



Judicial Council of California

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INVITATION TO COMMENT

SPR24-24

Title

Protective Orders: Rule and Form Changes to Implement Senate Bill 459

Action Requested

Review and submit comments by May 3, 2024

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 5.92; adopt forms DV-300, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, and DV-330; approve form DV-300-INFO; revise forms FL-300, FL-300-INFO, FL-320, and FL-320-INFO; revoke forms DV-400 and DV-400-INFO

Proposed Effective Date

January 1, 2025

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Proposed by

Family and Juvenile Law Advisory
Committee
Hon. Stephanie E. Hulse, Chair

Executive Summary and Origin

To implement Senate Bill 459 (Stats. 2023, ch. 874), the Family and Juvenile Law Advisory Committee proposes adopting a number of domestic violence restraining order forms to allow either party to request to change or end a domestic violence restraining order. The proposal also recommends changes to existing family law forms and a family law rule of court to reflect the new proposed process. The proposed changes would help parties, attorneys, and court professionals understand the changes in the procedures when a party wants to ask the court to change or end orders made in a domestic violence restraining order.

Background

Effective July 1, 2016, the Judicial Council implemented Family Code section 6345 to establish procedures for requesting and ordering the modification or termination of orders issued in

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

Restraining Order After Hearing (form DV-130) (Link A). The procedures required that a party use *Request for Order* (form FL-300) to ask that the court modify or terminate the restraining orders in form DV-130. The council also adopted *Findings and Order to Terminate Restraining Order After Hearing* (form DV-400) and *How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?* (form DV-400-INFO).

SB 459 requires that the Judicial Council “create one or more specific forms for the purpose of requesting a modification of an existing restraining order” (Link B). According to the Senate Analysis dated September 8, 2023, “The author and supporters of the bill report that many victims of domestic violence find it difficult to navigate the modification process when they need to seek additional protections from the court.”¹

Family Code section 6345 requires the Judicial Council to create new forms on or before January 1, 2025, for the purpose of requesting a modification of an existing restraining order.

The Proposal

To implement the requirements of Family Code section 6345, the Family and Juvenile Law Advisory Committee proposes the following:

1. Amending rule 5.92 of the California Rules of Court, to reflect the new forms to be used for requesting a modification of an existing domestic violence restraining order;
2. Adopting nine new domestic violence (DV) forms:
 - *Request to Change or End Restraining Order* (form DV-300);
 - *How Do I Ask to Change or End a Domestic Violence Restraining Order?* (form DV-300-INFO);
 - *Request to Change Child Custody and Visitation Orders* (form DV-305);
 - *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (form DV-310);
 - *Request to Reschedule Hearing to Change or End Restraining Order* (form DV-315);
 - *Order to Reschedule Hearing to Change or End Restraining Order* (form DV-316);
 - *Response to Request to Change or End Restraining Order* (form DV-320);
 - *Response to Request to Change Child Custody and Visitation Orders* (form DV-325);
 - *Order on Request to Change or End Restraining Order* (form DV-330);
3. Revising four family law (FL) forms to clarify they are not to be used to request a modification of an existing domestic violence restraining order:
 - *Request for Order* (form FL-300);
 - *Information Sheet for Request for Order* (form FL-300-INFO);
 - *Responsive Declaration to Request for Order* (form FL-320);

¹ Sen. Rules Com., Off. of Senate Floor Analyses, Sen. Bill 459 (2023–2024 Reg. Sess.) as amended Aug. 31, 2023, page 3.

- *Information Sheet: Responsive Declaration to Request for Order* (form FL-320-INFO); and

4. Revoking two existing forms:

- *Findings and Order to Terminate Restraining Order After Hearing (CLETS-CANCEL)* (form DV-400);
- *How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?* (form DV-400-INFO).

Domestic violence forms proposal

Request to Change or End Restraining Order (form DV-300)

This form would be used by either party to ask to change or end a domestic violence restraining order that has been granted after a noticed hearing and is still in effect. This form could also be used to ask to change or end a juvenile restraining order based on domestic violence when the juvenile case has been closed.² Some situations in which this form and other DV-300 series forms would not be used include (1) when a party seeks to change an order in a restraining order that has expired (e.g., child custody order) that was granted in a domestic violence restraining order, like a child custody order, but the restraining order has expired;³ and (2) orders that were made as part of another family law action, like a divorce or custody case. In those situations, the party would continue to use form FL-300, *Request for Order*.

The form lists specific orders that the committee believes are most frequently requested, and the party would, for any order they want modified or ended, state what changes are requested and, at the end, give the reasons why. In item 5 of form DV-300, the party would indicate whether they are asking the court to grant temporary ex parte (without notice) orders. In the explanation for this item, the committee has listed three situations in which the court would have jurisdiction to issue temporary orders, without notice to the other side: if the protected party has requested additional protections to prevent domestic violence,⁴ if the court needs to make orders to prevent immediate harm to a child in the case,⁵ and if there is an immediate risk that a child in the case will be taken out of California.⁶ The committee is seeking specific comment on whether there are other situations in which the court would have the authority to make temporary orders, without notice.

² To change or end a juvenile restraining order within an open juvenile dependency case, parties would follow the process provided in rule 5.630(j).

³ Under Family Code section 6340, custody, visitation, and support orders made through a domestic violence restraining order survive the termination of the restraining order.

⁴ Fam. Code, § 6320 et seq.

⁵ Fam. Code, § 3064; Cal. Rules of Court, rule 5.151(b)(1).

⁶ Fam. Code, § 3064.

At page 5, “Your Next Steps” contains a placeholder for a *Self-Help Guide to the California Courts* webpage that has yet to be finalized. Other new forms in this proposal contain a similar placeholder. The committee anticipates that the placeholders will be replaced with URLs before the forms are recommended for adoption by the Judicial Council.

How Do I Ask to Change or End a Domestic Violence Restraining Order? (form DV-300-INFO)

This information form answers some frequent questions that parties might have about this process. On page 2, the form gives step-by-step instructions on how to make a request to change or end a domestic violence restraining order.

Request to Change Child Custody and Visitation Orders (form DV-305)

This form is an attachment to the request to change or end a restraining order (form DV-300). A party would complete this form if they are asking the court to change a child custody or visitation order made in a domestic violence restraining order matter, if the restraining order is still in effect. The committee notes that it is proposing a simpler format for visitation on this form versus form DV-105, which is used to request child custody and visitation in the initial restraining order request. For this process, it would be simpler for the party seeking a change to a visitation order to explain how the order should be changed rather than listing what the proposed order should be. If granted, the court would list the visitation order in detail on form DV-140.

The committee considered whether to use the existing form DV-105, *Request for Child Custody and Visitation Orders*, as an attachment to form DV-300. The committee decided against this approach as form DV-105 was designed to be used by the protected party and would require significant changes to allow either party to use it to request child custody or visitation orders.

Notice of Court Hearing and Temporary Order to Change or End Restraining Order (form DV-310)

This form provides both parties with notice of the court hearing on the request to change or end the restraining order, as well as any decision by the court to grant temporary orders prior to the hearing.

Request and order to reschedule court hearing (forms DV-315 and DV-316)

Either party may use form DV-315 to ask the court to reschedule the court hearing. The court would use form DV-316 to issue its decision on a request to reschedule the court hearing. Form DV-316 is substantially similar to other orders to reschedule a court hearing (forms DV-116 and DV-716). However, the committee notes one option in the service section of form DV-316 that is not provided on forms DV-116 or DV-716. Because the court has the authority to allow the

restrained party to serve the protected party by an alternative method of service, the committee has included this option in item 5b(3) on form DV-316.⁷

Response to Request to Change or End Restraining Order (form DV-320)

This form would be used by the party responding to the request to change or end the restraining order. The form allows the party to indicate whether they agree or disagree with the request to change or end the restraining order.

Response to Request to Change Child Custody and Visitation Orders (form DV-325)

This form is an attachment to the response form (DV-320). This form would be used by the party responding to a request to change or end child custody and visitation orders that have been included in the domestic violence restraining order. The form allows the party to indicate whether they agree or disagree with each order requested by the party seeking to change or end these orders.

Order on Request to Change or End Restraining Order (form DV-330)

After a noticed hearing on a request to change or end a domestic violence restraining order, the court would issue its decision, and any applicable orders. If the court grants the request to change the Restraining Order After Hearing, the court must sign a new form DV-130 and attach it to this form. If the court changes or ends the restraining order, the court must enter this order into the mandatory law enforcement database (CARPOS/CLETS)⁸ or transmit the order to the responsible law enforcement agency.

Revoke forms DV-400 and DV-400-INFO

Form DV-400 would no longer be needed as form DV-330 would be used to issue the court's decision on a request to change or end a restraining order. Form DV-400-INFO would no longer be needed as form DV-300-INFO would provide parties with information about the process.

Family law rule and forms proposal

Rule 5.92, Request for court order; responsive declaration

The committee proposes amending rule 5.92 to reflect the title of the proposed new form that a party must file to request that the court modify or terminate restraining orders in form DV-130. To this end, subdivision (a)(2) would be amended to delete the reference to *Request for Order* (form FL-300) and replace it with proposed form *Request to Change or End Restraining Order* (form DV-300).

⁷ Fam. Code, § 6345(d).

