

**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: Administrative Office of the Courts
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DATE: March 22, 2007

SUBJECT: Miscellaneous Technical Changes to the California Rules of Court and
Judicial Council Forms (amend Cal. Rules of Court, rules 3.851, 3.1700,
3.1800, 5.71, 5.560, 5.720, 8.304, and 8.308; repeal rule E; revise forms
ADOPT-210, ADOPT-215, APP-004, APP-007, CR-100, CR-125/JV-525,
CR-160, CR-161, CR-162, WV-145, DV-110, DV-120, DV-130, DV-160,
FL-192, FL-391, FL-393, FL-575, FL-692, JV-200, JV-505, and WG-005)
(Action Required)

Issue Statement

Various Judicial Council advisory committee members, court personnel, members of the public, and Administrative Office of the Courts (AOC) staff have identified errors in rules and forms resulting from inadvertent omissions, typographical errors, language inconsistencies, or changes in the rule name and numbering system. It is therefore necessary to make technical changes to the rules and forms noted below.

Recommendation

AOC staff recommend that the Judicial Council make the following changes to the California Rules of Court and Judicial Council forms, effective July 1, 2007:

1. Amend rule 3.851(b) to correct a word in the heading.
2. Amend rules 3.1700(a)(2) and 3.1800(a) to correct the references to form 982(a)(6), *Request for Entry of Default (Application to Enter Default)*, which has been renumbered as form CIV-100.
3. Amend rule 5.71(a) to correct the reference to rule 376, which has been renumbered as rule 3.1362.

4. Amend rule 5.560(b)(3) to correct an inadvertent error, changing the reference in that subdivision from “section 330” to “section 301” of the Welfare and Institutions Code, as that statute has been renumbered.
5. Amend rule 5.720(c)(14) to correct a typographical error, changing the reference in that subdivision from (b)(11) to (c)(13) so that it states, “The notice must include the advisement required by (c)(13).”
6. Amend rules 8.304 and 8.308 to clarify that a request for a certificate of probable cause must be filed at the same time as the notice of appeal.
7. Repeal rule E, as it is obsolete.
8. Revise form ADOPT-210, *Adoption Agreement*, to change the signature line on page 2 to read “Signature of *legal* parent (sign at hearing)” instead of “Signature of *adopting* parent (sign at hearing).”
9. Revise form ADOPT-215, *Adoption Order*, to combine “Address” and “Street” in item one so that it reads “Street Address.”
10. Revise forms APP-004, *Civil Case Information Statement*, and APP-007, *Request for Dismissal of Appeal (Civil Case)*, to move the field for a fax number to allow sufficient space for the e-mail address field on the fillable forms.
11. Revise form CR-100, *Fingerprint Form*, to clarify that fingerprinting is required after the arraignment on an information or indictment and to eliminate reference to a municipal court judge.
12. Revise form CR-125/JV-525, *Order to Attend Court or Provide Documents: Subpoena/Subpoena Duces Tecum*, to correct internal cross-reference, clarify the address to which documents are to be sent, and slightly reformat it.
13. Revise form CR-160, *Criminal Protective Order—Domestic Violence*, to reformat so that the order portion is on the front page and warning and notices are on back page.
14. Revise form CR-161, *Criminal Protective Order—Other Than Domestic Violence*, to correct statutory order provisions and comply with CLETS requirements for coding and indicating the entity responsible for entry of information into CLETS.
15. Revise form CR-162, *Order to Surrender Firearms in Domestic Violence Case*, to comply with CLETS requirements.

16. Revise form EA-145/WV-145, *Proof of Sale or Turning in of Firearms*, to eliminate EA-145 in the name of the form, as form EA-145 has been approved as a separate plain language form.
17. Revise forms DV-110, DV-120, and DV-130 to comply both with new legislative requirements regarding firearms (Senate Bill 585) and existing legislation regarding ammunition prohibitions.
18. Revise forms DV-160, FL-192, FL-391, FL-393, FL-575, and FL-692 to incorporate the new name and numbering system for fee waiver forms.
19. Revise form JV-200, *Custody Order—Juvenile—Final Judgment*, to correct a typographical error on page 3, the "Clerk's Certificate of Mailing" section to reference item 14 instead of item 4.
20. Revise form JV-505, *Statement Regarding Parentage*, to provide a space for the child's name and to renumber the subsequent numbers on the form, and
21. Revise form WG-005, *Employer's Return (Wage Garnishment)*, to eliminate references in two places to item 7, which no longer exists, and substitute language referring to the end of the form.

The text of the amended rules is attached at pages 5–8. The revised forms are attached at pages 9–74.

Rationale for Recommendation

The changes to these rules and forms are technical in nature and necessary to correct inadvertent omissions, typographical errors, language inconsistencies, and changes in the rule name and numbering system. The more significant changes are discussed below.

Rules 8.304 and 8.308

A recent Court of Appeal decision, *People v. Perez* (March 7, 2007, No. C051800) ___ Cal.App.4th ___ [2007 WL 677850.], addressed the deadline for filing a request for a certificate of probable cause in the trial court when a criminal defendant seeks to appeal after a plea of guilty or nolo contendere in a felony case. The court found that rules 8.304 and 8.308 were ambiguous about when such a request is due, but that the intent of these rules was that a request for a certificate of probable cause must be filed at the same time as the notice of appeal in the case—within 60 days after the judgment or order being appealed was issued. The proposed amendments to rules 8.304 and 8.308 would clarify this original intent by providing that the request for a certificate of probable cause must be filed “with” the notice of appeal and that both the notice of appeal and this request must be filed within 60 days after the judgment or order being appealed was issued.

Rule E

This obsolete rule, providing that the date of September 11, 2001, is excluded from the time allowed or required for the doing of any act relating to commencing, pursuing, or deciding any proceeding in any reviewing court, should have been eliminated as part of the reorganization of the California Rules of Court.

Forms DV-110, DV-120, and DV-130—Firearms and Ammunition Prohibitions

Senate Bill 585 (Kehoe), which became effective January 1, 2007, changed the time period within which a person subject to a Domestic Violence Prevention Act restraining order must file a receipt indicating relinquishment of prohibited firearms. Family Code section 6389 now requires a restrained person ordered to relinquish firearms to file a receipt with the court, within 48 hours after being served with the order, to show that the firearm was surrendered to a local law enforcement agency or sold to a licensed gun dealer. The prior time period for filing the receipt was 72 hours. Revisions must be made to Judicial Council forms DV-110, DV-120, and DV-130 to comply with the legislation.

Additionally, several members of the public have requested clarification of when the firearm prohibitions take effect. The forms previously indicated that the prohibitions took effect as soon as the restrained person *received* the order. To more closely track the language of Family Code section 6389, forms DV-110 and DV-130 should be revised to indicate that the firearms prohibitions take effect as soon as the restrained person has been *served* with the order.

Finally, Penal Code section 12316 states that anyone prohibited from possessing firearms under Penal Code section 12021 is also prohibited from possessing ammunition. Anyone subject to a Domestic Violence Prevention Act order is prohibited from possessing firearms under Penal Code section 12021. Therefore, the person is also subject to Penal Code section 12316. This has been the law for several years, but it was not previously addressed on the forms. Forms DV-110 and DV-130 should be revised to include the statutory prohibition of ammunition.

Alternative Actions Considered

The proposed actions are necessary for proper organization and accuracy. No alternative actions were considered.

Comments From Interested Parties

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council's purview to adopt without prior circulation. (see Cal. Rules of Court, rule 10.22(d)(2).)

Implementation Requirements and Costs

The proposed revisions will result in standard reproduction costs.

Attachments

Rules 3.851, 3.1700, 3.1800, 5.71, 5.560, 5.720, 8.304, and 8.308 are amended and rule E is repealed, effective July 1, 2007, to read:

1 **Rule 3.851. Application**

2
3 (a) ***

4
5 (b) **Application to listed fees firms**

6
7 (c)–(e) ***

8
9
10 **Rule 3.1700. Prejudgment costs**

11
12 (a) **Claiming costs**

13
14 (1) ***

15
16 (2) *Costs on default*

17
18 A party seeking a default judgment who claims costs must request costs
19 on the *Request for Entry of Default (Application to Enter Default)*
20 (form ~~982(a)(6)~~ CIV-100) at the time of applying for the judgment.

21
22 (b) ***

23
24
25 **Rule 3.1800. Default judgments**

26
27 (a) **Documents to be submitted**

28
29 A party seeking a default judgment on declarations must use mandatory
30 *Request for Entry of Default (Application to Enter Default)* (form ~~982(a)(6)~~
31 CIV-100). In an unlawful detainer case, a party may, in addition, use
32 optional *Declaration for Default Judgment by Court* (form UD-116) when
33 seeking a court judgment based on declarations. The following must be
34 included in the documents filed with the clerk:

35
36 (1)–(9) ***

37
38 (b) ***

1 **Rule 5.71. Application to be relieved as counsel on completion of limited**
2 **scope representation**

3
4 **(a) Applicability of this rule**

5
6 Notwithstanding rule ~~376~~ 3.1362, an attorney who has completed the tasks
7 specified in the *Notice of Limited Scope Representation* (form FL-950) may
8 use the procedure in this rule to request that the attorney be relieved as
9 counsel in cases in which the attorney has appeared before the court as
10 attorney of record and the client has not signed a *Substitution of Attorney—*
11 *Civil* (form MC-050).
12

13 **(b)–(f) *****
14
15

16 **Rule 5.560. General provisions**

17
18 **(a) *****
19

20 **(b) Subsequent petitions (§§ 297, 342, 360(b), 364)**

21
22 All procedures and hearings required for an original petition are required for
23 a subsequent petition. Petitioner must file a subsequent petition if:
24

25 **(1)–(2) *****
26

27 **(3)** The family is unwilling or unable to cooperate with services previously
28 ordered under section 330 301.
29

30 **(c)–(f) *****
31

32 **Rule 5.720. Eighteen-month review hearing**

33
34 **(a)–(b) *****
35

36 **(c) Conduct of hearing (§ 366.22)**

37
38 At the hearing the court must state on the record that the court has read and
39 considered the report of petitioner, the report of any CASA volunteer, the
40 case plan submitted for this hearing, any report submitted by the child's
41 caregiver under section 366.21(d), and any other evidence, and must proceed
42 as follows:
43

1 (1)–(13) ***

2
3 (14) Within 24 hours of the review hearing, the clerk of the court must
4 provide notice by first-class mail to the last known address of any party
5 who is not present when the court orders the hearing under section
6 366.26. The notice must include the advisement required by ~~(b)(11)~~
7 (c)(13).

