AM	N	<p>For example, the newly revised <i>Domestic Violence Child Support Order</i> (Form DV-160) now asks that both the Protected Person and the “parent who is not the protected person” be identified as the Mother, the Father, or the Other Parent. If the parents are both males, the one who initiates the proceeding will designate himself as the Father and the responding parent as the Other Parent. The responding party will then either have to accept the designation of “Other Parent” or identify himself as the Father also.</p> <p>The problems with gender-specific terms, (including insensitivity to same gender parents, and diminished status of a parent) could be resolved, by simply avoiding the usage of the gender-specific terms “Mother” and “Father” wherever possible, and sticking with the party-status terms “Petitioner,” “Respondent,” and “Other Parent.” Same-gender parents can fit correctly under these terms without concern over how many Mothers and Fathers the child has. In the rare case where it might be necessary to identify the gender of the parties (e.g., certain parentage items perhaps), then it would be necessary to provide more options than just Mother, Father, and Other Parent. A better approach would be to provide options for “Mother</p>	<p>Agree. Gender-neutral terms, such as, “Person in 1,” “Person list in 1,” “Person in 2,” and “Person listed in 2” will replace the gender-specific terms of Mother, Father, and Other Parent as used in the DV-130 and other DV forms. Since DV-160 is an attachment of DV-130, “Restrained Person” will be used in item 2 in conformity to DV-130. Checkboxes in items 1 and 2 will allow each person to designate their specific relationship to the child.</p> <p>The AOC/Judicial Council will continue to review and update these forms with the appropriate language in the usual course of revising forms.</p>

W05-03

Family Law: Technical Changes Regarding Deadline for Service and Filing of Motions and Documents Supporting or Opposing Motions (revise forms DV-160, FL-192, FL-300, FL-301, FL-662, FL-680, and FL-683)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				and Father,” “Mother and Mother,” and “Father and Father.”	
7.	Stephen V. Love Executive Officer Superior Court of San Diego County San Diego	AM	N	<p>The following was received from our family law facilitator:</p> <ol style="list-style-type: none"> <li>Forms FL-680 and FL-683: Service and filings of OSC, Notice of Motion, etc., Form FL-680, page 2, the last paragraph in the box at the top says to “mail copies nine court days before the hearing date” but the statute requires PERSONAL SERVICE nine days before (service by mail would add 5 days in CA and more outside the state).</li> <li>The Spanish language version of the Information Sheet on Changing a Child Support Order (DV-160), under the service requirements section, change “... mas tardar 21 dias calendarios ... mas tardar 26 dias calendarios ...” to read “a mas tardar 16 dias en que la corte esta abierta. Si la notificacion es por correo, debe aumentar mas cinco dias calendarios.” This change will cure a clear discrepancy between the English language and the Spanish language versions of this form, and bring them both into compliance with the</li> </ol>	<ol style="list-style-type: none"> <li>Agree. The language will be clarified to “file with the court clerk and serve” instead of “mail...” Include: “Add five calendar days if you serve by mail within California. (See Code of Civil Procedure section 1005). See <a href="http://www.courtinfo.ca.gov/selfhelp/courtcalendars/">www.courtinfo.ca.gov/selfhelp/courtcalendars/</a>.” The simplified instructions address the most common situations to avoid overwhelming and confusing the self-represented litigant.</li> <li>Agree. The Spanish language version will be available when the form is officially approved for revision.</li> </ol>