⁸ CARPOS (California Restraining and Protective Order System), formerly known as DVROS, is a database maintained by the California Department of Justice and is accessible via CLETS, the California Law Enforcement Telecommunications System.

Request for Order (form FL-300)

The committee proposes changing the form to remove the request for the court to change or end domestic violence restraining orders in form DV-130 because the form would no longer be used to make that request. Specifically,

- On page 1, the “Domestic Violence Order” check box in the caption would be deleted;
- A note under the caption on page 1 would be added to direct the user to forms FL-300-INFO (for help to complete form FL-300) and DV-300-INFO (for help to complete form DV-300);
- The information under item 3 on page 1 directing the user to forms FL-300-INFO and DV-400-INFO would be deleted;
- On page 4, item 7, “Domestic Violence Order,” would be deleted and items 8, 9, and 10 renumbered; and
- Some items in the form would be reformatted as needed to fill the space made available after deleting item 7 (for example, some items would be moved to a new page, or their blank fillable space would be increased).

Information Sheet for Request for Order (FL-300-INFO)

Items 1 and 2 on page 1 of the form would be revised to align with the changes proposed to form FL-300. In item 1, the second bullet point would be deleted because form DV-130 would no longer be used to ask the court to change or end domestic violence restraining orders. In item 2, “DO NOT USE *Request for Order* (form FL-300),” two new bullet points would be added, as follows:

- To ask for domestic violence restraining orders! Read *How to Ask for a Temporary Restraining Order* (form DV-505-INFO).
- To ask to change or end domestic violence restraining orders made in *Restraining Order After Hearing* (form DV-130)! Read *How Do I Ask to Change or End a Domestic Violence Restraining Order?* (form DV-300-INFO).

The committee proposes the following additional changes to the form:

- Minor changes to the instructions on page 1 (including, specifying in item 2 that the petition is for a *family law* case and adding “these forms” to the end of item 3 d, e, and f to be consistent with the other entries in item 3;
- On page 1, make item 4 easier to read by redrafting and repositioning the text;
- Update the image of form FL-300 on page 2; and
- Make items 13 and 15 gender neutral by replacing the references to binary pronouns.

Responsive Declaration to Request for Order (form FL-320)

The committee proposes deleting item 7, “Domestic Violence Order,” and renumbering items 8, 9, and 10.

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

The committee proposes a few changes to this form to implement SB 459. On page 1, item 3 would include a new bullet point to let the party know not to use form FL-320 to respond to *Request to Change or End Restraining Order* (form DV-300) but to, instead, use *Response to Request to End or Change Restraining Order* (form DV-320).

In addition, on page 2:

- Item 6 would be changed to reflect that form FL-320 now has eight items (after deleting item 7, “Domestic Violence Order”);
- The image of form FL-320 would be updated; and
- The heading “Complete caption of the form” would be moved to item 5. The heading was inadvertently placed above item 5 in the current form.

Finally, on page 3, item 14 would be revised to include a reference and a link to a new information sheet about visitation (parenting time) orders (form FL-311-INFO) that the committee is proposing in an invitation to comment that would circulate for comment in the same spring cycle.

Alternatives Considered

In light of the legislative mandate to create specific forms in the DV series—and based on the feedback from the author and supporters of the bill that many victims of domestic violence find it difficult to navigate the modification process—the committee determined that taking no action to implement the legislation was not an option.

The committee considered limiting the use of the new form set (DV-300 series) to only those situations in which a party is asking to change the personal conduct, stay-away, or resident exclusion orders, that is, those orders that are only authorized under the domestic violence statutes. However, the committee decided against this approach as it would create an additional burden on parties, who are mostly self-represented. For example, a party seeking to change a stay-away order and a child custody order would be required to complete two sets of forms (the DV forms and the FL forms) and possibly be required to attend two separate hearings—even though the original orders were issued as part of a single proceeding. Because the Legislature sought to promote access to this process through SB 459, the committee believes that a single form set should be available when a party seeks to change or end any orders issued through a domestic violence restraining order, so long as the restraining order is still in effect.

Instead of proposing new continuance forms (DV-315 and DV-316), the committee considered utilizing existing continuance forms (DV-115/116, DV-715/DV-716). However, the committee rejected this approach because creating a form that would work for multiple processes would make the forms more complicated, with more options to choose from. Instead, the committee decided that a separate continuance form set for this new process would be more user-friendly.

Fiscal and Operational Impacts

The costs and operational impacts of this proposal are the result of specific Legislative mandate to create forms for this process. The impact to the courts would include costs to copy the revised forms, educate judicial officers and court staff about the new and revised rule and forms, revising Self-Help Center packets to include updated forms, and revising activities in case management systems to reflect appropriate order language and changes to form titles.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Are there other circumstances in which a court might have the legal authority to issue temporary (*ex parte*) orders as part of a request to change or end a domestic violence restraining order after hearing, that should be added to those listed on form DV-300, item 5?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 5.92, at page 9
2. Forms DV-300, DV-300-INFO, DV-305, DV-310, DV-315, DV-316, DV-320, DV-325, DV-330, DV-400, DV-400-INFO, FL-300, FL-300-INFO, FL-320, and FL-320-INFO, at pages 10–60
3. Link A: Judicial Council report (Oct. 13, 2015),
[https://jcc.legistar.com/View.ashx?
M=F&ID=4102087&GUID=CDCF9602-7D6A-42C6-9056-505665197C34](https://jcc.legistar.com/View.ashx?M=F&ID=4102087&GUID=CDCF9602-7D6A-42C6-9056-505665197C34)
4. Link B: Sen. Bill 459,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB459

Rule 5.92 of the California Rules of Court would be amended, effective January 1, 2025, to read:

1 **Rule 5.92. Request for court order; responsive declaration**

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(a) Application

(1) * * *

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

(3) ***

(b)–(g) * * *

Clerk stamps date here when form is filed.

3.8.24-Draft
Not approved by the
Judicial Council

Instructions

Use this form to ask a judge to change or end a domestic violence restraining order (form DV-130) that is still in effect (not expired). You can also use this form to ask to change or end a juvenile restraining order (form JV-255) based on domestic violence, if the juvenile case has been closed. For more information on this process, read form [DV-300-INFO](#) [link to be created], *How Do I Ask to Change or End a Domestic Violence Restraining Order?*

Do not use this form to ask to change or end orders if the order you want to change or end was not granted as part of your restraining order. For more information, read form [FL-300-INFO](#), *Information Sheet for Request for Order*.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Your Information

a. Name: _____

b. Who are you in this case? (Check one):
 Protected person Restrained person

c. **!** Address where you can receive court papers

(This address will be used by the court and the other party to send you official court dates, orders, and papers. You may use another address like a post office box, a Safe at Home address, or another person’s address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____
City: _____ State: _____ Zip: _____

d. **!** Your contact information (optional)

(The court could use this information to contact you. If you don’t want the other party to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: _____ Fax: _____
Email Address: _____

e. Your lawyer’s information (if you have one)

Name: _____ State Bar No.: _____
Firm Name: _____

2 Information About Your Case

a. The other party in this case is (full name): _____

b. The current order expires on (date): _____
(Attach a copy of the current restraining order (form DV-130, DV-330, DV-730, or JV-255).)

This is not a Court Order.



(Check **3** or **4**.)

3 **Request to End Restraining Order**

I ask the judge to end all the orders granted in the restraining order (form DV-130, DV-330, or JV-255).

4 **Request to Change Restraining Order**

I ask the judge to change or end some of the orders in the restraining order (form DV-130, DV-330, or JV-255).

(Check all the orders that you want the judge to make.)

a. Additional Protected People

(1) End this order

(2) Change this order (explain how you want it changed):

b. Cannot Look for Protected People

(1) End this order

(2) Change this order (explain how you want it changed):

c. Order to Not Abuse

(1) End this order

(2) Change this order (explain how you want it changed):

d. No-Contact Order

(1) End this order

(2) Change this order (explain how you want it changed):

This is not a Court Order.



4

e. Stay-Away Order

(1) End this order

(2) Change this order (*explain how you want it changed*):

f. Child Custody and Visitation Order

(1) End this order

(2) Change this order (*You must complete form DV-305, Request to Change Child Custody and Visitation Orders, and attach it to this form.*)

g. Protect Animals

(1) End this order

(2) Change this order (*explain how you want it changed*):

h. Child Support Order

(1) End this order

(2) Change this order (*explain how you want it changed*):

i. Spousal Support Order

(1) End this order

(2) Change this order (*explain how you want it changed*):

j. Limited Exception for Firearms Restriction (*for restrained person only*)

I ask for an exception to this order to allow me to have a firearm for work.

(Explain how you meet the legal requirements (Family Code section 6389(h)). Attach any documents you have that support your request. Note: Even if the judge grants an exception under California law, you may be subject to federal prosecution for possessing or controlling a firearm.)

This is not a Court Order.



k. Other Orders

List any orders you want to change or end (example: property control of car).

- (1) _____ End order Change order*
- (2) _____ End order Change order*
- (3) _____ End order Change order*
- (4) _____ End order Change order*

*Explain how you want these orders changed:

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 4k, Other Orders" for a title.