8
9 (15)–(16) ***

10
11 (d) ***

12
13
14 **Rule 8.304. Filing the appeal; certificate of probable cause**

15
16 (a) ***

17
18 (b) **Appeal after plea of guilty or nolo contendere or after admission of**
19 **probation violation**

20
21 (1) Except as provided in (4), to appeal from a superior court judgment
22 after a plea of guilty or nolo contendere or after an admission of
23 probation violation, the defendant must file in that superior court—~~in~~
24 addition to with the notice of appeal required by (a)—the statement
25 required by Penal Code section 1237.5 for issuance of a certificate of
26 probable cause.

27
28 (2)–(5) ***

29
30 (c) ***

31
32
33 **Rule 8.308. Time to appeal**

34
35 (a) **Normal time**

36
37 Except as provided in (b) or as otherwise provided by law, a notice of appeal and
38 any statement required by Penal Code section 1237.5 must be filed within 60 days
39 after the rendition of the judgment or the making of the order being appealed.
40 Except as provided in rule 8.66, no court may extend the time to file a notice of
41 appeal.

1 (b)-(e) * * *

2

3

4 **Rule E.**

5

6 ~~Notwithstanding any provision of rules 1 through 191, the date of September 11,~~
7 ~~2001 is excluded from the time allowed or required for the doing of any act~~
8 ~~relating to commencing, pursuing, or deciding any proceeding in any reviewing~~
9 ~~court.~~

ADOPT-210 Adoption Agreement

Clerk stamps date here when form is filed.

**Draft 2
22307 mc
Not approved by the
Judicial Council**

① Your name (adopting parent):

a. _____

b. _____

Relationship to child: _____

Address *(skip this if you have a lawyer)*: _____

Street: _____

City: _____ State: _____ Zip: _____

Telephone number: (____) _____

Lawyer *(if any)*: *(Name, address, telephone number, and State Bar number)*: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

② Child's name before adoption: _____

Child's name after adoption: _____

Date of birth: _____ Age: _____

③ I am the child listed in ② and I agree to the adoption. *Sign at the hearing in front of the judge.*

Date: _____ *Type or print your name* ▶ _____
Signature of child (child must sign at hearing if 12 or older; optional if child is under 12)

④ *If there is only one adopting parent, read and sign below. Sign at the hearing in front of the judge.*

- a. I am the adopting parent listed in ①, and I agree that the child will:
- (1) Be adopted and treated as my legal child *(Fam. Code, § 8612(b))* and
 - (2) Have the same rights as a natural child born to me, including the right to inherit my estate.

Date: _____ *Type or print your name* ▶ _____
Signature of adopting parent (sign at hearing)

- b. I am married to, or the registered domestic partner of, the adopting parent listed in ①, and I agree to his or her adoption of the child.

Date: _____ *Type or print your name* ▶ _____
Signature of spouse or registered domestic partner (may be signed before hearing)

Your name: _____

Case Number: []

5 If there are **two** adopting parents, read and sign below. Sign at the hearing in front of the judge.

We are the adopting parents listed in 1, and we agree that the child will:

- (a) Be adopted and treated as our legal child (Fam. Code, § 8612(b)) and
(b) Have the same rights as a natural child born to us, including the right to inherit our estate.

I am in agreement with the other parent's adoption of the child.

Date: _____
Type or print your name

Signature of adopting parent (sign at hearing)

I am in agreement with the other parent's adoption of the child.

Date: _____
Type or print your name

Signature of adopting parent (sign at hearing)

6 For stepparent adoptions only:

If you are the legal parent of the child listed in 2, read and sign below. Sign at the hearing in front of the judge.

I am the legal parent of the child and am the spouse or registered domestic partner of the adopting parent listed in 1, and I agree to his or her adoption of my child.

Date: _____
Type or print your name

Signature of legal parent (sign at hearing)

7 Executed:

Date: _____

Judge (or Judicial Officer)

ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

**Draft 2
02/23/07 mc
Not approved
by the Judicial Council**

① Your name (adopting parent):
a. _____
b. _____
Relationship to child: _____
Street address: _____

City: _____ State: _____ Zip: _____
Daytime telephone number: (____) _____
Lawyer (if any): (Name, address, telephone number, and State Bar number): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

② Type of adoption: (Check one)
 Agency (name): _____
 Independent
 International (name of agency): _____
 Stepparent
 Relative

③ Child's name after adoption:
First Name: _____ Middle Name: _____ Last Name: _____
Date of birth: _____ Age: _____
Place of birth: _____
City: _____ State: _____ Country: _____

④ Name of adoption agency (if any): _____

⑤ Hearing date: _____
Dept.: _____ Div.: _____ Rm.: _____ Judge: _____
Clerk's office telephone number: (____) _____

⑥ People present at the hearing:
 Adopting parents Lawyer for adopting parents
 Child Child's lawyer
 Parent keeping parental rights (stepparent/domestic partner): _____
 Other people present (list each name and relationship to child):
a. _____
b. _____

If there are more names, attach a sheet of paper, write "ADOPT-215, Item 6" at the top, and list the additional names and each person's relationship to child.

Judge will fill out section below.

⑦ The judge finds that the child: (Check all that apply)
a. Is 12 or older and agrees to the adoption
b. Is under 12



Your name: _____

- 8 The judge has reviewed the report and other documents and evidence and finds that each adopting parent:
 - a. Is at least 10 years older than the child
 - b. Will treat the child as his or her own
 - c. Will support and care for the child
 - d. Has a suitable home for the child *and*
 - e. Agrees to adopt the child

- 9 This case is a relative adoption petitioned under Family Code section 8714.5.
 - The adopting relative The child, who is 12 or older, has requested that the child's name before adoption be listed on this order. (*Fam. Code, § 8714.5(g).*)

The child's name before adoption was:

First Name: _____ Middle Name: _____ Last Name: _____

- 10 The child is an Indian child. The judge finds that this adoption meets the placement requirements of the Indian Child Welfare Act and that there is good cause to give preference to these adopting parents. The clerk will fill out 13 below.

- 11 The judge approves the *Contact After Adoption Agreement* (ADOPT-310)
 - As submitted As amended on ADOPT-310

- 12 The judge believes the adoption is in the child's best interest and orders this adoption. The child's name after adoption will be:

First Name: _____ Middle Name: _____ Last Name: _____

The adopting parent or parents and the child are now parent and child under the law, with all the rights and duties of the parent-child relationship.

Date: _____

Judge (or Judicial Officer)

Clerk will fill out section below.

13 Clerk's Certificate of Mailing

For the adoption of an Indian child, the Clerk certifies:

I am not a party to this adoption. I placed a filed copy of:

- ADOPT-200, *Adoption Request* ADOPT-220, *Adoption of Indian Child*
- ADOPT-215, *Adoption Order* ADOPT-310, *Contact After Adoption Agreement*

in a sealed envelope, marked "Confidential" and addressed to:

Chief, Division of Social Services
Bureau of Indian Affairs
1849 C Street, NW
Mail Stop 310-SIB
Washington, DC 20240

The envelope was mailed by U.S. mail, with full postage, from:

Place: _____ on (date): _____

Date: _____ Clerk, by: _____, Deputy

CIVIL CASE INFORMATION STATEMENT	Court of Appeal Case Number <i>(if known)</i> :
COURT OF APPEAL, _____ APPELLATE DISTRICT, DIVISION _____	
ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address)</i> :	FOR COURT USE ONLY
TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	
APPELLANT: RESPONDENT:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
JUDGES <i>(all who participated in case)</i> :	Superior Court Case Number:
<p>NOTE TO APPELLANT: You must file this form with the clerk of the Court of Appeal within 10 days after the clerk mails you a notice that this form must be filed. You must attach to this form (1) a copy of the judgment or order being appealed that shows the date it was entered (see Cal. Rules of Court, rule 8.104 for definition of "entered") and (2) proof of service of this form on all parties to the appeal. (CAUTION: An appeal in a limited civil case (Code Civ. Proc., § 85) may be taken ONLY to the appellate division of the superior court (Code Civ. Proc., § 904.2), or to the superior court (Code Civ. Proc., § 116.710 [small claims cases]).</p>	

PART I – APPEAL INFORMATION

A. APPEALABILITY

1. Appeal is from:

- Judgment after jury trial
- Judgment after court trial
- Default judgment
- Judgment after an order granting a summary judgment motion
- Judgment of dismissal under Code Civ. Proc., §§ 581d, 583.250, 583.360, or 583.430
- Judgment of dismissal after an order sustaining a demurrer
- An order after judgment under Code Civ. Proc., § 904.1(a)(2)
- An order or judgment under Code Civ. Proc., § 904.1(a)(3)–(13)
- Other *(describe and specify code section that authorizes this appeal)*:

2. Does the judgment appealed from dispose of all causes of action, including all cross-actions between the parties?
 Yes No If no, please explain why the judgment is appealable:

B. TIMELINESS OF APPEAL *(Provide all applicable dates.)*

1. Date of entry of judgment or order appealed from: ____/____/____
2. Date that notice of entry of judgment or a copy of the judgment was mailed by the clerk or served by a party under California Rules of Court, rule 8.104: ____/____/____
3. Was a motion for new trial, judgment notwithstanding the verdict, reconsideration, or to vacate the judgment made and denied?
 Yes No If yes, please specify the type of motion:
 Date motion filed: ____/____/____ Date denied: ____/____/____ Date denial served: ____/____/____
4. Date notice of appeal or cross-appeal filed: ____/____/____

C. BANKRUPTCY OR OTHER STAY

Is there a related bankruptcy case or a court-ordered stay that affects this appeal? Yes No *(If yes, please attach a copy of the bankruptcy petition [without attachments] and any stay order.)*

APPELLATE CASE TITLE:	SUPERIOR COURT CASE NUMBER:
-----------------------	-----------------------------

D. APPELLATE CASE HISTORY (Provide additional information, if necessary, on attachment I.D.)

Is there now, or has there previously been, any appeal, writ, or other proceeding related to this case pending in any California appellate court? Yes No If yes, insert name of appellate court:

Appellate court case no.: Title of case:
Name of trial court: Trial court case no.:

E. SERVICE REQUIREMENTS

Is service of documents in this matter, including a brief or a petition, required on the Attorney General or other nonparty public officer or agency under California Rules of Court, rule 8.29 or a statute? Yes No If yes, please indicate the rule or statute that applies.