W05-03

Family Law: Technical Changes Regarding Deadline for Service and Filing of Motions and Documents Supporting or Opposing Motions (revise forms DV-160, FL-192, FL-300, FL-301, FL-662, FL-680, and FL-683)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>new CCP 1005 service requirements.</p> <p>3. FL-662 <i>Information Sheet</i>: The Responsive Declaration to Motion for Joinder of Other Parent-Consent to Joinder (FL-662), in the second paragraph, change "... must file ... with the court clerk at least nine court days before ..." to read "... must file ... with the court clerk, and serve the other parties, at least nine court days before ... Add five calendar days if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations) ...</p>	<p>3. Agree. The language will be clarified to "file with the court clerk and serve" instead of "mail..." "Add five calendar days if you serve by mail within California. (See Code of Civil Procedure section 1005). See <a href="http://www.courtinfo.ca.gov/selfhelp/courtcalendars/">www.courtinfo.ca.gov/selfhelp/courtcalendars/</a>."</p>
8.	JoAnn Johnson Court Program Manager Superior Court of Ventura County Ventura	A	N	Agree.	No response needed.
9.	Wendy Carson 10277 W. Olympic Blvd. Los Angeles, CA 90067	AM	N	This comment is in regards to Form DV-160. The form has been correctly revised to state that the other parent must be served 16 court days before the hearing (rather than the old 21 calendar days). However, the Spanish version of DV-160 still says 21 calendar days. The Spanish version must be modified to say 16 court days.	Agree. The Spanish language version will be available when the form is officially approved for revision.
10.	Kathlyn Lamoure Unified Family Court Coordinator Superior Court of Yolo	A	N	Agree.	No response needed.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	County Woodland				
11.	Robert Schnider Supervising Judge (Family Law) Superior Court of Los Angeles County Los Angeles	A	N	Agree.	No response needed.
12.	Ronald L. Bauer Judge Superior Court of Orange County Santa Ana	A	N	Agree.	No response needed.
13.	Dean J. Zipser President Orange County Bar Association	A	N	Agree.	No response needed.
14.	Jose O. Guillen Executive Officer Superior Court of Imperial County El Centro	A	N	Suggestion to have AOC/Judicial Council translate public information materials (1) Notice of Rights and Responsibilities (2) Information Sheet in Changing a Child Support Order, into Spanish and other certified languages based on demographics.	(1) Notice of Rights and Responsibilities (2) Information Sheet in Changing a Child Support order are available in Spanish and have been incorporated into several of the forms.  Additional translated public information materials are available at <a href="http://www.courtinfo.ca.gov/selfhel">http://www.courtinfo.ca.gov/selfhel</a>

W05-03

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					<i>p/languages/</i> . The AOC/Judicial Council will consider this suggestion for future projects subject to funding and resources.
15.	Grace Andres Program Manager Superior Court of Solano County Fairfield	A	N	Agree.	No response needed.

**Excerpt of AB 3078 (C.C.P. 1005):**

*2004 Cal ALS 171, \*; 2004 Cal AB 3078*

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2004 REGULAR SESSION  
CHAPTER 171 (Assembly Bill No. 3078)

2004 Cal ALS 171; 2004 Cal AB 3078; Stats 2004 ch 171

Approved by Governor July 15, 2004. Filed with Secretary of State July 16, 2004. Urgency legislation is effective immediately, Non-urgency legislation will become effective January 1, 2005

**DIGEST:**

AB 3078, Committee on Judiciary. Procedure: civil actions.

(1) Existing law sets forth the procedures applicable to civil actions, and provides that any person who is at least 18 years of age, as specified, may be a party to a small claims action. This bill would additionally permit an emancipated minor to be a party to a small claims action.

(2) Existing law provides for the suspension of proceedings and notification of the parties when a check for the payment of a filing fee is returned without payment. This bill would revise those provisions for notice by the clerks of the court and suspension of proceedings to apply to underpayment as well. The bill would also require that notice be sent to the person who tendered the payment, and to the party or the party's attorney, as specified.

(3) Existing law provides for the deadlines, by reference to calendar days, for service of specified moving, supporting, and opposing papers regarding motions and other hearings, the deadline for the completion of discovery proceedings prior to trial, and the deadline for a demand for the exchange of information concerning expert witnesses prior to trial. This bill would revise those deadlines by referring to court days rather than calendar days, and would make other related, clarifying changes.

(4) This bill would also incorporate further changes to the Civil Discovery Act proposed by AB 3081, contingent upon its prior enactment.

**SYNOPSIS:**

An act to amend Sections 116.410, 411.20, 1005, 2024, and 2034 of, and to add Section 2016.060 to, the Code of Civil Procedure, relating to procedure.