5 Do you want the judge to change or end the restraining order immediately?

(Usually, a judge makes a decision at a court hearing, when both sides have a chance to speak and give evidence. In some situations, a judge may make orders immediately: (1) if you are the protected party and temporary orders are needed to prevent abuse to you or anyone protected by the restraining order, (2) to prevent immediate harm to a child in this case, or (3) if there is an immediate risk that a child in this case will be taken out of California.)

- No.
- Yes. (If yes, complete section below.)

Describe the orders you are asking the judge to make immediately.

Explain why your request is an emergency.

This is not a Court Order.



6 Reason for Request

In this section, explain why you are asking the judge to change or end the orders.

Multiple horizontal lines for writing the reason for request.

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 6, Reasons for Request" for a title.

7 Extend My Deadline to Give Notice to the Other Party

(Usually, the judge will give you about 3 weeks to serve the other party with your request. If you need more time to serve the other party, the judge may be able to give you more time.)

I ask the judge to give me more time to serve the other party because *(explain why you need more time)*:

Two horizontal lines for explaining the need for more time.

8 Lawyer's Fees and Costs

I ask that the other party pay for some or all of my lawyer's fees and costs.

This is not a Court Order.



9 Additional Pages

- a. How many additional pages are you attaching to this six-page form? _____
- b. Which forms are you attaching to this order? (*check at least one*):
- DV-130 DV-330 DV-730 JV-255 Other: _____

10 Your Signature

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

11 Your Lawyer's Signature (*if you have one*)

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

- After you complete this form, complete items 1 and 2 of form [DV-310](#) [link to be created], *Notice of Court Hearing and Temporary Order to Change or End Restraining Order*.
- File this form and form DV-310 with the court clerk. **You must do this before your restraining order expires.**
- Once you get your forms back from the court, follow the judge's orders on how to serve the other side (look at form DV-310, item 5). Have an adult (not you or anyone protected by the restraining order) serve the other side with a copy of your forms. You can also ask the sheriff to personally serve the papers and they will do this for free. See form SER-001, *Request for Sheriff to Serve Court Papers*. Learn more about service at [\[self-help webpage to be created\]](#)
- After the other side has been served, have the person who served your papers complete a form and file the completed form with the court:
 - If the papers were personally served, have your server complete form [DV-200](#), *Proof of Personal Service*.
 - If the papers were served by mail, have your server complete form [DV-250](#), *Proof of Service by Mail*.
- If you are asking to change child support or spousal support, you must also complete form [FL-150](#), *Income and Expense Declaration*. If you are only asking for child support, you may be eligible to fill out a simpler form, [FL-155](#), *Financial Statement (Simplified)*. Read form [DV-570](#) to see if you are eligible. Before your court date, turn in your completed form to the court and serve a copy on the other party.

This is not a Court Order.

How Do I Ask to Change or End a Domestic Violence Restraining Order?

Who can make a request?

The protected person or the restrained person can ask the judge to change or end the restraining order. Other people protected by the restraining order (listed on form DV-130, item 3), cannot ask to change or end the order.

How do I ask to change or end a domestic violence restraining order?

You will need to complete court papers and file them with the court. After you file your court papers, you will get a court date. You must attend your court date for the judge to decide whether to grant your request. See page 2 for step-by-step instructions.

Is there a court fee?

No. There is no court fee.

What if my restraining order has expired?

If the Restraining Order After Hearing (example: form DV-130) has expired, you cannot use this process to change your restraining order. If you need another restraining order, you will need to make a new request. For information on requesting a restraining order, read form [DV-505-INFO](#), *How to Ask for a Domestic Violence Restraining Order*.

What if I want change or end a juvenile restraining order?

If you have a juvenile restraining order (form JV-255) based on domestic violence, and the juvenile case has been closed (dismissed), follow the steps on page 2 to ask to change or end the juvenile restraining order.

If your juvenile case is still open, talk to your lawyer about how to change or end the restraining order.

If you have a juvenile restraining order that was granted in a juvenile justice (delinquency) case (form JV-265), ask your lawyer or the prosecutor about how to change or end the restraining order.

What orders can I ask to change or end?

You can ask to change or end any order granted in a Restraining Order After Hearing, except for orders related to firearms, ammunition, or body armor. The judge cannot remove the restriction on having firearms, ammunition, or body armor. If you need to carry a firearm for your job, the judge may grant you a limited exception but there are strict requirements. Ask a lawyer or your court self-help center for more information.

When will my restraining order change or end?

Only the court has the power to change or end the restraining order. The restraining order remains in effect and must be followed until a judge changes or ends the order.

What if I want to renew my restraining order?

If you are the protected person, you can ask the court to renew your restraining order. You must make your request before your restraining order expires. For information on how to renew your restraining order, read form DV-700-INFO, *How Do I Ask the Court to Renew My Restraining Order?*

If I ask to end the restraining order, what will happen to the child custody, visitation, support, or property orders?

If a judge ends the restraining order, any child custody, visitation (parenting time), child support, spousal support, support for a domestic partner, or property orders will remain in effect, unless the court also changes or ends those orders.

What if I want to change child custody orders?

If child custody orders were made through your restraining order, you can ask to change these orders. Note that a special law applies when there has been domestic violence. For more information, go to <https://selfhelp.courts.ca.gov/domestic-violence-child-custody>.



What if I have other family court orders that I want to change or end?

You can only use this process to change orders made in a domestic violence restraining order. If you want to change or end a court order that was not made in your domestic violence restraining order, read form [FL-300-INFO](#), *Information Sheet for Request for Order*. Do not use the forms listed below.

Steps to make a request**① Complete court forms:**

- Form [DV-300](#), *Request to Change or End Restraining Order*; and
- Form [DV-310](#), *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (items 1 and 2 only).
- If you are asking to change child custody and visitation orders, you must complete form [DV-305](#), *Request to Change Child Custody and Visitation Orders*.

② File forms with court

File all forms with the court clerk. Make sure you include a copy of your current Restraining Order After Hearing with form DV-300. You can file in person or electronically. For more information on how or where to file, go to the court's website.

③ Get your papers back from the court

Once you get your papers back from the court, you will have a court date (see form DV-310). If you asked for any temporary orders, look at form DV-310 to see if the judge granted or denied that request. Make sure you get at least two copies back: one for you and one to have served on the restrained person. If you filed your papers electronically, the court will give the papers back to you electronically, unless you asked to pick them up or receive them by mail.

④ Have the other party served with papers

- If you are the restrained person, you must have the protected person personally served. This means you must have an adult personally give a copy of all the court papers (listed on form DV-310, item 4c) to the protected party. It cannot be you or anyone listed on the restraining order. Your server must then complete a proof of service (form DV-200). Make a copy of the completed form DV-200 and file it with the court.
- If you are the protected person, you can serve the restrained person by mail. This means you must have an adult mail a copy of all the court papers (listed on form DV-310, item 4c) to the restrained party. It cannot be you or anyone listed on the restraining order. Your server must then complete a proof of service (Form DV-250). Make a copy of the completed form DV-250 and file it with the court.

If you can't serve the other side before your court hearing, you will need to ask the judge to reschedule your court hearing. Fill out and file forms DV-315 and DV-316. The judge will review your request and decide whether to reschedule your court hearing. If you do not receive a signed copy of form DV-316 from the judge before your court date or the judge denied your request to reschedule your hearing, you *must* attend your court date (listed on form DV-310 or DV-316) if you still want to move forward with your request.

⑤ Get ready for and attend your court hearing

At your court hearing, the judge will decide whether to grant your request to change or end the restraining order. At the hearing, you and the other side will have the opportunity to tell your side of the story. Bring any evidence or witnesses you have. If you don't want to attend your court hearing in person, go to the court's website to find out more information about attending by phone or videoconference.



Where can I find a self-help center?

Free legal help is available at your court’s self-help center. Find your local court’s self-help center at www.selfhelp.courts.ca.gov/find. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms. Staff may also refer you to other agencies who may be able to help you.

What if I need an interpreter?

You may use form [INT-300](#) to request an interpreter or ask the clerk how you can request one.

What if I have a disability and need an accommodation?

You may use form [MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.

DV-305

Request to Change Child Custody and Visitation Orders

Case Number: _____

(Use this form to request to change child custody or visitation orders that were made through a domestic violence restraining order.)

This form is attached to form DV-300.

1 Protected Party

Name: _____
 Relationship to children: Parent Legal Guardian Other (describe): _____

2 Restrained Party

Name: _____
 Relationship to children: Parent Legal Guardian Other (describe): _____

3 Children Under 18 Years Old (list from oldest to youngest)

a. Name: _____ Date of birth: _____
 b. Name: _____ Date of birth: _____
 c. Name: _____ Date of birth: _____
 d. Name: _____ Date of birth: _____

(Check here if you need more space. Write "DV-305, Children" at the top and attach it to this form.)

4 City and State Where Children Lived

a. Have all the children listed in 3 lived together for the last five years?

- Yes (If yes, complete b, below.)
- No (If no, complete form DV-105(A). Do not complete the section below.)

b. List where the children have lived for the last five years. Start with their current location.

<u>Dates (month/year)</u>	<u>City and State</u> <i>(include tribal land, if applies)</i>	<u>Children lived with (check all that apply):</u>		
		<u>Person</u> <u>in 1</u>	<u>Person</u> <u>in 2</u>	<u>Other (relationship</u> <u>to child)</u>
From: _____ To present	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
	<input type="checkbox"/> Check here if this address is private (confidential). List the state only.			
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
From: _____ Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

This is not a Court Order.