- | | |
|--|---|
| <input type="checkbox"/> Rule 8.29
<input type="checkbox"/> Bus. & Prof. Code, § 17209 (Unfair Competition Act)
<input type="checkbox"/> Bus. & Prof. Code, § 17536.5 (False advertising)
<input type="checkbox"/> Civ. Code, § 51.1 (Unruh, Ralph, or Bane Civil Rights Acts; antiboycott cause of action; sexual harassment in business or professional relations; civil rights action by district attorney)
<input type="checkbox"/> Civ. Code, § 55.2 (Disabled access to public conveyances, accommodations, and housing) | <input type="checkbox"/> Gov. Code, § 4461 (Disabled access to public buildings)
<input type="checkbox"/> Gov. Code, § 12656(a) (False Claims Act)
<input type="checkbox"/> Health & Saf. Code, § 19954.5 (Accessible seating and accommodations)
<input type="checkbox"/> Health & Saf. Code, § 19959.5 (Disabled access to privately funded public accommodations)
<input type="checkbox"/> Other (please specify statute): |
|--|---|

NOTE: The rule and statutory provisions listed above require service of a copy of a party's brief or petition and brief on the Attorney General or other public officer or agency. Other statutes requiring service on the Attorney General or other public officers or agencies may also apply. (See, e.g., Code Civ. Proc., § 1355; Gov. Code, § 946.6(d); Pub. Resources Code, § 21167.7.)

PART II – NATURE OF ACTION

A. Nature of action (check all that apply):

1. Conservatorship
2. Contract
3. Eminent domain
4. Equitable action a. Declaratory relief b. Other (describe):
5. Family law
6. Guardianship
7. Probate
8. Real property rights a. Title of real property b. Other (describe):
9. Tort
 - a. Medical malpractice
 - b. Product liability
 - c. Other personal injury
 - d. Personal property
 - e. Other tort (describe):
10. Trust proceedings
11. Writ proceedings in superior court
 - a. Mandate (Code Civ. Proc., § 1085)
 - b. Administrative mandate (Code Civ. Proc., § 1094.5)
 - c. Prohibition (Code Civ. Proc., § 1102)
 - d. Other (describe):
12. Other action (describe):

B. This appeal is entitled to calendar preference/priority on appeal (cite authority):

PART III – PARTY AND ATTORNEY INFORMATION

Please attach to this form a list of all the parties and all their attorneys of record who will participate in the appeal. For the parties, include the following information: the party's name and his or her designation in the trial court proceeding (plaintiff, defendant, etc.). For the attorneys, include the following information: name, State Bar number, mailing address, telephone number, fax number, and e-mail address.

Date:

This statement is prepared and submitted by:

 (SIGNATURE OF ATTORNEY OR UNREPRESENTED PARTY)

TO BE FILED IN THE COURT OF APPEAL

APP-007

COURT OF APPEAL, _____ APPELLATE DISTRICT, DIVISION _____	Court of Appeal Case Number (if known): <hr/> Superior Court Case Number:
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <hr/> TELEPHONE NO.: _____ E-MAIL ADDRESS (Optional): _____ FAX NO. (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
APPELLANT: RESPONDENT:	
REQUEST FOR DISMISSAL OF APPEAL (CIVIL CASE)	

The undersigned appellant hereby requests that the appeal filed on (date) _____ in the above entitled action be dismissed.

Date:

 (TYPE OR PRINT NAME)

▶

 (SIGNATURE OF APPELLANT OR ATTORNEY)

NOTE: File this form in the Court of Appeal if the record on appeal has already been filed in the Court of Appeal. If the record has not yet been filed in the Court of Appeal, you cannot use this form; you must file an *Abandonment of Appeal (Unlimited Civil Case)* (form APP-005) in the superior court.

CASE NAME:	CASE NUMBER:
------------	--------------

NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

Mail Personal Service

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My residence or business address is (*specify*):
3. I mailed or personally delivered a copy of the *Request for Dismissal of Appeal (Civil Case)* as follows (*complete either a or b*):
 - a. **Mail.** I am a resident of 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) Name of person served:
 - (b) Address on envelope:
 - (c) Date of mailing:
 - (d) Place of mailing (*city and state*):
 - b. **Personal delivery.** I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) Address where delivered:
 - (3) Date delivered:
 - (4) Time delivered:

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)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> DRAFT 3.19.07
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
FINGERPRINT FORM	CASE NUMBER:

INSTRUCTIONS

Immediately following the arraignment on an information or indictment, the defendant is required to provide a right thumbprint on this form. In the event the defendant is convicted, this form is to be attached to the minute order reflecting the defendant's sentence and is permanently maintained in the court file. Please see Penal Code section 992 for further information, including what to do when the defendant is physically unable to give a right thumbprint.

For a proper imprint and durable record, this form should be printed on paper that meets California Department of Justice specifications: a 99-pound white tab card or 100-pound white tab stock 0.0070 inch thick (0.0066 through 0.0074 inch is acceptable). Paper smoothness should be 100-140 Sheffield units. The form should be printed with the grain left to right.

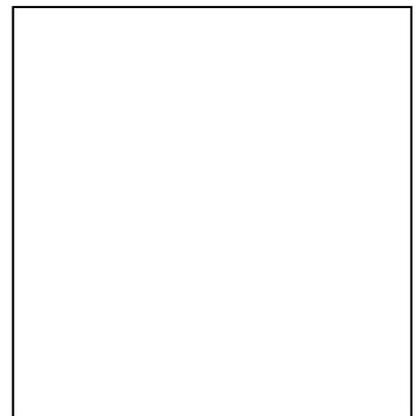
1. The box to the right contains the defendant's

- a. right thumbprint
- b. other print (*specify*):

2. The print was taken on (*date*):

3. The print was taken by

- a. Name:
- b. Position:
- c. Badge or serial number:



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT</h1> <h1 style="margin: 0;">3.19.07</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS: Subpoena/Subpoena Duces Tecum	CASE NUMBER:

You must attend court or provide to the court the documents listed below. Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

1. To: (name or business) _____
2. You must follow the court order(s) checked below:
 - a. Attend the hearing.
 - b. Attend the hearing *and* bring all items checked in c. below.
 - c. Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
 - (1) _____
 - (2) _____
 - (3) _____
 - If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."
 - d. If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
 - e. If this box is checked and you deliver all items listed above to the court **within 5 days of service of this order**, you do not have to attend court if you follow the instructions in item 5.

3. **Court Hearing Date:** _____ **The court hearing will be at (name and address of court):** _____

Date: _____ Time: _____

Dept.: _____ Rm.: _____

Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance.

4. The person who has required you to attend court or provide documents is:

Name: _____ Phone No.: _____

Address: _____

Number, Street, Apt. No.

City State Zip

FOR COURT USE ONLY

Date: _____ Signature _____

Name and Title

CASE NAME: _____	CASE NUMBER: _____
---------------------	-----------------------

- 5 a. Put all items checked in item 2c and your completed *Declaration of Custodian of Records* form in an envelope. (You can ask the person in item 4 where to get this form.) Attach a copy of page 1 of this order to the envelope.
- b. Put the envelope inside another envelope. Then, attach a copy of page 1 of this form to the outer envelope or write this information on the outer envelope:
- (1) Case name
 - (2) Case number
 - (3) Your name
 - (4) Hearing date, time, and department
- c. Seal and mail the envelope to the Court Clerk at the address listed in item 3 or The court address in the caption on page 1 . You must mail these documents to the court within five days of service of this order.
- d. If you are the Custodian of Records, you must also mail the person in item 4 a copy of your completed *Declaration of Custodian of Records*. Do not include a copy of the documents.

— The server fills out the section below. —

Proof of Service of CR-125/JV-525

1. I personally served a copy of this subpoena on:
 Date: _____ Time: _____ a.m. p.m.
 Name of the person served: _____
 At this address: _____
 After I served this person, I mailed or delivered a copy of this Proof of Service to the person in item 4 on (date): _____
 Mailed from (city): _____
2. I received this order for service on (date): _____ and was not able to serve (name of person) _____ after (number of attempts) _____ attempts because:
- a. The person is not known at this address.
 - b. The person moved and the forwarding address is not known.
 - c. There is no such address.
 - d. The address is in a different county.
 - e. I was not able to serve by the hearing date.
 - f. Other (explain): _____
3. Server's name: _____ Phone no. _____
4. The server (check one)
- a. is a registered process server.
 - b. is not a registered process server.
 - c. is a sheriff, marshal, or constable.
 - d. works for a registered process server.
 - e. is exempt from registration under Business and Professional Code section 22350(b).
5. Server's address: _____
 If server is a registered process server:
 County of registration: _____ Registration no.: _____

I declare under penalty of perjury under the laws of the State of California that I am at least 18 years old and not involved in this case and the information above is true and correct.

Date: _____

▶ _____

TYPE OR PRINT NAME OF SERVER

▶ _____

SIGNATURE OF SERVER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF — STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
CRIMINAL PROTECTIVE ORDER — DOMESTIC VIOLENCE (CLETS - CPO) (Penal Code, §§ 136.2 and 1203.097(a)(2)) <input type="checkbox"/> ORDER PENDING TRIAL (Pen. Code § 136.2) <input type="checkbox"/> MODIFICATION <input type="checkbox"/> ORDER POSTTRIAL PROBATION CONDITION (Pen. Code § 1203.097) For domestic violence cases as defined in Penal Code, § 13700 or Family Code, § 6211	CASE NUMBER: CLETS ENTRY BY:

This Order May Take Precedence over Other Conflicting Orders, See Item 1 on Page 2.