**NOTICE:** [A> Uppercase text within these symbols is added <A]

\* \* \* indicates deleted text

**TEXT:**

The people of the State of California do enact as follows:

....

....

**[\*3]** SECTION 3. Section 1005 of the Code of Civil Procedure is amended to read:

§ 1005.

(a) Written notice shall be given, as prescribed in subdivisions (b) and (c), for the following motions:

- (1) Notice of Application and Hearing for Writ of Attachment under Section 484.040.
- (2) Notice of Application and Hearing for Claim and Delivery under Section 512.030.
- (3) Notice of Hearing for Claim of Exemption under Section 706.105.
- (4) Motion to Quash Summons pursuant to subdivision (b) of Section 418.10.
- (5) Motion for Determination of Good Faith Settlement pursuant to Section 877.6.
- (6) Hearing for Discovery of Peace Officer Personnel Records pursuant to Section 1043 of the Evidence Code.
- (7) Notice of Hearing of Third-Party Claim pursuant to Section 720.320.
- (8) Motion for an Order to Attend Deposition more than 150 miles from deponent's residence pursuant to paragraph (3) of subdivision (e) of Section 2025.
- (9) Notice of Hearing of Application for Relief pursuant to Section 946.6 of the Government Code.
- (10) Motion to Set Aside Default or Default Judgment and for Leave to Defend Actions pursuant to Section 473.5.
- (11) Motion to Expunge Notice of Pendency of Action pursuant to Section 405.30.
- (12) Motion to Set Aside Default and for Leave to Amend pursuant to Section 585.5.
- (13) Any other proceeding under this code in which notice is required and no other time or method is prescribed by law or by court or judge.

(b) Unless otherwise ordered or specifically provided by law, all moving and supporting papers shall be served and filed at least \* \* \* [A] 16 COURT [A] days before the hearing. The moving and supporting papers served shall be a copy of the papers filed or to be filed with the court. However, if the notice is served by mail, the required\* \* \* [A] 16-DAY [A] period of notice before the hearing shall be increased by five calendar days if the place of mailing and the place of address are within the State of California, 10 calendar days if either the place of mailing or the place of address is outside the State of California but within the United States, and 20 calendar days if either the place of mailing or the place of address is outside the United States, and if the notice is served by facsimile transmission, express mail, or another method of delivery providing for overnight delivery, the required \* \* \* [A] 16-DAY [A] period of notice before the hearing shall be increased by two calendar days. Section 1013, which extends the time within which a right may be exercised or an act may be done, does not apply to a notice of motion, papers opposing a motion, or reply papers governed by this section. All papers opposing a motion so noticed shall be filed with the court and a copy served on each party at least \* \* \* [A] 9 COURT [A] days, and all reply papers at least five \* \* \* [A] COURT [A] days before the hearing.

The court, or a judge thereof, may prescribe a shorter time.

(c) Notwithstanding any other provision of this section, all papers opposing a motion and all reply papers shall be served by personal delivery, facsimile transmission, express mail, or other means consistent with Sections 1010, 1011, 1012, and 1013, and reasonably calculated to ensure delivery to the other party or parties not later than the close of the next business day after the time the opposing papers or reply papers, as applicable, are filed. This subdivision applies to the service of opposition and reply papers regarding motions for summary judgment or summary adjudication, in addition to the motions listed in subdivision (a).

The court, or a judge thereof, may prescribe a shorter time.

**[\*4]** SECTION 4. Section 2016.060 is added to the Code of Civil Procedure, to read:

§ 2016.060.

When the last day to perform or complete any act provided for in this title falls on a Saturday, Sunday, or holiday as specified in Section 10, the time limit is extended until the next court day closer to the trial date.

[\*7] SECTION 7. Section 4 of this bill incorporates the substance of changes to the Civil Discovery Act proposed by this bill and AB 3081. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2005, (2) each bill affects provisions of the Civil Discovery Act, and (3) this bill is enacted after AB 3081, in which case Sections 2024 and 2034 of the Code of Civil Procedure, as amended by this bill, shall remain operative only until the operative date of AB 3081, at which time Section 4 of this bill shall become operative, and Sections 5 and 6 of this bill shall cease to be operative.