5 History of Court Cases Involving Your Children

a. Do you know about any other case involving any child listed in ③?

- No
- Yes *(If yes, complete section below.)*

(Check all that apply. List where it was filed (city, state, or tribe), year it was filed, and case number, if known.)

- Custody _____
- Divorce _____
- Juvenile Court *(child welfare, juvenile justice)* _____
- Guardianship _____
- Criminal _____
- Other *(example: child support case)* _____

b. If there is another parent or legal guardian besides the persons in ① and ②, list their information below.

Name: _____ Parent Legal Guardian

6 Request to Change Orders

I ask the judge to change or end some of the child custody or visitation orders.
(Check all the orders that you want the judge to make.)

- a. No Travel With Children Without Permission
- (1) End this order
 - (2) Change this order *(explain how you want it changed):*

- b. Stop Access to Children’s School, Health, or Other Information
- (1) End this order
 - (2) Change this order *(explain how you want it changed):*

This is not a Court Order.



6 c. Order to Prevent Child Abduction (any order made on form DV-145)

- (1) End this order
- (2) Change this order (*explain how you want it changed*):

d. Child Custody

(There are two types of custody: legal and physical. Legal custody means the person that makes decisions about the child's health, education, and welfare. Physical custody means the person that the child regularly lives with. For both types of custody, parents can share custody (joint) or one parent can have full custody (sole). Complete the section below if you want the judge to change child custody orders.)

I ask the judge to change custody orders to (*check the orders that you want the judge to make*):

Legal Custody (*check one*):

- Sole to person in ①
- Sole to person in ②
- Jointly (shared) by persons in ① and ②.
- Other (*describe*):

Physical Custody (*check one*):

- Sole to person in ①
- Sole to person in ②
- Jointly (shared) by persons in ① and ②.
- Other (*describe*):

e. Visitation (Parenting Time) Order

I ask the judge to change the visitation (parenting time) order to (*explain how you want the order changed*):

This is not a Court Order.



6 f. Other Orders

List any orders for child custody or visitation you want to change or end.

- (1) _____ End order Change order*
- (2) _____ End order Change order*

*Explain how you want these orders changed:

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 6f, Other Orders" for a title.

7 Reason for Request to Change Child Custody or Visitation Order

Explain why you want the orders changed:

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 7, Reason for Request to Change Child Custody or Visitation Order" for a title.

This is not a Court Order.

**Notice of Court Hearing and
Temporary Order to Change or End
Restraining Order**

Clerk stamps date here when form is filed.

3.7.24- Draft
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Instruction: The person making the request must complete items ① and ②.
The court will complete the rest of this form.

① Protected Party

Name: _____

Fill in court name and street address:

Superior Court of California, County of

② Restrained Party

Name: _____

Fill in case number:

Case Number:

③ Notice of Hearing

A court hearing is scheduled on the request to change or end a domestic violence restraining order:

The current restraining order remains in full force and effect. Any temporary orders granted by the court below in ④ must be followed until the court hearing below:



Date: _____ Time: _____
Dept.: _____ Room: _____

Name and address of court if different from above:

You may attend your court date remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to www.courts.ca.gov/find-my-court.htm.

④ Court's Decision on Request for Temporary Orders

a. **Denied.** Reasons for denial: _____

b. **Granted.**

(1) The temporary orders listed below in (2) (*check all that apply*):

- Have been requested by the protected party and are needed to prevent domestic violence.
- Are needed to help prevent (1) irreparable harm to a child in this case, or (2) a child from being removed from California.

(2) **Temporary Orders**

The following temporary orders remain in full force and effect until the hearing listed in ③:

Temporary orders listed on (*give form number or name of attachment*): _____

This is a Court Order.



5 Service

- a. Protected person Restrained person must have the other party served with a copy of all the forms listed in 5d by:
- b. (date of deadline): _____
- c. (1) This order can be served by mail because it is a request by the protected person.
 (2) This order must be personally served because it is a request by the restrained person.
 (3) This order must be personally served because the court has granted temporary orders.
- d. Forms to serve:
- DV-300, *Request to Change or End Restraining Order*;
 - DV-310, *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (this form); and
 - DV-320, *Response to Request to Change or End Restraining Order* (leave blank).

6 No Fee to Serve (Notify) Order

The sheriff or marshal will serve this order for free. If you want the sheriff to serve your papers, (1) complete form [SER-001](#), *Request for Sheriff to Serve Court Papers*, and (2) give the completed form and a copy of this order to the sheriff.

7 Attached pages

All of the attached pages are part of this order.

- a. Number of pages attached to this three-page form: _____
- b. Attachments include forms (check all that apply):
 DV-140 DV-145 Other: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.



To Person in 2

- **Respond in writing (optional):** You can respond in writing by completing form [DV-320](#) [link to be created], *Response to Request to Change or End Restraining Order*. File the original with the court, and have someone 18 or over—**not you**—mail a copy of it to the other party before the hearing. Also file form [DV-250](#), *Proof of Service by Mail*, with the court before the hearing, and bring a copy to the court hearing.
- **At the hearing:** Whether or not you respond in writing, attend the hearing if you want the judge to hear from you before making a decision. At the hearing, tell the judge why you agree or disagree with the request. Bring any evidence or witnesses you have.

Request 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 hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form [MC-410](#)). (Civil Code, section 54.8.)

(Clerk will fill out this part.)

Instructions to Clerk: If the court made temporary orders in ④, the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made. You must give up to three free (certified, stamped, and endorsed) copies of this order to the protected party.

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Notice of Court Hearing and Temporary Order to Change or End 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.

3.11.24
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the Judicial Council

Instructions

Either party may use this form to ask the court to reschedule the hearing (court date) listed on form DV-310, *Notice of Court Hearing and Temporary Order to Change or End Restraining Order*.

1 Your Information

a. Name: _____

Fill in court name and street address:

b. Who are you in this case?:

Superior Court of California, County of

Protected party (*skip to 2*).

Restrained party (*give your contact information below*).

! Address where you can receive court papers

(This address will be used by the court and by the other party to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Fill in case number:

Case Number:

Address: _____

City: _____ State: _____ Zip: _____

! Your contact information (*optional*)

(The court could use this information to contact you. If you don't want the other party to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: _____ Fax: _____

Email Address: _____

Your lawyer's information (*if you have one*)

Name: _____ State Bar No.: _____

Firm Name: _____

2 Information About Your Case

a. The other party in this case is (*full name*): _____

b. The court date is currently scheduled for (*date*): _____

This is not a Court Order.

3 Why does your court date need to be rescheduled?

- a. I need more time to have the other party served.
- b. Other reason:

4 Your Signature

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

5 Your Lawyer's Signature (if you have one)

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

- Complete form [DV-316](#) [link to be created], *Order to Reschedule Hearing to Change or End Restraining Order* (only items 1 and 2).
- File this form and form DV-316 with the court. A judge will review your forms and decide whether to reschedule your court date.
- If the judge grants your request to reschedule your court date, you must have someone serve a copy of this form and any other form that the judge ordered you to serve (see form DV-316, item 5). Any adult who is not involved in the case can serve your papers. You can also ask the sheriff or marshal to serve your papers and they will do so for free. See form [SER-001](#), *Request for Sheriff to Serve Court Papers*. For more information, go to [self-help website to be created].
- If the judge denies your request to reschedule, you must attend your court hearing (listed on form DV-310). For information on how to prepare for your court date, go to [self-help webpage to be created].

This is not a Court Order.

Clerk stamps date here when form is filed.

3.11.24

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Instruction: Complete ① and ② only. The court will complete the rest of this form.

① **Protected Party:** _____

② **Restrained Party:** _____

③ **Next Court Date**

a. **Denied.** The request to reschedule the court date is denied.

(1) Your court date is: _____

(2) The Restraining Order After Hearing and any temporary orders made on form DV-310, *Notice of Court Hearing and Temporary Order to Change or End Restraining Order*, remain in full force and effect.

(3) Your court date is not rescheduled because:

b. **Granted.** The request to reschedule the court date is granted. Your court date is rescheduled for the date and time listed below.

The Restraining Order After Hearing and any temporary orders (form DV-310) stay in effect until the hearing date below or the original expiration date, whichever is later. See ④–⑦ for more information.



Date: _____ Time: _____
Dept.: _____ Room: _____

Name and address of court, if different from above:

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

This is a Court Order.



4 Reason Court Date Is Rescheduled

a. The party asking to change or end the restraining order has not served the other party.

b. Other reason:

5 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Protected party**

b. **Restrained party**

c. **Court**

(1) You do not have to serve the restrained party because they were or their lawyer was at the court date or agreed to reschedule the court date.

(1) You do not have to serve the protected party because they were or their lawyer was at the court date or agreed to reschedule the court date.

(1) Further notice is not required.

(2) You must have the restrained party personally served with a copy of this order and all forms listed on form DV-310, item 5 by (date): _____

(2) You must have the protected party personally served with a copy of this order and all forms listed on form DV-310, item 5 by (date): _____

(2) The court will mail a copy of this order to all parties by (date): _____

(3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____

(3) The court has found good cause to allow you to serve the protected party by: (describe service method that is reasonably designed to give protected party actual notice): _____

(3) Other: _____

(4) Other: _____

You must serve a copy this order and all forms listed on form DV-310, item 5 by (date): _____

This is a Court Order.