PERSON TO BE RESTRAINED (<i>complete name</i>): _____ Sex: <input type="checkbox"/> M <input type="checkbox"/> F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____ <input type="checkbox"/> The defendant is a peace officer with _____ Department: _____
--

1. This proceeding was heard on (*date*): _____ at (*time*): _____ in Dept.: _____ Room: _____ by judicial officer (*name*): _____
2. This order expires on (*date*): _____ If no date is listed, this order expires three years from the date of issuance.
3. Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.
4. COMPLETE NAME OF EACH PROTECTED PERSON: _____

GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT

5. must not harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.
6. **must surrender to local law enforcement or sell to a licensed gun dealer any firearm owned or subject to his or her immediate possession or control within 24 hours** after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.
7. must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
8. must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardian unless good cause exists otherwise. The court finds good cause not to make the order in item 8.
9. must have no personal, electronic, telephonic, or written contact with the protected persons named above.
10. must have no contact with the protected persons named above through a third party, except an attorney of record.
11. must not come within _____ yards of the protected persons named above.
12. may have peaceful contact with the protected persons named above only for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile, or Probate court order in Case No. _____, issued on (*date*): _____, as an exception to the “no-contact” or “stay-away” provision in paragraph 9, 10, or 11 of this order.
13. may have peaceful contact with the protected persons named above only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exception to the “no-contact” or “stay-away” provision in paragraph 9, 10, or 11 of this order.
14. The protected persons may record any prohibited communications made by the restrained person.
15. Other orders including stay-away orders from specific locations:

Date: _____ JUDICIAL OFFICER _____ Department/Division: _____

WARNINGS AND NOTICES

1. Except as provided in this paragraph, this order takes precedence over any conflicting protective order, visitation order, or any other court order if the protected person is a victim of domestic violence under Penal Code section 13700. However, this order does not take precedence if (1) there is a more restrictive *Emergency Protective Order* (form EPO-001) restraining and protecting the same parties as in this order, or (2) if box 12 or 13 has been checked on page 1 of this order. (Pen. Code, § 136.2(e)(2).)
2. **VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION.** Violation of this protective order may be punished as a misdemeanor, a felony, or a contempt of court. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both. Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense under the Violence Against Women Act, 18 U.S.C. § 2261(a)(1) (1994).
3. **NOTICE REGARDING FIREARMS.** Any person subject to a protective order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. The person subject to these orders must relinquish any firearms and not own or possess any firearms during the period of the protective order. Under federal law, the issuance of a protective order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime. (Pen. Code, § 136.2(d).)
4. **ENFORCING THIS ORDER IN CALIFORNIA**
 - This order **must** be enforced in California by any law enforcement agency that has received the order or is shown a copy of the order or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
 - Law enforcement **must** determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement **must** advise the restrained person of the terms of the order and, if the restrained person fails to comply, shall enforce it. (Fam. Code, § 6383.)
5. **CERTIFICATE OF COMPLIANCE WITH VIOLENCE AGAINST WOMEN ACT (VAWA).** This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.
6. **EFFECTIVE DATE AND EXPIRATION DATE OF ORDERS**
 - These orders are effective as of the date they were signed by a judicial officer.
 - These orders expire as explained in item 2 on the reverse.
 - Orders under Penal Code section 136.2 are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a state prison commitment. (See *People v. Stone* (2004) 123 Cal.App.4th 153.).
 - Orders under Penal Code section 1203.097 are probationary orders and the court has jurisdiction as long as the defendant is on probation. (Pen. Code, § 1203.097(a)(2).)
 - To terminate this protective order, use form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding* (CLETS).
7. **CHILD CUSTODY AND VISITATION**
 - Child custody and visitation orders may be established or modified in Family, Juvenile, or Probate court.
 - Unless box 13 on page 1 is checked, contact between the restrained and protected persons permitted by a Family, Juvenile, or Probate court order for child custody or visitation must not conflict with the provisions of this order.
 - If box 12 or 13 on page 1 is checked, the restrained and protected persons should always carry a certified copy of the most recent child custody or visitation order issued by the Family, Juvenile, or Probate court.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA VS. DEFENDANT: _____	
CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE (CLETS - OCP) (Penal Code, § 136.2) <input type="checkbox"/> ORDER PENDING TRIAL <input type="checkbox"/> MODIFICATION <input type="checkbox"/> ORDER POSTTRIAL PROBATION CONDITION	CASE NUMBER: _____ CLETS ENTRY BY: _____
PERSON TO BE RESTRAINED (<i>complete name</i>): _____ Sex: <input type="checkbox"/> M <input type="checkbox"/> F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____ <input type="checkbox"/> The defendant is a peace officer with _____ Department: _____	

1. This proceeding was heard on (*date*): _____ at (*time*): _____ in Dept.: _____ Room: _____
by judicial officer (*name*): _____
2. This order expires on (*date*): _____ If no date is listed, this order expires three years from the date of issuance.
3. Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this restraining order is required.
4. COMPLETE NAME OF EACH PROTECTED PERSON: _____

GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT

5. must not harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.
6. **must surrender to local law enforcement or sell to a licensed gun dealer any firearm owned or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.**
7. must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
8. must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardian unless the court finds good cause exists otherwise. The court finds good cause not to make the order in item 8.
9. must have no personal, electronic, telephonic, or written contact with the protected persons named above.
10. must have no contact with the protected persons named above through a third party, except an attorney of record.
11. must not come within _____ yards of the protected persons named above.
12. may have peaceful contact with the protected persons named above only for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile, or Probate court order in Case No. _____ issued on (*date*): _____, as an exception to the "no-contact" or "stay-away" provision in paragraph 9, 10, or 11 of this order.
13. may have peaceful contact with the protected persons named above only for the safe exchange of children for court-ordered visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exception to the "no-contact" or "stay-away" provisions in paragraph 9, 10, or 11 of this order.
14. The protected persons may record any prohibited communications made by the restrained person.
15. Other orders including stay-away orders from specific locations:

Date: _____

JUDICIAL OFFICER Department/Division:

WARNINGS AND NOTICES

1. **VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION.** Violation of this protective order may be punished as a felony, a misdemeanor, or contempt of court.

2. **NOTICE REGARDING FIREARMS.** Any person subject to a protective order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. The person subject to these orders shall relinquish any firearms and not own or possess any firearms during the period of the protective order. Under federal law, the issuance of a protective order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime. (Pen. Code, § 136.2(d).)

3. **ENFORCING THIS ORDER IN CALIFORNIA**
 - This order **shall** be enforced in California by any law enforcement agency that has received the order or is shown a copy of the order or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
 - Law enforcement **shall** determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement **shall** advise the restrained person of the terms of the order and, if the restrained person fails to comply, shall enforce it. (Code Civil Proc., § 527.6.)

4. **EFFECTIVE DATE AND EXPIRATION DATE OF ORDERS**
 - These orders are effective as of the date they were signed by a judicial officer.
 - These orders expire as explained in item 2 on the reverse.
 - Orders under Penal Code section 136.2 are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a state prison commitment. (See *People v. Stone* (2004) 123 Cal.App.4th 153.).
 - To terminate this protective order, use form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding (CLETS)*.

5. **CHILD CUSTODY AND VISITATION**
 - Child custody and visitation orders may be established or modified in Family, Juvenile, or Probate court.
 - Unless box 13 on page 1 is checked, contact between the restrained and protected persons permitted by a Family, Juvenile, or Probate court order for child custody or visitation must not conflict with the provisions of this order.
 - If box 12 or 13 on page 1 is checked, the restrained and protected persons should always carry a certified copy of the most recent child custody or visitation order issued by the Family, Juvenile, or Probate court.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
ORDER TO SURRENDER FIREARMS IN DOMESTIC VIOLENCE CASE (CLETS - OCP) (Penal Code, § 136.2(a)(7)(B))	CASE NUMBER:
	CLETS ENTRY BY:
PERSON TO SURRENDER FIREARMS (<i>complete name</i>): Sex: <input type="checkbox"/> M <input type="checkbox"/> F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____ <input type="checkbox"/> The defendant is a peace officer with _____ Department: _____	

- This proceeding was heard on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____ by judicial officer *(name)*: _____
- This order expires on *(specify date)*: _____ If no date is listed, this order expires three years from the date of issuance.
- Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

GOOD CAUSE APPEARING, THE COURT ORDERS

- The above-named defendant must surrender to local law enforcement or sell to a licensed gun dealer any firearms owned or subject to his or her immediate possession or control within 24 hours after issuance of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving the order. You are prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment.

Date: _____

 JUDICIAL OFFICER Department/Division:

NOTICES

This order is effective as of the date it was signed by the judicial officer and expires as explained in item 2.

This order is to be used ONLY when the court orders firearms relinquishment but does not make any other protective or restraining orders. Do NOT use in conjunction with other Criminal Protective Orders (form CR-160 or CR-161).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	CASE NUMBER: _____
PROOF OF: <input type="checkbox"/> SALE OF FIREARMS <input type="checkbox"/> TURNING IN OF FIREARMS	JUDGE: _____ DEPT.: _____

(Instructions: When you sell or turn in your firearms under a court order, ask the licensed gun dealer or law enforcement agent to complete item 2a or 2b. After the form is signed, you must file the completed form with the court clerk. Keep a copy.)

1. **Defendant or respondent (name):**
 has
 a. sold to a licensed gun dealer the firearms described in item 3.
 b. turned over to law enforcement the firearms described in item 3.
2. The firearms described in item 3 were sold or turned in as follows:

a. <input type="checkbox"/> SALE OF FIREARMS TO LICENSED DEALER <i>(To be completed by licensed gun dealer)</i> The firearms listed in item 3 were sold: (1) On (date): _____ (2) At (time): _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. (3) To (name of licensed gun dealer): _____ (4) License number: _____ (5) Address: _____ (6) Telephone number: _____ I declare under penalty of perjury under the laws of the State of California that the information above is true and correct. Date: _____ <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <div style="display: flex; justify-content: space-between;"> (TYPED OR PRINTED NAME OF LICENSED GUN DEALER) (SIGNATURE OF LICENSED GUN DEALER) </div>
--

PLAINTIFF (Name): DEFENDANT (Name):	CASE NUMBER:
--	--------------

b. **TURNOVER OF FIREARMS TO LAW ENFORCEMENT**
(To be completed by law enforcement agent)
 The firearms listed in item 3 were turned in:

(1) On (date): _____ (2) At (time): a.m. p.m.

(3) To (name and title of law enforcement agent): _____

(4) Name and address of law enforcement agency: _____

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

Date: _____

 (TYPED OR PRINTED NAME OF LAW ENFORCEMENT AGENT)

 (SIGNATURE OF LAW ENFORCEMENT AGENT)

 (TITLE)

FIREARMS SOLD OR TURNED OVER

3. The firearms sold to the licensed dealer or turned in to the law enforcement agency indicated above were the following:

	Firearm Make	Model	Serial Number
(1)			
(2)			
(3)			
(4)			
(5)			

Additional firearms are listed on Attachment 3 to this form. *(The make, model, and serial number of each firearm must be provided.)*

4. The firearms listed in item 3 are:

- a. All firearms that the defendant or respondent owns, possesses, or controls. The defendant no longer owns, possesses, or controls any firearms.
- b. Some of the firearms that the defendant or respondent owns, possesses, or controls. If this item is checked, all of defendant's or respondent's other firearms:
 - (1) Have been sold or transferred and proof of sale or transfer was filed with this court on (date): _____
 - (2) Have been sold or transferred and proof of sale or transfer is filed with the court at the same time that this *Proof* is filed.
 - (3) Have not yet been sold or transferred (*explain*): _____

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

Date: _____

 (TYPED OR PRINTED NAME OF DEFENDANT OR RESPONDENT)

 (SIGNATURE OF DEFENDANT OR RESPONDENT)

Clerk stamps date here when form is filed.

Draft 1
03/07/07 mc
Not approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of person asking for protection (protected person):
Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):
City: State: Zip:
Telephone number:
Protected person's lawyer (if any): (Name, address, telephone number, and State Bar number):

2 Restrained person's name:
Description of that person: Sex: M F Height:
Weight: Race: Hair Color:
Eye Color: Age: Date of Birth:

3 List the full names of all family or household members protected by this order:

4 Court Hearing Date (Fecha de la Audiencia)

Clerk will fill out section below.

Hearing Date
Date: Time: Name and address of court if different from above:
Dept.: Rm.:

To the person in 2: At the hearing, the judge can make restraining orders that last for up to 5 years. The judge can also make other orders about your children, child support, spousal support, money, and property. File an answer on Form DV-120 before the hearing. At the hearing, you can tell the judge that you do not want the orders against you. Even if you do not attend the hearing, you must obey the orders.

Para la persona nombrada en 2: En esta audiencia el juez puede hacer que la orden de restriccion sea valida hasta un maximo de 5 años. El juez puede tambien hacer otras ordenes acerca de niños, manutencion, dinero y propiedad. Presente una respuesta en el formulario DV-120 antes de la audiencia. Si Usted se opone a estas ordenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas ordenes.

To the person in 1: At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody, visitation, and child support. Safety concerns related to the financial needs of you and your children will also be considered.

5 Temporary Orders (Ordenes Temporales)

Any orders made in this form end at the time of the court hearing in 4, unless a judge extends them. Read this form carefully. All checked boxes and items 10 and 11 are court orders.

Todas las ordenes hechas en esta formulario terminaran en la fecha y hora de la audiencia en 4, al menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas y los articulos 10 y 11 son ordenes de la corte.

This is a Court Order.

Your name: _____

6 **Personal Conduct Orders**

The person in **(2)** must *not* do the following things to the protected people listed in **(1)** and **(3)**:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
 - Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

- A criminal protective order on Form CR-160 is in effect. Case Number: _____
County *(if known)*: _____ Expiration Date: _____ *(If more orders, list them in item (16))*

7 **Stay-Away Order**

The person in **(2)** must stay at least _____ yards away from:

- a. The person listed in **(1)**
- b. The people listed in **(3)**
- c. Home Job Vehicle of person in **(1)**
- d. The children's school or child care
- e. Other *(specify)*: _____

8 **Move-Out Order**

The person in **(2)** must take only personal clothing and belongings needed until the hearing and move out immediately from *(address)*: _____

9 **Child Custody and Visitation Order**

- a. You and the other parent must make an appointment for court mediation *(address and phone number)*: _____
- b. Follow the orders listed in Form DV-140, which is attached.

10 **No Guns or Other Firearms or Ammunition**

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

11 **Turn in or sell guns or firearms.**

The person in **(2)**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

12 **Property Control**

Until the hearing, *only* the person in **(1)** can use, control, and possess the following property and things:

This is a Court Order.



Case Number: _____

Your name: _____

13 **Property Restraint**

If the people in ① and ② are married to each other or are registered domestic partners, they must not transfer, borrow against, sell, hide, or get rid of or destroy any property, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. *(The person in ② cannot contact the person in ① if the court has made a “no contact” order.)*

14 **Unlawful communications may be recorded.**

The person in ① can record communications made by the person in ② that violate the judge’s orders.

15 **No Fee to Notify (Serve) Restrained Person**

If the sheriff serves this order, he or she will do it for free.

16 **Other Orders** *(specify):* _____

17 If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in ② will get a copy of that order by mail at his or her last known address. *(Write restrained person’s address here):*

If this address is not correct, or to know if the orders were made permanent, contact the court.

18 **Time for Service**

A To: Person Asking for Order

Someone 18 or over—**not you or the other protected people**—must personally “serve” a copy of this order to the restrained person at least _____ days before the hearing.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form DV-120 on the person in ①, then file it with the court at least _____ days before the hearing.

For help with Service or answering, read Form DV-210-INFO or DV-540-INFO.

Date: _____

Judge (or Judicial Officer)

Certificate of Compliance With VAWA

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

This is a Court Order.



Your name: _____

Warnings and Notices to the Restrained Person in 2**19 If you do not obey this order, you can be arrested and charged with a crime.**

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

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

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition if you are subject to a restraining order made after a noticed hearing.

21 After You Have Been Served With a Restraining Order

- Obey all the orders.
- If you want to respond, fill out Form DV-120. Take it to the court clerk with the forms listed in item 22.
- File DV-120 and have all papers served on the protected person by the date listed in item 18 of this form.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not attend the hearing, the judge can make the restraining orders last for 5 years.

22 Child Custody, Visitation, and Support

- **Child Custody and Visitation:** If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing your side.
- **Child Support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is 18. File and serve a *Financial Statement* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.
- **Spousal Support:** File and serve a *Financial Statement* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.

23 Requests for Accommodations

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

This is a Court Order.

Your name: _____

Instructions for Law Enforcement**24 Start Date and End Date of Orders**

The start date is the date next to the judge's signature on page 3. The orders end on the hearing date on page 1 or the hearing date on Form DV-125, if attached.

25 Arrest Required If Order Is Violated

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

26 Notice/Proof of Service

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

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

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

27 If the Protected Person Contacts the Restrained Person

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

28 Child Custody and Visitation

- Custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

29 Enforcing the Restraining Order in California

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

30 Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders.

*Clerk's Certificate**[seal]*

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

**Draft 1
03/07/07 mc
Not approved by the
Judicial Council**

1 Name of person who asked for the order (protected person):

2 Your name: _____

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone (optional): _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

Fill in court name and street address:

Superior Court of California, County of

Give the judge your answers to DV-100:

3 **Personal Conduct Orders**
I do do not agree to the order requested.

4 **Stay-Away Order**
I do do not agree to the order requested.

5 **Move-Out Order**
I do do not agree to the order requested.

6 **Child Custody**
a. I do do not agree to the custody order requested.
b. I am not the parent of the child listed in DV-105.
c. I ask for the following custody order (specify):

d. I do do not agree to the orders requested to prevent child abduction.

7 **Visitation**
a. I do do not agree to the visitation order requested.
b. I ask for the following visitation order (specify): _____

8 **Child Support**
a. I do do not agree to the order requested.
b. I agree to pay guideline child support.
You must fill out, serve, and file Form FL-150 or FL-155.

9 **Spousal Support**
I do do not agree to the order requested.
Whether or not you agree, you must fill out, serve, and file Form FL-150.

Clerk fills in case number:

Case Number:

The judge can consider your Answer at the hearing. Write your hearing date and time here:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____

You must obey the orders until the hearing.
If you do not come to this hearing, the judge can make the orders last for 3 years or longer.

Case Number:

Your name: _____

- 10** **Property Control**
I do do not agree to the order requested.
If you have other requests, list them in 19 below.
- 11** **Debt Payment**
I do do not agree to the order requested.
If you have other requests, list them in 19 below.
- 12** **Property Restraint**
I do do not agree to the order requested.
If you have other requests, list them in 19 below.
- 13** **Attorney Fees and Costs**
I do do not agree to the order requested.
- 14** **Payments for Costs and Services**
I do do not agree to the order requested.
- 15** **Batterer Intervention Program**
I do do not agree to the order requested.
- 16** **Other Orders** (see item 20 on Form DV-100)
I do do not agree to the orders requested.
- 17** **Turn in guns or other firearms.**
 - a. I do not own or have any guns or firearms.
 - b. I have have not turned in my guns and firearms to the police or a licensed gun dealer.
 - c. A copy of the receipt is attached. has already been filed with the court.*You must file a receipt with the court within 48 hours after being served with Form DV-110.*
- 18** **I ask the court to order payment of my**
 - a. Attorney fees
 - b. Out-of-pocket expenses because the temporary restraining order was issued without enough supporting facts. The expenses are:
Item: _____ Amount: \$ _____ Item: _____ Amount: \$ _____*You must fill out, serve, and file Form FL-150.*
- 19** **My Answer to the Statements in DV-100 and Other Requests**
Please attach your statement. Write "DV-120, Item 19—More Information" at the top. Be specific.
- 20** I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign your name

Clerk stamps date here when form is filed.

**Draft 1
03/07/07 mc
Not approved by the
Judicial Council**

① Protected person's name: _____

 (first) (middle) (last)
 Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead): _____

 City: _____ State: _____ Zip: _____
 Telephone number (optional): _____
 Lawyer (if any): (Name, address, telephone number, and State Bar number): _____

Fill in court name and street address:

Superior Court of California, County of

② List the full names of all family or household members protected by this order: _____

Fill in case number:

Case Number:

③ Restrained person's name: _____

 (first) (middle) (last)

Description of that person: Sex: M F Height: _____ Weight: _____ Race: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
 Relationship to protected person: _____

④ **The court orders are on pages 2 and 3 and attachment pages (if any).**
 The hearing was on (date): _____ with (name of judicial officer): _____

The orders end on (date): _____ at (time): _____

- If no end date is written, the restraining order ends 3 years after the date of the hearing.
- If no time is written, the restraining order ends at midnight on the end date.
- Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the child is 18.

⑤ The people in ① and ③ must return to court/department _____ on (date): _____
 at (time): _____ a.m. p.m. to review (specify issues): _____

Certificate of Compliance With VAWA

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

This is a Court Order.

Case Number: _____

Your name: _____

6 **Personal Conduct Orders**

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

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. Contact (either directly or indirectly), telephone, or send messages or mail or e-mail
 - Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

A criminal protective order on Form CR-160 is in effect. Case Number: _____
County (if known): _____ Expiration Date: _____ *(If more orders, list them in item 17)*

7 **Stay-Away Order**

The person in **3** must stay at least _____ yards away from:

- a. The person listed in **1**
- b. The people listed in **2**
- c. Home Job Vehicle of person in **1**
- d. The children's school or child care
- e. Other (specify): _____

8 **Move-Out Order**

The person in **3** must move out immediately from (address): _____

9 **Child Custody and Visitation**

Child custody and visitation are ordered on the attached Form DV-140 or (specify other form): _____

10 **Child Support**

Child support is ordered on the attached Form DV-160 or (specify other form): _____

11 **Spousal Support**

Spousal support is ordered on the attached Form FL-343 or (specify other form): _____

12 **No Guns or Other Firearms or Ammunition**

The person in **3** **cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.**

13 **Turn in or sell guns and firearms.**

The person in **3**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

This is a Court Order.

Case Number: _____

Your name: _____

14 **Record Unlawful Communications**

The person in ① has the right to record communications made by the person in ③ that violate the judge's orders.

15 **Batterer Intervention Program**

The person in ③ must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

16 **No Fee to Notify (Serve) Restrained Person**

If the sheriff or marshal serves this order, he or she will do it for free.