6 No Fee to Serve

The sheriff or marshal will serve this order for free. If you want the sheriff to serve your papers, (1) complete form [SER-001](#), *Request for Sheriff to Serve Court Papers*, and (2) give form SER-001 and a copy of this order to the sheriff.

7 Other Orders

8 Attached Pages (*All of the attached pages are part of this order.*)

a. Number of pages attached to this three-page form: _____

b. Attachments include forms (*check all that apply*):

DV-310 DV-820 Other: _____

Judge's Signature

Date: _____

Judge or Judicial Officer



Request 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 hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Disability Accommodation Request* (form [MC-410](#)). (Civil Code section 54.8.)

(Clerk will fill out this part.)

Instructions to Clerk: If the court rescheduled the court date, the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made. You must give up to three free (certified, stamped, and endorsed) copies of this order to the protected party.

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Order to Reschedule Hearing to Change or End 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.

3.7.24

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Use **this form** if someone has asked to change or end a restraining order, and you want to respond in writing. You will need a copy of form DV-300, *Request to Change or End Restraining Order*, that was filled out by the other party in your case. There is no cost to file this form with the court.

1 Your Name: _____

Fill in court name and street address:

Superior Court of California, County of _____

! Address where you can receive court papers

(This address will be used by the court and by the other party to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

Fill in case number:

Case Number: _____

! Your contact information (optional)

(The court could use this information to contact you. If you don't want the other party to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Email Address: _____ Telephone: _____ Fax: _____

Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

2 Name of Other Party: _____

3 Your Hearing Date (Court Date)



Your hearing date is listed on form DV-310, *Notice of Court Hearing and Temporary Order to Change or End Restraining Order*. If you do not agree with the request, attend your hearing date. If you do not attend your hearing, the judge could grant the other party's request to change or end the restraining order.

This is not a Court Order.



How to complete this form: To answer the questions below, look at the request made by the other party (form DV-300, item ③ or ④). Use the space below to tell the judge whether you agree or disagree with the other party's request.

④ Your Response

(Check one)

- a. I agree to the request to end the restraining order. *(Skip to ⑦.)*
- b. I agree to the entire request to change the restraining order. *(This means you agree to all the requests made by the other party on form DV-300. Skip to ⑦.)*
- c. I do not agree to the request to end the restraining order. *(Skip to ⑥.)*
- d. I do not agree to some or all of the request to change the restraining order. *(Go to ⑤.)*

⑤ Response to Request to Change Restraining Order

(Look at form DV-300, completed by the other party. Go to item ④ to see which orders the other party wants the judge to change or end. For each item that the other party asked to change or end, tell the judge whether you agree or disagree with their request.)

- a. Additional Protected People
 - (1) I agree to the order requested.
 - (2) I do not agree to the order requested.
Explain why you disagree, or describe a different order that you would agree to: _____

- b. Cannot Look for Protected People
 - (1) I agree to the order requested.
 - (2) I do not agree to the order requested.
Explain why you disagree, or describe a different order that you would agree to: _____

- c. Order to Not Abuse
 - (1) I agree to the order requested.
 - (2) I do not agree to the order requested.
Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



d. No-Contact Order

- (1) I agree to the order requested.
- (2) I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

e. Stay-Away Order

- (1) I agree to the order requested.
- (2) I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

f. Child Custody and Visitation Order

- (1) I agree to the orders requested.
- (2) I do not agree to the orders requested. *(Complete form DV-325, Response to Request to Change Child Custody and Visitation Orders, and attach it to this form.)*

g. Protect Animals

- (1) I agree to the order requested.
- (2) I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

h. Child Support

- (1) I agree to the order requested.
- (2) I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



i. Spousal Support

- (1) I agree to the order requested.
- (2) I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

j. Limited Exception for Firearms Restriction

(If the restrained person checked this box, they are asking the judge to allow them to have firearms for their work. The judge may only grant this type of order in limited situations (see Family Code section 6389(h)).

- (1) I agree to the order requested.
- (2) I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

k. Other Orders

- (1) I agree to the order requested.
- (2) I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

⑥ **Reasons I Do Not Agree with the Request** *(optional)*

Explain why you do not agree with the request to change or end restraining order:

Check here if you need more space. Attach a sheet of paper and write “DV-320, Reasons I Do Not Agree with the Request” at the top.

This is not a Court Order.



7 **Lawyer's Fees and Costs**

(Complete this item if the other party asked for lawyer's fees and costs or if you are asking for these fees.)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

- c. Check here if you want the other party to pay for some or all of your lawyer's fees and costs.

8 **Additional Pages**

Number of pages attached to this five-page form, if any: _____

9 **Your Signature**

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

10 **Your Lawyer's Signature** *(if you have one)*

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

- Turn in your completed form with the court.
- If the other party asked to change or end child support or spousal support orders, or asked for lawyer's fees, you must complete form [FL-150, Income and Expense Declaration](#).
- Have someone else (not you) mail the person in **1** a copy of your forms, and complete form [DV-250, Proof of Service by Mail](#). File form DV-250 with the court. (The person who mails this form must be at least 18 years old and cannot be you or someone protected on the restraining order.)
- Prepare for your court date by gathering evidence or witnesses, if you have any. Learn more at [\[self-help webpage to be created\]](#).

This is not a Court Order.

DV-325

**Response to Request to Change
Child Custody and Visitation Orders**

Case Number: _____

How to complete this form: To answer the questions below, look at the form DV-305 filled out by the other party. If you need more space to complete your answer, you can use a separate piece of paper and attach it to this form. Include a title at the top of the paper (example: "DV-325, Custody of Children").

This form is attached to form DV-320, *Response to Request to Change or End Restraining Order*.

1 Protected Party

- a. Name: _____
- b. Relationship to children: Parent Legal Guardian Other (*describe*): _____

2 Restrained Party

- a. Name: _____
- b. Relationship to children: Parent Legal Guardian Other (*describe*): _____

3 Children (see 3 on form DV-305)

- a. I am the parent of the child or children listed on form DV-305.
- b. I am **not** the parent of all the children listed on form DV-305.
- c. I am **not** the parent of the following children (*list names*):

- d. Other (*describe*): _____

4 City and State Where Children Lived (see 4 on form DV-305)

- a. I agree with the information given by the other party.
- b. I do not agree. (*Use form DV-105(A) to list where the children have lived.*)

5 History of Court Cases Involving Children (see 5 on form DV-305)

The other party may have listed other court cases involving your children. If information is incorrect or missing, use the space below to give information.

(Check all that apply. List where it was filed (city, state, or tribe), year it was filed, and case number, if known.)

- Custody or Divorce _____
- Criminal _____
- Juvenile Court (*child welfare, juvenile justice*) _____
- Guardianship _____
- Other (*example: child support case*) _____

(If a judge has already made a custody or visitation order for children in this case, attach a copy of the order if you have one.)

This is not a Court Order.



- 6** **No Travel With Children Without Permission** (see **6**a on form DV-305)
- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____
- c. I would agree to a different order (describe the order you would agree to): _____

- 7** **Stop Access to Children's School, Health, and Other Information** (see **6**b on form DV-305)
- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____
- c. I would agree to a different order (describe the order you would agree to): _____

- 8** **Request for Orders to Prevent Child Abduction** (see **4**–**10** on form DV-108)
- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____
- c. I would agree to a different order (describe the order you would agree to): _____

- 9** **Custody of Children** (see **6**d on form DV-305)
- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____
- c. I would agree to a different order:

Legal Custody (The person that makes decisions about the child's health, education, and welfare.)
(check one):

- Sole to person in **1**
- Sole to person in **2**
- Jointly (shared) by persons in **1** and **2**.
- Other (describe): _____

Physical Custody (The person that the child regularly lives with.)
(check one):

- Sole to person in **1**
- Sole to person in **2**
- Jointly (shared) by persons in **1** and **2**.
- Other (describe): _____

This is not a Court Order.



10 **Visitation (Parenting Time) with Children** (see 6e on form DV-305)

- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____

c. I would agree to a different order (complete section below):
Visitation for the (check one): person in 1 person in 2
should be (describe a schedule and give as much detail as you can):

11 **Other Orders** (see 6f on form DV-305)

- a. I agree to the order requested.
- b. I do not agree to the order requested because: _____

- c. I would agree to a different order (describe the order you would agree to):

12 The statements made on this form are made under penalty of perjury as declared on form DV-320.

This is not a Court Order.

Clerk stamps date here when form is filed.

3.7.24

Draft-Not approved by
the Judicial Council

① **Protected Person** (name): _____

② **Restrained Person** (name): _____

Fill in court name and street address:

Superior Court of California, County of

③ **Court's Decision**

a. The request was made by the:

- (1) protected person restrained person to:
- (2) change the restraining order end the restraining order

Fill in case number:

Case Number:

b. The request is:

(1) **Granted** (check one):

- The court has changed the Restraining Order After Hearing. The new orders are listed on form DV-130, or JV-255, and attached to this form.
- The court has ended the Restraining Order After Hearing.

(2) **Denied.** The Restraining Order After Hearing set to expire on (date): _____ remains in full force and effect.

④ **Hearing**

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

b. These people attended the hearing (check all that apply):

- The person in ① The lawyer for the person in ① (name): _____
- The person in ② The lawyer for the person in ② (name): _____

This is a Court Order.



5 Serving (Giving) Order to Other Party

The request to change or end the restraining order was made by the:

a. **Protected party**

- (1) You do not have to serve the restrained party because they were or their lawyer was at the court date or agreed to this order.
- (2) You must have the restrained party personally served with a copy of this order by (date): _____
- (3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____
- (4) Other: _____

b. **Restrained party**

- (1) You do not have to serve the protected party because they were or their lawyer was at the court date or agreed to this order.
- (2) You must have the protected party personally served with a copy of this order by (date): _____
- (3) You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____
- (4) Other: _____

c. **Court**

- (1) Further notice is not required.
- (2) The court will mail a copy of this order to all parties by (date): _____
- (3) Other: _____

6 No Fee to Serve (Notify) Order

The sheriff or marshal will serve this order for free. If you want the sheriff to serve your papers, (1) complete form [SER-001, Request for Sheriff to Serve Court Papers](#), and (2) give the completed form and a copy of this order to the sheriff.

7 Lawyer's Fees and Costs

The person in ____ must pay to the person in ____ the following amounts for:

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
 Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

This is a Court Order.



8 **Attached pages**

All of the attached pages are part of this order.

a. Number of pages attached to this three-page form: _____

b. Attachments include forms (*check all that apply*):

- DV-130 DV-140 DV-145 FL-341(C) FL-342 FL-343
- JV-255 Other: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

(Clerk will fill out this part.)

Instructions to Clerk: If the court granted the request (if **3**b(1) is checked), the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made. You must give up to three free (certified, stamped, and endorsed) copies of this order to the protected party.

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Order on Request to Change or End 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.

Findings and Order to Terminate Restraining Order After Hearing

Clerk stamps date here when form is filed.

1.30.24-Draft
Not Approved by the Judicial Council

Complete only items 1 and 2. The remaining items are for court use.

1 Name of Protected Party:

2 Name of Restrained Party:

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

- a. The Protected Party filed the request to terminate the restraining orders in Restraining Order After Hearing (form DV-130).
b. The Restrained Party filed the request to terminate restraining orders.
c. The Restrained Party filed the request to terminate the restraining orders in form DV-130.
d. The Protected Party was physically present at the hearing and verified his or her identity.
e. The Protected Party and the Restrained Party submitted a written stipulation (agreement) to terminate the restraining orders in Restraining Order After Hearing (form DV-130).
f. Other (specify):

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

4 Court Orders

The protective orders in Restraining Order After Hearing (form DV-130) that were issued or modified on (date): are terminated. This order is effective when made.

- a. Child custody, visitation (parenting time), and child support orders in Restraining Order After Hearing (form DV-130)
b. Spousal or domestic partner support orders in Restraining Order After Hearing (form DV-130)
c. Unless modified or terminated by court order, any existing orders for child custody, child visitation (parenting time), child support, and spousal or partner support made in a Domestic Violence Prevention Act case after a noticed hearing survive the termination of the protective order, and remain in effect.
d. This order does not modify or terminate any existing criminal, juvenile, or probate court orders.

This is a Court Order.



5 **Hearings**

- a. The hearing was on *(date)*: _____ with *(name of judicial officer)*: _____
- b. These people were at the hearing *(check all that apply)*:

<input type="checkbox"/> The Protected Party	<input type="checkbox"/> Protected Party's lawyer <i>(name)</i> : _____
<input type="checkbox"/> The Restrained Party	<input type="checkbox"/> Restrained Party's lawyer <i>(name)</i> : _____
<input type="checkbox"/> Other <i>(name)</i> : _____	<input type="checkbox"/> Lawyer <i>(name)</i> : _____
<input type="checkbox"/> Other <i>(name)</i> : _____	<input type="checkbox"/> Lawyer <i>(name)</i> : _____

6 **CLETS Entry**

The court or its designee will transmit this form within one business day to law enforcement personnel for entry into the California Restraining and Protective Orders System via CLETS.

7 **Service of this Order**

- a. The **Protected Party** and the **Restrained Party** were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b. The **Protected Party** (party who asked for the order) was at the hearing. The **Restrained Party** was not. Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally “serve” the Restrained Party with a filed copy of this order.
- c. The **Restrained Party** (party who asked for the order) was at the hearing. The **Protected Party** was not. Someone 18 or over—not anyone else protected or restrained by the restraining order—must personally “serve” the Protected Party with a filed copy of this order.
- d. Other *(specify)*: _____

Date: _____

Judge (or Judicial Officer)

REVOKE

(Clerk will fill out this part.)
—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Findings and Order to Terminate Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DV-400-INFO**How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?****1 Who can ask the court to change or end the Restraining Order After Hearing?**

- The Protected Party or the Restrained Party can ask to modify (change) or terminate (end) the restraining orders issued in *Restraining Order After Hearing* ([form DV-130](#)) before the orders expire.
- Do not use form FL-300 to ask to renew the restraining orders in form DV-130 before they expire. Use *Request to Renew Restraining Order* ([form DV-700](#)).

2 What orders can be changed or ended?

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

- The restraining orders that protect persons from violence or threat of violence by others (for example, the no contact, stay-away, move out, recording of unlawful communication orders);
- The list of persons protected by the orders;
- Child custody, child visitation (parenting time), or child support orders; and
- Spousal or domestic partner support orders.

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

If the restraining order ends, any child custody, visitation (parenting time) support, or spousal or domestic partnership orders will remain in effect, unless the court also changes or ends those orders.

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

A restrained party must not violate the restraining order to contact the protected party. There are strict requirements if the restrained party asks the court to change or end the orders as described in this form.

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

- To ask for an order to change or end your *Restraining Order After Hearing* (form DV-130):
 - Fill out [form FL-300](#), *Request for Order*.
- To ask to change the child custody or visitation (parenting time) orders, you may need some of these forms:
 - [FL-105](#), *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
 - [FL-311](#), *Child Custody and Visitation (Parenting Time) Application Attachment*
 - [FL-312](#), *Request for Child Abduction Prevention Orders*
 - [FL-341\(C\)](#), *Children's Holiday Schedule Attachment*
 - [FL-341\(D\)](#), *Additional Provisions—Physical Custody Attachment*
 - [FL-341\(E\)](#), *Joint Legal Custody Attachment*
- To ask the court to change the child support orders made in form DV-130, you need:
 - A current [form FL-155](#), *Income and Expense Declaration*. You may use [form FL-155](#), *Financial Statement (Simplified)*, instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.
- To ask the court to change the spousal or partner support orders (or orders about your finances), you need:
 - A current [form FL-150](#), *Income and Expense Declaration*
- To ask the court to make orders for attorney's fees and costs, you need:
 - A current [form FL-150](#), *Income and Expense Declaration*
 - [FL-319](#), *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
 - [FL-158](#), *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)
- If you plan on having witnesses testify at the hearing, you will need:
 - [FL-321](#), *Witness List*
- Additional forms you may need are described on pages 3 and 4 of this information sheet.

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

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



DV-400-INFO

How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?

7 Complete form FL-300 (page 1)

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

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

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

- **Check all the boxes that apply to the orders you want.**

Check the “Change” box if you want to change the order. Below that, indicate the orders that you want to change; for example, domestic violence order, child custody, visitation (parenting time), spousal or partner support.

If you want to ask the court to end the domestic violence orders, check the box for “Domestic Violence Order.” Then, check “Other (specify)” and write “End restraining orders in form DV-130.”

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

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

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

Items 4-5: Leave these blank. The court will complete them if it grants the order.

Item 6: In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party’s attorney to make the appointment and then complete item 6 before filing form FL-300. Ask your court’s Family Law Facilitator or Self-Help Center to find out what your court requires.

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

8 Complete form FL-300 (pages 2-4)

9 Complete additional forms and make copies

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

10 File your completed forms

Take them to the clerk’s office in person, mail them, or e-file them (if available in your county). The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*.

Note: To help schedule the hearing date, tell the clerk if the Protected Party is registered in the Safe at Home program. Extra time is needed for the Protected Party to receive notice after it is served on the Secretary of State.

11 Filing fee

Generally, there is no fee to file a request to change or end the orders included in *Restraining Order After Hearing* (form DV-130). However, after a restraining order is ended, the court may charge a fee if a party files a request to change the child custody, visitation, or support orders granted in form DV-130.



DV-400-INFO**How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?****12 Temporary Emergency (Ex Parte) Orders (nondomestic violence restraining orders)**

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

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

13 Serve the Request for Order documents

The other party must be "served" with a:

- Copy of the *Request for Order* and all the other forms and attachments filed with the court clerk.
- Copy of any temporary emergency orders granted.
- Blank form FL-320, *Response Declaration to Request for Order*
- Blank form FL-150, *Income and Expense Declaration* (if you served form FL-150 or FL-155).

14 General information about "service"

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

NOTE: For questions about serving form FL-300, talk with a lawyer or contact your Family Law Facilitator or Self-Help Center <http://www.courts.ca.gov/1083.htm>.

15 Service deadlines

Unless the court orders a different deadline: Personal service (hand-delivery) must be completed at least *16 court days* before the hearing. Service by mail must be completed at least *16 court days, PLUS five calendar days*, before the hearing if service is done within the state.