17 **Other Orders**

Other orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170 or (*specify other form*): _____

18 **Service**

- a. The people in ① and ③ were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b. The person in ① was at the hearing. The person in ③ was not.
 - (1) Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are the same as in Form DV-110 except for the end date. The person in ③ must be served. This order can be served by mail.
 - (2) Proof of service of Form DV-110 was presented to the court. The judge's orders in this form are different from the orders in Form DV-110. Someone—not the people in ① or ②—must personally "serve" a copy of this order to the person in ③.

19 **Attached pages are orders.**

- Number of pages attached to this 5-page form: _____
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):
 - DV-140 DV-145 DV-150 DV-160 DV-170 FL-343
 - Other (*specify*): _____

Date: _____

Judge (or Judicial Officer)

This is a Court Order.

Your name: _____

Instructions for Law Enforcement**20 Start Date and End Date of Orders**

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

- The hearing date on page 1 *or*
- The date next to the judge’s signature on page 3.

The orders *end* on the end date in item 4 on page 1. If no end date is listed, they end 3 years from the hearing date.

21 Arrest Required If Order Is Violated

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

22 Notice/Proof of Service

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

Consider the restrained person “served” (noticed) if:

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

23 If the Protected Person Contacts the Restrained Person

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

24 Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

25 Enforcing the Restraining Order in California

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

26 Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

This is a Court Order.

Your name: _____

Warnings and Notices to the Restrained Person in ③

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

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

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



You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

(Clerk will fill out this part)

—Clerk's Certificate—

[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Case Number: _____

DV-160

**Child Support Order—
Order of Protection**

This form is attached to DV-130, Item 10.

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**

	Gross income	Net income	Capable of earning	TANF/CalWORKS
Person listed in ①	\$ _____	\$ _____	\$ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Person listed in ②	\$ _____	\$ _____	\$ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

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.



Case Number: _____

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:

- Child-care expenses \$ _____ or _____% \$ _____ or _____% _____
- Children's uninsured health-care expenses \$ _____ or _____% \$ _____ or _____% _____
- Children's educational/other special needs \$ _____ or _____% \$ _____ or _____% _____
- Travel expenses for visitation \$ _____ or _____% \$ _____ or _____% _____
- 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.

Case Number: _____

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.

**Child Support Order—
Order of Protection
(Domestic Violence Prevention)**



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 de pagos fijado por el proveedor de servicios de salud, (3) 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 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, tal 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 cuestan 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 FW-001, *Application for Waiver of Court Fees and Costs*
- Form FW-003, *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/.

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) de 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 de 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. Además usted deberá el 10% de intereses de la suma de manutención adeudada, 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 continuará 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 presentar 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 está 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** está 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 FW-001 Solicitud de exención de cuotas y costos judiciales
- Formulario FW-003 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 los documentos a esa agencia.

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 calendarios** 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

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 pida al 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.

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 FW-001, *Application for Waiver of Court Fees and Costs*
- Form FW-003, *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/.

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.

INFORMATION SHEET SIMPLIFIED WAY TO CHANGE CHILD, SPOUSAL, OR FAMILY SUPPORT

New laws make it easier for a person to ask the court to raise or lower the amount paid for child, spousal, or family support.

How to Ask for a Change

1. Get copies of these forms:
 - *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (“*Notice of Motion*”) (form FL-390).
 - *Responsive Declaration to Motion for Simplified Modification for Child, Spousal, or Family Support* (form FL-392).
 - *Findings and Order After Hearing* (form FL-340) and *Child Support Information and Order Attachment* (form FL-342).
 - *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).

The court clerk’s office, the office of the family law facilitator, or the local child support agency can tell you where to get these forms. You can get them at the Judicial Council website: www.courtinfo.ca.gov
2. Fill out and sign the form *Notice of Motion*. **Check with your local court clerk’s office or the office of the family law facilitator to see if the forms must be typewritten.**
3. Fill out the form *Financial Statement (Simplified)*, if you are allowed to use the form. See the instructions on the back side of the form to see if you qualify; otherwise you must fill out the *Income and Expense Declaration*. You must attach copies of your most recent W-2 form(s) and three most recent paycheck stubs, to the form *Financial Statement (Simplified)* or the form *Income and Expense Declaration*.
4. You must schedule a hearing date with your court clerk’s office before filing and serving these papers. You must enter the hearing date in item 1 of the *Notice of Motion*.
5. Make at least three copies of these forms after you have completed them:
 - *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (form FL-390).
 - *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).
6. You must have one copy of each of the following papers served on the local child support agency **and on the other party**, if the other party is not the county:
 - Your *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (form FL-390).
 - Your *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).
 - A blank *Responsive Declaration to Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (form FL-392).
 - A blank *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).
 - *Information Sheet—How to Oppose a Request to Change Child, Spousal, or Family Support* (form FL-393).

For instructions on how to serve these papers properly, see the information box on the Proof of Service, found on the reverse of the *Notice of Motion* (form FL-390). Whoever serves the papers should fill out and must sign the Proof of Service.
7. Take the original of each of the completed forms to the court clerk’s office for filing. If you or your attorney have not filed any other papers in the case, you must do one or more of the following:
 - Pay a first appearance filing fee to the court clerk when you go to file these papers (you can find out what the amount of the fee is from the court clerk’s office or the office of the family law facilitator); or
 - Pay a fee to file this motion with the court clerk, even if you or your attorney have already filed papers in this case; or
 - Apply for a fee waiver. For more information on how to request a waiver of the filing fees, get the form *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO).

Using an Attorney

If you use this method to modify support, you may hire an attorney to represent you in court, or you may represent yourself. If you hire an attorney, you will have to pay the cost. The court will not provide you with a free attorney.

If the county is the other party, and if one of the parties is receiving welfare benefits, or if one of the parties has asked the local child support agency to enforce support, a representative from the local child support agency will be present at the hearing.

REMEMBER: The local child support agency does not represent any individual in this lawsuit, including the child, the child's mother, or the child's father.

Agreeing to Support Before the Hearing

A court hearing may not be necessary to modify the current support order, if you are able to reach an agreement with the other party. Note that if an agreement is reached with the other party, you must prepare an order and submit it to the court for the judge's signature and file the order with the court clerk's office. If one of the parties is receiving welfare benefits or the local child support agency is enforcing the support order, the local child support agency must sign the agreement before it is filed with the court.

Hearing

Even if neither the local child support agency nor the other party has filed a response to your *Notice of Motion*, the judge may still require a hearing. Make sure you bring with you a copy of your *Notice of Motion* (form FL-390), *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150), your most recent federal and state income tax returns and W-2 form(s), and three most recent paycheck stubs. The other party has a right to see your financial information, and you have the right to see the other party's financial information.

Court Order

Once the judge makes a decision, you may be required to prepare the form *Findings and Order After Hearing* (form FL-340) with the *Child Support Information and Order Attachment* (form FL-342). If the support order has changed, you may be required to prepare a modified *Order/Notice to Withhold Income for Child Support* (FL-195). You will not have to prepare these documents if the local child support agency is involved. If you have prepared these documents yourself, you must make sure that they are signed by the judge. Check with the court clerk's office or the office of the family law facilitator for the proper procedure. After the *Order/Notice to Withhold Income for Child Support* (FL-195) is signed by the judge and filed, it must be served on the noncustodial parent's employer, on the other party, and on the local child support agency if the local child support agency is involved in the case.

INFORMATION SHEET

HOW TO OPPOSE A REQUEST TO CHANGE CHILD, SPOUSAL, OR FAMILY SUPPORT

What to Do

1. If you receive a *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (“*Notice of Motion*”) (form FL-390) from the other party or the local child support agency, you have one of two choices:
 - Agree with the proposed changes; or
 - File a response and go to the hearing.

2. You do not need to wait to go to court before modifying the support. If you agree with the changes sought (see item 2 on the front of the *Notice of Motion*), or if you agree that the order should be changed in some way, contact the party that served you so that an agreement should be reached. If an agreement is reached with the other party, an order must be prepared and submitted to the court for the judge’s signature and filed with the court clerk’s office. If one of the parties is receiving welfare benefits or the local child support agency is enforcing the support order, the local child support agency must sign the agreement before it is filed with the court. If you are able to reach an agreement with the other party and the order is filed with the court clerk’s office, you do not need to appear at the hearing. The hearing will simply be taken off calendar.

NOTICE: Unless you know the hearing has been taken off calendar, you should go to the hearing as scheduled to protect your rights. You might consider calling the court the day before the hearing to see if the hearing is still on calendar.

3. If you do not agree with the proposed changes, you must do the following:
 - Complete the *Responsive Declaration to Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (“*Response to Motion*”) (form FL-392). If a blank *Response to Motion* was not given to you when you received the *Notice of Motion*, the court clerk’s office, the office of the family law facilitator, or the local child support agency can tell you where one can be found. Or you can get one from the Judicial Council’s website: www.courtinfo.ca.gov. **NOTICE: Check with your local court clerk’s office or the office of the family law facilitator to see if the forms must be typewritten. Make at least three copies of the completed form.**
 - Fill out the form *Financial Statement (Simplified)* (form FL-155), if you are allowed to use the form. See the instructions on the back side of the form to see if you qualify; otherwise, you must fill out the form *Income and Expense Declaration* (form FL-150). You must attach copies of your most recent W-2 form(s) and three most recent paycheck stubs to the form *Financial Statement (Simplified)* (form FL-155) or the form *Income and Expense Declaration* (form FL-150). Make at least three copies of the completed form.
4. You must have one copy of each of the following papers served on the local child support agency **and on the other party**, if the other party is not the local child support agency:
 - Your *Responsive Declaration to Motion* (form FL-392).
 - Your *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150).

For instructions on how to serve these papers properly, see the information box on the Proof of Service, found on the reverse of the *Response to Motion* (form FL-392). Whoever serves the papers should fill out and must sign the Proof of Service. **NOTICE: Consult with the office of the family law facilitator or the local court rules to see if there are any other documents you will need to have served on the local child support agency and on the other party.**

5. Take the original of each of the completed forms to the court clerk's office for filing. If you or your attorney have not filed any other papers in the case, you must do one of two things:
- Pay a first appearance filing fee to the court clerk when you go to file these papers (you can find out what the amount of the fee is from the court clerk's office or the office of the family law facilitator); or
 - Apply for a fee waiver. For more information on how to request a waiver of the filing fees, get the form *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO).

NOTICE: The existing support order remains in effect and payments must be made according to its terms until a new order is made.

Using an Attorney

If you use this method to modify support, you may hire an attorney to represent you in court, or you may represent yourself. If you hire an attorney, you will have to pay the cost. The court will not provide you with a free attorney.