16 Who can "serve" the documents

The server must be 18 years of age or older and not be anyone protected or restrained by the orders. You cannot serve the papers. The server can be a friend, a relative who is not involved in your case, a sheriff, or a professional process server. If serving by mail, the server must live or work in the county where the mailing took place.

17 When personal service is required

- A Restrained Party's request to change or end restraining orders must always be personally served (hand-delivered) on the Protected Party, unless the court allows another method.
- The court granted temporary emergency (ex parte orders) that start before the hearing date. Note: Special procedures apply for personal service on a Protected Party who has a confidential address with the Secretary of State's Safe at Home program. For more information, go to www.sos.ca.gov/registries/safe-home/applicants-and-participants/program-policies/#child-custody.

18 When service by mail is permitted

- A Protected Party's *Request for Order* to change or end the restraining orders in form DV-130 may be served on the restrained party by mail.
- Requests by either party only to change *temporary orders* in form DV-130 for child custody or visitation (parenting time), support, financial, or other orders (NOT protective orders), may be served by mail.
- Requests made by either party only to change "*permanent*" or "*final*" orders for child custody and visitation (parenting time), or child support in form DV-130 may be served by mail if an *Address Verification* is included (see form FL-334 at courts.ca.gov/documents/fl334.pdf).



How Do I Ask to Change or End a Domestic Violence Restraining Order After Hearing?**19 Server must complete a Proof of Service**

After the forms are personally served, the server must complete a proof of personal service and give it to you. [Form FL-330, Proof of Personal Service](#) may be used for this purpose. Give the server [form FL-330-INFO, Information Sheet for Proof of Personal Service](#) for instructions.

If service was by mail, the server may use [form FL-335, Proof of Service by Mail](#). Give the server [form FL-335-INFO, Information Sheet for Proof of Service by Mail](#) for instructions.

20 File the Proof of Service before your hearing

Make three copies of the proof of service. Give the original and copies to the court clerk as soon as possible (or e-file them) **before your hearing**.

The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy stamped “Filed” to your hearing. The filed *Proof of Service* shows the judge that the person received a copy of the *Request for Order* and all other documents or attachments.

21 Get ready for your hearing

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

22 Go to the court hearing

Take at least three copies of your filed forms to the hearing, including the proof of service. At the hearing, the judge will decide whether to change or end the restraining orders.

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

If the judge *changes (amends)* the orders, fill out a new [form DV-130, Restraining Order After Hearing](#) that shows the changed orders orders.

Check the “Amended” box on the top of the form. The court will write the number of the amendment on the form. For example, if it is the first time the order is changed, the court will write “1st” before the word “Amended.”

Give the court three copies of the proposed amended order.

If the judge *ends* the restraining order, give the court [form DV-400, Findings and Order to Terminate Restraining Order After Hearing](#). Complete only items 1 and 2, and give the court three copies.

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

24 Serve the court order

Have the other party personally served with a copy of the filed orders made on form DV-130 or form DV-400, unless the court orders another method of service or the other party was served at the hearing.

25 File the Proof of Service

The server must complete a proof of personal service, such as [form FL-330, Proof of Personal Service](#). Make three copies.

The original proof of personal service must then be filed with the court clerk. The clerk will file the original and give you back the copies you sent to the clerk stamped “Filed.”

Keep one copy with you and another in a safe place in case you need to show it to the police.

26 Get the order entered into the statewide Restraining Order Registry

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

27 Need more help?

Ask the court clerk about free or low-cost legal help.

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline at 1-800-799-7233 (TDD: 1-800-787-3224). It is free and private. They can help in more than 100 languages.

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

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL v. 02/16/24
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
REQUEST FOR ORDER <input type="checkbox"/> CHANGE <input type="checkbox"/> TEMPORARY EMERGENCY ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Property Control <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Other (specify):	CASE NUMBER:

Note: Form FL-300-INFO provides information about how to complete this form. To ask to change or end an order that was granted in a domestic violence restraining order, do not use this form; instead, see form DV-300-INFO.

NOTICE OF HEARING

1. TO (name(s)): _____
 Petitioner Respondent Other Parent/Party Other (specify):

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

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

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

COURT ORDER
(FOR COURT USE ONLY)

It is ordered that:

4. Time for service until the hearing is shortened. Service must be on or before (date):
5. A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date):
6. The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location):
7. The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8. Other (specify):

Date: _____

JUDICIAL OFFICER

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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2. **d.** This is a change from the current order for child custody visitation (parenting time).
- (1) The order for legal or physical custody was filed on *(date)*: . The court ordered *(specify)*:
- (2) The visitation (parenting time) order was filed on *(date)*: . The court ordered *(specify)*:

3. CHILD SUPPORT [Attachment 2d.](#)

(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form [FL-195](#))

- a. I request that the court order child support as follows:
- | | | |
|-----------------------------|---|---|
| <u>Child's name and age</u> | <input type="checkbox"/> I request support for each child | <u>Monthly amount (\$) requested</u> |
| | | based on the child support guideline. (if not by guideline) |

- b. I want to change a current court order for child support filed on *(date)*: [Attachment 3a.](#)
 The court ordered child support as follows *(specify)*:

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form [FL-150](#)) or I filed a current *Financial Statement (Simplified)* (form [FL-155](#)) because I meet the requirements to file form FL-155.

- d. The court should make or change the support orders because *(specify)*: [Attachment 3d.](#)

4. SPOUSAL OR DOMESTIC PARTNER SUPPORT

(Note: An *Earnings Assignment Order for Spousal or Partner Support* (form [FL-435](#)) may be issued.)

- a. Amount requested *(monthly)*: \$
- b. I want the court to change end the current support order filed on *(date)*:
 The court ordered \$ _____ per month for support.
- c. This request is to modify (change) spousal or partner support after entry of a judgment.
 I have completed and attached *Spousal or Partner Support Declaration Attachment* (form [FL-157](#)) or a declaration that addresses the same factors covered in form FL-157.
- d. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) in support of my request.
- e. The court should should make, change, or end the support orders because *(specify)*: [Attachment 4e.](#)

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

5. PROPERTY CONTROL I request temporary emergency orders
 a. The petitioner respondent other parent/party be given exclusive temporary use, possession, and control of the following property that we own or are buying lease or rent (*specify*):

b. The petitioner respondent other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:
 Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
 Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
 Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
 Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

c. This is a change from the current order for property control filed on (*date*):
 d. Specify in [Attachment 5d](#) the reasons why the court should make or change the property control orders.

6. ATTORNEY'S FEES AND COSTS
 I request attorney's fees and costs, which total (*specify amount*): \$ _____. I filed the following to support my request:
 a. A current *Income and Expense Declaration* (form [FL-150](#)).
 b. A *Request for Attorney's Fees and Costs Attachment* (form [FL-319](#)) or a declaration that addresses the factors covered in that form.
 c. A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form [FL-158](#)) or a declaration that addresses the factors covered in that form.

7. OTHER ORDERS REQUESTED (*specify*): [Attachment 7.](#)

8. TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:
 a. To serve the *Request for Order* no less than (*number*): _____ court days before the hearing.
 b. The hearing date and service of the the *Request for Order* to be sooner.
 c. I need the order because (*specify*): [Attachment 8.](#)

9. FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission. [Attachment 9.](#)

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.
 Date: _____

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF APPLICANT)



Requests for Accommodations

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

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

To schedule a court hearing and ask the court to make new orders or to change orders in your case. The request can be about child custody, visitation (parenting time), child support, spousal or partner support, property, finances, attorney's fees and costs, or other matters.

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

- To ask for domestic violence restraining orders! Read *How to Ask for a Temporary Restraining Order* (form [DV-505-INFO](#)).
- To ask to change or end domestic violence restraining orders. For more information, read *How Do I Ask to Change or End a Domestic Violence Restraining Order?* (form [DV-300-INFO](#)).
- Before you have filed a Petition to start your family law case (form FL-300 may be filed with the Petition).
- If you and the other party have an agreement. For information about how to write up your agreement, get it approved by the court, and filed in your case, see www.courts.ca.gov/selfhelp-agreeFL, speak with an attorney, or get help at your court's Self-Help Center or Family Law Facilitator's Office.
- When specific Judicial Council forms must be used to ask the court for other orders. For example, to ask:
 - For an order for contempt, use form [FL-410](#).
 - To set aside a child support order, use form [FL-360](#) or form [FL-640](#).
 - To set aside a voluntary declaration of paternity, use form [FL-280](#).