If the county is the other party, and if one of the parties is receiving welfare benefits, or if one of the parties has asked the local child support agency to enforce support, a representative from the local child support agency will be present at the hearing.

REMEMBER: The local child support agency does not represent any individual in this lawsuit, including the child, the child's mother, and the child's father.

Hearing

Make sure you bring with you a copy of your *Response to Motion* (form FL-392), *Financial Statement (Simplified)* (form FL-155) or *Income and Expense Declaration* (form FL-150), your most recent federal and state income tax returns and W-2 form(s), and three most recent pay check stubs. The other party has a right to see your financial information, and you have the right to see the other party's financial information.

Court Order

Whether you win or lose, once the judge makes a decision, you may be required to prepare the form *Findings and Order After Hearing* (form FL-340) and *Child Support Information and Order Attachment* (form FL-342). If the support order has changed, you may also be required to prepare a modified *Order/Notice to Withhold Income for Child Support* (form FL-195). Usually, the party bringing the motion is supposed to prepare these papers. If that party does not, you must be ready to do it. You will not have to prepare these documents if the local child support agency is involved.

If you have prepared these documents yourself, you must make sure that they are signed by the judge. Check with the court clerk's office or the office of the family law facilitator for the proper procedure. After the *Order/Notice to Withhold Income for Child Support* (form FL-195) is signed by the judge and filed, it must be served on the noncustodial parent's employer, on the other party, and on the local child support agency if it is involved in the case.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i> TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY Draft 2 02/27/07 icb Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
REQUEST FOR HEARING REGARDING REGISTRATION OF SUPPORT ORDER <input type="checkbox"/> California Support Order <input type="checkbox"/> Out-of-State Support Order	CASE NUMBER:

NOTICE OF HEARING

1. A hearing on this application will be held as follows *(see instructions on how to get a hearing date):*

a. Date:	Time:	Dept:	Div:	Room:
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b. The address of the court: same as noted above other *(specify):*

2. I request that service of the registration of support be vacated (canceled) because:

- a. I am not the Obligor named in the Registration Statement.
- b. The court or tribunal that issued the order did not have personal jurisdiction over me.
- c. The support order was obtained by fraud.
- d. The support order has been vacated, suspended, or modified by a later order. *(Please attach a copy of the later order.)*
- e. The order has been stayed pending appeal.
- f. The amount of arrears in section 1 of the Registration Statement is incorrect. The correct amount of arrears is *(specify amount):* \$ _____ Supporting documents attached.
- g. Some or all of the arrears are not enforceable.
- h. Other *(specify):*

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

Date:

.....
(TYPE OR PRINT NAME)

 (SIGNATURE OF DECLARANT)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the *Request for Hearing Regarding Registration of Support Order* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed

at (*place*): _____, California,

on (*date*): _____

Date: _____ Clerk, by _____, Deputy

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┌	└	┌	└
└	┌	└	┌

**INFORMATION SHEET FOR REQUEST FOR HEARING
REGARDING REGISTRATION OF CALIFORNIA SUPPORT ORDER/
OUT-OF-STATE SUPPORT ORDER**

(Do NOT deliver this Information Sheet to the court clerk.)

Please follow these instructions to complete the *Request for Hearing Regarding Registration of Support Order* (form FL-575) 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 you received a notice or statement of registration telling you that a support order is being registered in a California court, but you do not want that support order registered.

You must file your completed request for hearing with the court clerk. You must also give the court clerk addressed envelopes with postage paid to mail copies of your request for hearing to the other parties. The address of the court clerk is the same as the one shown for the superior court on the notice or statement of registration you received. You may have to pay a filing fee to request a hearing. If you cannot afford to pay the filing fee, you must file an *Application for Waiver of Court Fees and Costs* (form FW-001). You must get this form from the court clerk.

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR HEARING REGARDING REGISTRATION FORM (TYPE OR PRINT IN INK):

First page, first box, top of form, left side: Print your name, address, and phone number in this box.

Front page, second box, left side: Print the name of your county and the court's address in this box. Use the same address for the court that is on the notice or statement of registration form you received.

Front page, third box, left side: Print the names of Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names listed on the notice or statement of registration you received.

Front page, fourth box, left side: Check the box by "California Support Order" if the order being registered was established in California, or check the box by "Out-of-State Order" if the order being registered was **NOT** established in California.

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

Front page, second box, right side: Print your case number in this box. This number is also shown on the notice or statement of registration you received.

1. Before you file your request for hearing with the court clerk you must ask the court clerk to set a hearing date for you. The court clerk will give you the information you need to complete this section.
2. In this section you are telling the court why you do not want the support order to be registered. You must check the box by your reason.
 - a. Check this box if you are not a person named in the notice or statement of registration you received.
 - b. You should check this box if the court that issued the support order did not have jurisdiction over you to issue the order. You may need legal advice to find out if this is a valid reason in your case.
 - c. Check this box if your support order was obtained by fraud. You may need legal advice to find out if this is a valid reason in your case.
 - d. You should check this box if a court has suspended or vacated your support order. You should also check this box if your support order was modified by a later order. **If the order was modified, you must attach a copy of your most recent support order to your request for hearing.**
 - e. Check this box if you have already filed an appeal to your support order and a court has stopped the order until the appeal is decided.

**Information Sheet for Request for Hearing Regarding Registration of
Support Order (continued)**

- f. You should check this box if you disagree with the amount of arrearage shown on the registration statement. You must write in the correct amount of the arrearage in the space provided.
- g. Check this box only if your support order cannot be enforced due to the statute of limitations or for other legal reasons. This is not a valid reason to use for a support order established in California.
- h. Check this box if you have another reason to object to the registration of the support order.

You must date the form, print your name, and sign the form under 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 as on the front page.

Top of second page, box on right side: Print your case number in this box. Use the same number as on the front page.

The court clerk will sign and date the request for hearing form before mailing it to the Petitioner/ Plaintiff, Respondent/Defendant, and Other Parent.

You must print the name and address of the Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in the brackets. The names are the same as those at the top of the page. You also must provide the court clerk with stamped envelopes addressed to each of the other parties.

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

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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15. Obligor may claim the children for tax purposes as long as all child support payments are current as of the last day of the year for which the exemptions are claimed.

16. Petitioner Respondent Other parent must pay to petitioner respondent
 other parent
 as spousal support family support \$ _____ per month, beginning (date):
 payable on the: _____ day of each month.

17. Obligor must pay child support for past periods and in the following amounts set forth below:

Name	Period of support	Amount
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- a. Other (specify): _____
- b. For a total of: \$ _____ payable on the: _____ day of each month
 beginning (date): _____
- c. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

18. Obligor owes support as follows, as of (date): _____

- a. Child support: \$ _____ Spousal support: \$ _____ Family support: \$ _____ Other: \$ _____
- b. Interest is not computed and is not waived.
- c. Payable: _____ on the: _____ day of each month
 beginning (date): _____
- d. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

19. No provision of this judgment can operate to limit any right to collect all sums owing in this matter as otherwise provided by law.

20. All payments except as otherwise ordered must be made to (name and address of agency): _____

21. An earnings assignment order is issued.

22. Obligor Obligee must (1) provide and maintain health insurance coverage for the children if it is available through employment or a group plan, or otherwise at no or reasonable cost, and must keep the local child support agency informed of the availability of the coverage; (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services to the children; (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. If the "Obligor" box is checked, a health insurance coverage assignment will issue.

23. **Job search.** (specify name(s)): _____ must seek employment for
 at least (specify number): _____ jobs per week and report those job applications and results to the court and the local child support agency at the continuance date. These job applications are to be made in person, not by phone, fax, or e-mail.

24. For purposes of the licensing issue only, the obligor is found to be in compliance with the support order in this action. The local child support agency must issue a release of license(s).

25. Notwithstanding any noncompliance issues with the support order in this action, the court finds that the needs of the obligor warrant a conditional release. The local child support agency must issue a release of license(s). Such release is effective only as long as the obligor complies with all payment terms of this order.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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26. A warrant of attachment/bench warrant issues for *(specify name)*:
- a. Bail is set in the amount of: \$
- b. Service is stayed until *(date)*:
27. The court retains jurisdiction to make orders retroactive to *(date)*:
28. The court reserves jurisdiction over all issues the issues of *(specify)*:
29. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
30. The *Notice of Rights and Responsibilities—Health-Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* are attached and incorporated.
31. The following person (the “other parent”) is added as a party to this action under Family Code sections 17400 and 17406 *(specify name)*:
32. **The court further orders** *(specify)*:

33. Number of pages attached: _____

Approved as conforming to court order:

Date:

 (SIGNATURE OF ATTORNEY FOR OBLIGOR)

 (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

Date:

JUDICIAL OFFICER

Signature follows last attachment.

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.

Procedimientos relativos 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 de pagos fijado por el proveedor de servicios de salud, (3) 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 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, tal 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 cuestan 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 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 FW-001, *Application for Waiver of Court Fees and Costs*
- Form FW-003, *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/.

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) de 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 de 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. Además usted deberá el 10% de intereses de la suma de manutención adeudada, 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 continuará 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 presentar 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 está 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** está 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 FW-001 Solicitud de exención de cuotas y costos judiciales
- Formulario FW-003 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 los documentos a esa agencia.

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 calendarios** 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

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 pida al 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.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, Br numbr, and address):</p> <hr/> <p>TELEPHONE NO.: _____ FAX NO. (Optional): _____</p> <p>E-MAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): _____</p>	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="font-size: 24pt; font-weight: bold; text-align: center;">DRAFT 1</p> <p style="font-size: 24pt; font-weight: bold; text-align: center;">03/13/07 mc</p> <p style="font-size: 24pt; font-weight: bold; text-align: center;">Not approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p>	
<p>CHILD'S NAME: _____</p>	
<p>CUSTODY ORDER—JUVENILE—FINAL JUDGMENT</p>	<p>CASE NUMBERS:</p> <p>JUVENILE: _____</p> <p>FAMILY (existing, if applicable; otherwise, new): _____</p>

1. a. Date of hearing: _____ Dept.: _____
- b. Judicial officer (name): _____
- c. Jurisdiction: This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code commencing with section 3400).
- d. Notice and opportunity to be heard: The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.
- e. Country of habitual residence: The country of habitual residence of the child or children in this case is the United States of America other (specify): _____
- f. Penalties for violating this order: If you violate this order you may be subject to civil or criminal penalties, or both.

THE COURT FINDS AND ORDERS

2. **Mother (name):**
Father (name):
are the parents of the children listed in item 3. Mother and father are are not married.
3. **Custody of the minor children** is ordered as follows:
Child's name Date of birth Legal custody to Physical custody to Primary residence with
4. **Mother's visitation rights.** The mother may visit the minor children as follows:
 All children listed in item 3 The following children (name each):
 - a. As arranged by the parents
 - b. As set forth on form JV-205
 - c. Supervised as set forth on form JV-205
 - d. No visitation

CHILD'S NAME: 	CASE NUMBERS: JUVENILE: FAMILY:
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5. **Father's visitation rights.** The father may visit the minor children as follows:
 All children listed in item 3 The following children (*name each*):
- a. As arranged by the parents
b. As set forth on form JV-205
c. Supervised as set forth on form JV-205
d. No visitation
6. Mother Father may not change the residence of the children for more than 30 days without notice to the other parent under Family Code section 3024 unless there is prior written agreement to the change.
7. **Child abduction prevention orders are attached on form FL-341(B).**
8. **Paternity.** (*Name*): _____ was declared
the father of (*names*): _____
- by court order (*specify county and case number*):
 juvenile court family court other (*specify*: _____
on (*dates*): _____
9. **As of the date below, the juvenile court**
- a. has terminated jurisdiction over the children listed in item 3; requests for any modifications of these orders must be brought in the family court case in which these orders are filed under Welfare and Institutions Code section 302(d) or 726.5(c).
- b. has not terminated jurisdiction over the children listed in item 3; requests to modify these orders must be brought in juvenile court. When the juvenile court terminates jurisdiction over the children, requests for modifications must be brought in family court.
10. This order reflects a change in physical custody of the child or children to the custody of a formerly noncustodial parent for the reasons stated on the record.
11. A criminal protective order on form CR-160 is in effect: case number (*specify*: _____
(*expiration date*): _____ in (*specify county if known*): _____

Conflicting Orders

If a criminal restraining order (form CR-160) conflicts with a juvenile custody or visitation order (form JV-200 or JV-205), a law enforcement agency must enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the juvenile order. (Penal Code, § 136.2(h).) Any nonconflicting terms of the juvenile restraining order remain in full force. An emergency protective order (form EPO-001) that is in effect between the same parties and that is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

12. **Other orders** (*specify*: _____
- Continued on Attachment 12.
 Restraining order (form JV-250) is attached.
13. The clerk of the juvenile court parent given custody parent's attorney county counsel must transmit this order within 10 calendar days to the clerk of the court of any county in which a custody proceeding involving the child is pending or, if no such case exists, to the clerk of the court of the county in which the parent given custody resides. The clerk of the receiving court must, immediately upon receipt of this order, file the order in the pending case or, if no such case exists, open a file without a filing fee and assign a case number.

CHILD'S NAME: _____	CASE NUMBERS: JUVENILE: FAMILY:
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14. The clerk of the receiving court must send by first-class mail an endorsed filed copy of this order, showing the case number of the receiving court, to:
- a. Mother (*name and address*):
 - b. Father (*name and address*):
 - c. Children (*names and addresses*):
 - d. Children's attorney (*name and address*):
 - e. Social worker (*name and address*):
 - f. Probation officer (*name and address*):
 - g. Other (*names and addresses*):

and to the originating juvenile court with a completed clerk's certificate of mailing (*see blow*).

Date: _____ JUDICIAL OFFICER OF THE JUVENILE COURT

CLERK'S CERTIFICATE OF MAILING
(To be completed by clerk of receiving court)

I certify that I am not a party to this cause and that an endorsed filed copy of the foregoing order was mailed as follows: Each copy was enclosed in an envelope with postage fully prepaid. The envelopes were addressed to the originating court and to each person whose name and address are given in item 14. Each envelope was sealed and deposited with the United States Postal Service

at (*place*):

on (*date*):

Date: _____ Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

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*Fill in court name and street address:***Superior Court of California, County of***Fill in case number if known:***Case Number:**

1 Child's name: _____

- 2 I am not the parent of this child. I do not wish to participate in juvenile court proceedings about this child. I understand that:
- I will receive no further notices of hearings in this matter.
 - I will not get a chance for custody of this child or court-ordered visitation with this child.
 - If the child cannot be returned to a custodial parent or guardian, it is possible that all parental rights will be terminated and the child will be adopted.
 - This denial applies only to the juvenile court proceedings and does not prevent the local child support agency from seeking to have another court determine that I am the child's parent for purposes of support of the child. If that occurs, I will have the right to a court trial, to confront and cross-examine witnesses and present evidence on my behalf, and to be represented by a lawyer who may be appointed if I cannot afford to hire one.

- 3 I know I can have an attorney for this.
- I want the judge to appoint an attorney for me.
or
 - I give up my right to an attorney.

- 4 I do not know if I am the parent of the child and I consent to request blood or DNA testing to determine whether or not I am the biological parent. I understand that:
- If I am judged to be the parent of the child, I will have to support the child until the child reaches the age of 18 and has completed high school, or completes high school between the ages of 18 and 19, or reaches the age of 19, whichever comes first.
 - If I do not support the child when I have the money to do so, I may be charged with a crime under Penal Code section 270 and, if convicted, could be sentenced to pay a fine of up to \$2,000 and spend up to one year in county jail, or one year and a day in state prison.

- 5 I believe I am the child's parent and request that the court enter a judgment of parentage. I understand that:
- If I am judged to be the parent of the child, I will have to support the child until the child reaches the age of 18 and has completed high school, or completes high school between the ages of 18 and 19, or reaches the age of 19, whichever comes first.
 - If I do not support the child when I have the money to do so, I may be charged with a crime under Penal Code section 270 and, if convicted, could be sentenced to pay a fine of up to \$2,000 and spend up to one year in county jail or one year and a day in state prison.

IMPORTANT NOTICE ON PAGE 3. READ BEFORE SIGNING.



Case Number:

Your name: _____

- 6 I have already established parentage of the child by *(if known)*:
- a. A voluntary declaration signed by me on *(date)*: _____
 A copy is attached.
 - b. A court judgment of parentage on *(date)*: _____ in *(county)*: _____
 A copy is attached.

- 7 I am married to the child's parent. Date of marriage: _____

- 8 I believe I am the parent of the child and request that the court find that I am the presumed parent of the child.
- a. The child lived with me from _____ to _____ and from _____ to _____
 - b. I have told the following people that the child is mine:

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8b—People I Have Told the Child Is Mine" at the top. Number of pages attached: _____

- c. I have participated in the following activities with the child *(for example, school, daycare, sports)*:

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8c—Child's Activities" at the top. Number of pages attached: _____



Your name: _____

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d. I have given the following money or things to the child:

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8d—Things Given to Child" at the top. Number of pages attached: _____

e. The child has spent the following time with my family:

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8e—Other Information" at the top. Number of pages attached: _____

f. Other information I want the court to know is:

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8f—Other Information" at the top. Number of pages attached: _____

Date: _____

Type or print your name

▶ _____
Sign your name

Date: _____

Type or print your attorney's name

▶ _____
Signature of your attorney



Case Number:

Your name: _____

To the alleged parent of the child:

- As the child's alleged parent, you will not get services to help you get your child back. You will not automatically get the child to live with you or your relatives.
- If the judge finds that you are the child's parent, the judge may order services to help you get the child back, but does not have to order services for you.
- If you say that you are not the child's parent and will not take a test to find out if you are the parent, and do not want services to help you get the child back, you can fill out this form and not be a part of this case.
- You can have a trial and ask the judge to decide if you are the child's parent. You can pay a lawyer to be at the trial. If you cannot afford a lawyer, the judge may appoint one for you for free. At a trial, you can ask witnesses questions and give evidence to the judge.
- If you want the court to decide if you are the child's parent, fill out this form.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	LEVYING OFFICER (Name and Address):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
EMPLOYER'S RETURN (Wage Garnishment)	LEVYING OFFICER FILE NO.:

EMPLOYER: You must complete both copies of this form and mail them to the levying officer within 15 days. Please correct any errors in the mailing information above and provide any missing information, including the name of the person to whom notices should be directed.

FAILURE TO COMPLETE AND RETURN THESE FORMS MAY SUBJECT YOU TO PAYMENT OF ATTORNEY FEES AND OTHER CIVIL PENALTIES.

_____ <i>Name and address of employer</i>	_____ <i>Name and address of employer</i>
_____ Attn:	_____ Social Security Number (if known):

(Insert name above)

1. I received the Earnings Withholding Order on (date):
2. The employee is
 - a. not employed by this employer (if not employed, omit items 2b through 6 and proceed to the declaration at the end of this form).
 - b. now employed by this employer and in the last pay period had gross earnings of \$:
3. The employee's pay period is

a. <input type="checkbox"/> daily	b. <input type="checkbox"/> weekly	c. <input type="checkbox"/> every two weeks
d. <input type="checkbox"/> twice a month	e. <input type="checkbox"/> monthly	f. <input type="checkbox"/> other (specify):

(IF YOU HAVE RECEIVED NO OTHER ORDERS THAT PRESENTLY AFFECT THIS EMPLOYEE'S EARNINGS, OMIT ITEMS 4, 5 AND 6, AND PROCEED TO THE DECLARATION AT THE END OF THIS FORM.)

(Continued on reverse)

SHORT TITLE: _____	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
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If you have received other orders that presently affect this employee's earnings, another order may have priority over this one. The following list indicates the priority of orders:

- Wage and Earnings Assignment Order (For Support) _____ First priority
- Earnings Withholding Order for Support _____ Second priority
- Earnings Withholding Order for Taxes _____ Third priority
- Earnings Withholding Order _____ Fourth priority

If two or more orders have the same priority, comply with the one received first. If both were received on the same date, comply with the one with the earlier date of judgment. If the dates of judgment are the same, you may select which order you choose to comply with.

4. This order appears to have higher priority than any other order. Earnings will be withheld for this order in accord with the EMPLOYER'S INSTRUCTIONS *(on reverse of Earnings Withholding Order)*.
5. The employer has received another order affecting the employee's earnings and earnings are being withheld for the other order because:
- a. The other order was received first. The other order was received on (date):
 - b. This order does not have higher priority.
 - c. A copy of the other order is attached *(retain original for your records. If a copy is not attached, complete item d.)*
 - d. A copy of the other order is NOT attached. *Describe the other order by providing the following information:*
 - (1) Court name, address, and case number:

(2) Levying officer name and address and file number:

(3) Total amount to be withheld: \$

6. This order is not effective for the reason shown in item 5. It is returned to the levying officer with this return.

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)

If an Earnings Withholding Order is not effective when served, for any reason, do not hold it. Return it to the levying officer with this return.

FAILURE TO COMPLETE AND RETURN THIS FORM MAY SUBJECT AN EMPLOYER TO CIVIL PENALTIES AND ATTORNEY FEES.