3 Forms checklist

- a. Form [FL-300](#), *Request for Order*, is the basic form you need to file with the court. Depending on your request, you may need these additional forms:
- b. To request child custody or visitation (parenting time) orders, you may need to complete some of these forms:
 - [FL-105](#), *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
 - [FL-311](#), *Child Custody and Visitation (Parenting Time) Application Attachment*
 - [FL-312](#), *Request for Child Abduction Prevention Orders*
 - [FL-341\(C\)](#), *Children's Holiday Schedule Attachment*
 - [FL-341\(D\)](#), *Additional Provisions—Physical Custody Attachment*
 - [FL-341\(E\)](#), *Joint Legal Custody Attachment*
- c. If you want child support, you need this form:
 - A current [FL-150](#), *Income and Expense Declaration*. You may use form [FL-155](#), *Financial Statement (Simplified)* instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.
- d. If you want spousal or partner support or orders about your finances, you need these forms:
 - A current [FL-150](#), *Income and Expense Declaration*
 - [FL-157](#), *Spousal or Partner Support Declaration Attachment* (if the request is to change a support judgment)
- e. If you want attorney's fees and costs, you need these forms:
 - A current [FL-150](#), *Income and Expense Declaration*
 - [FL-319](#), *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
 - [FL-158](#), *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)
- f. To request temporary emergency (ex parte) orders, you need these forms:
 - [FL-305](#), *Temporary Emergency Orders* to serve as the proposed temporary emergency orders.
 - Your declaration describing how and when you gave notice about the request for temporary emergency orders. You may use form [FL-303](#), *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders*.
 - Other forms required by local courts. See item 9 on page 3 of this form for more information.
- g. If you plan to have witnesses testify at the hearing, you need form:
 - [FL-321](#), *Witness List*
- h. If you want to request a separate trial (bifurcation) on an issue, you need form:
 - [FL-315](#), *Request or Response to Request for Separate Trial*



4 Complete form FL-300 (Page 1)

Caption: Complete the top part with your name, address, and telephone number. Below that, fill in the court's address.

Write the name of the Petitioner, Respondent, or Other Parent/Party. (You must use the party names as they appear in the petition).

In the next section, check "CHANGE" if you want to change an existing order. Check "TEMPORARY EMERGENCY (EX PARTE) ORDER" if you are asking that the court make emergency orders that will be effective until the hearing date.

Then, check the boxes that apply to the orders you are requesting. Finally, in the box on the right, write your case number.

Item 1: List the name(s) of the other person(s) in your case who will receive your request. In some cases, this might include a grandparent who is joined as a party in the case, a local child support agency, or a lawyer who represents a child in the case.

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

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

Items 4-5: Leave these blank. The court will complete them if the orders are granted.

Item 6: In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party's lawyer to make the appointment and then complete item 6 before filing form FL-300.

Ask your court's Family Law Facilitator or Self-Help Center to find out what your court requires.

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

5 Complete form FL-300 (pages 2-4)

6 Complete additional forms and make copies

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

PARTY WITHOUT ATTORNEY OR ATTORNEY		STATE BAR NUMBER:	FL-300
NAME:		FOR COURT USE ONLY	
FIRM NAME:		DRAFT	
STREET ADDRESS:		NOT APPROVED BY THE JUDICIAL COUNCIL	
CITY:	STATE:	ZIP CODE:	v. 02/16/24
TELEPHONE NO.:	FAX NO.:		
EMAIL ADDRESS:			
ATTORNEY FOR (name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF			
STREET ADDRESS:			
MAILING ADDRESS:			
CITY AND ZIP CODE:			
BRANCH NAME:			
PETITIONER:			
RESPONDENT:			
OTHER PARENT/PARTY:			
REQUEST FOR ORDER <input type="checkbox"/>		CHANGE <input type="checkbox"/>	TEMPORARY EMERGENCY ORDERS <input type="checkbox"/>
<input type="checkbox"/> Child Custody		<input type="checkbox"/> Visitation (Parenting Time)	<input type="checkbox"/> Spousal or Partner Support
<input type="checkbox"/> Child Support		<input type="checkbox"/> Property Control	<input type="checkbox"/> Attorney's Fees and Costs
<input type="checkbox"/> Other (specify):			
		CASE NUMBER:	

Note: Form FL-300-INFO provides information about how to complete this form. To ask to change or end an order that was granted in a domestic violence restraining order, do not use this form; instead, see form DV-300-INFO.

NOTICE OF HEARING

1. TO (name(s)):

Petitioner Respondent Other Parent/Party Other (specify):

2. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date: _____ Time: _____ Dept.: _____ Room: _____

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

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

COURT ORDER

It is ordered that:

4. Time for service until the hearing is shortened. Service must be on or before (date): _____

5. A Responsive Declaration to Request for Order (form FL-320) must be served on or before (date): _____

6. The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location): _____

7. The orders in Temporary Emergency (Ex Parte) Orders (form FL-305) apply to this proceeding and must be personally served with all documents filed with this Request for Order.

8. Other (specify): _____

Date: _____ JUDICIAL OFFICER _____

Note: You may file one form FL-150 to respond to items 3, 4, and 6.

7 File your documents

Give your paperwork and the copies you made to the court clerk to process. You may take them to the clerk's office in person, mail them, or, in some counties, you can e-file them.

The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*. The procedure may be different in some courts if you are requesting temporary emergency orders.

8 Pay filing fees

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



9 Temporary Emergency (Ex Parte) Orders
(nondomestic violence restraining orders)

Courts can make temporary orders in your family law case to respond to emergencies that cannot wait to be heard on the court’s regular hearing calendar.

The emergency must involve an immediate danger or irreparable harm to a party or children in the case, or an immediate loss or damage to property.

To request these orders:

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

12 Who can be a “server”

You cannot serve the papers. Have someone else (who is at least 18 years old) do it. The server can be a friend, a relative who is not involved in your case, a sheriff, or a professional process server.

13 “Personal Service”

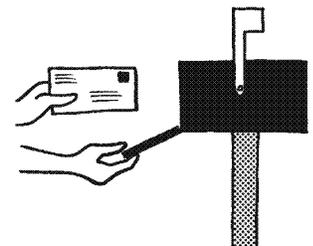
Personal service means that your server walks up to each person to be served, makes sure the right person is served, and then hand-delivers a copy of all the papers (and the blank forms). If the person served does not take the papers, the server may leave the papers near the person.



Note: Sometimes the papers may be personally served on the other party’s lawyer (if **the other party** has one) in the family law case.

14 “Service by mail”

Service by mail means that your server places copies of all the documents (and blank forms) in a sealed envelope and mails them to the address of each party being served (or to the party’s lawyer, if the party has one).



The server must be 18 years of age or over and live or work in the county where the mailing took place.

Important! For questions about personal service or service by mail, talk with a lawyer or check with your court’s Family Law Facilitator or Self-Help Center at www.courts.ca.gov/1083.htm.

10 General information about “service”

“Service” is the act of giving your legal papers to all persons named as parties in the case so that they know what orders you are asking for and have information about the hearing.

If the other parties are NOT properly served, the judge cannot make the orders you requested on the date of the hearing.

11 Serve the Request for Order and blank forms

The other party must be “served” with a:

- Copy of the *Request for Order* and all the other forms and attachments filed with the court clerk.
- Copy of any temporary emergency orders granted.
- Blank form [FL-320](#), *Responsive Declaration to Request for Order*.
- Blank form [FL-150](#), *Income and Expense Declaration* (if you served form FL-150 or FL-155).



15 When to use personal service or service by mail

Personal Service

Personal service is the best way to make sure the other adults in your case are correctly served. Sometimes you **must** use personal service.

You **must** use personal service when the court:

- Ordered personal service;
- Granted temporary emergency orders;
- Does not yet have the power to make orders that apply to the other party because **the person** has either NOT previously:
 - Been served with a *Summons* and *Petition*;*

OR
 - Appeared in the case by filing a:
 - a. *Response to a Petition*;
 - b. *Appearance, Stipulations, and Waivers*;
 - c. Written notice of appearance;
 - d. Request to strike all or part of the *Petition*; or
 - e. Request to transfer the case.

*Note: A *Request for Order* may be served at the same time as the family law *Summons* and *Petition*.

1. After serving, the server must fill out a *Proof of Personal Service* (form [FL-330](#)) and give it to you. If the server needs instructions, give **them** form [FL-330-INFO](#), *Information Sheet for Proof of Personal Service*.
2. Take the completed *Proof of Personal Service* form to the clerk’s office (or e-file it, if available in your court) at least 5 court days before your hearing.

Deadline: The deadline for personal service is **16 court days** before the hearing date, unless the court orders a different deadline.

Service by Mail

If you are not required to use personal service, you may use service by mail.

Important! Check with your court’s Family Law Facilitator’s Office or Self-Help Center, or ask a lawyer to be sure you are allowed to use service by mail in your case.

A *Request for Order* to change a judgment or final order on the issue of child custody, visitation (parenting time), or child support may be served by mail if:

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

To change a judgment or final order on any other issue, including spousal or domestic partner support, the *Request for Order* may need to be personally served on the other party.

1. After serving, the server must fill out a *Proof of Service by Mail* (form [FL-335](#)) and give it to you. If the server needs instructions, give **them** *Information Sheet for Proof of Service by Mail* (form [FL-335-INFO](#)).
2. Take the completed *Proof of Personal Service* form to the clerk’s office (or e-file it, if available in your court) at least 5 court days before your hearing.

Deadline: Unless the court orders a different time, service by mail must be completed at least **16 court days PLUS 5 calendar days** before the hearing date (if service is in California). Other time lines apply for service outside of California.

16 Get ready for your hearing

- Take at least two copies of your documents and filed forms to the hearing. Include a filed *Proof of Service* form.
- Find more information about preparing for your hearing at www.courts.ca.gov/1094.htm.
- For information about having the other party testify in court, go to www.courts.ca.gov/29283.htm.

17 After the hearing, the order made on form [FL-340](#) *Findings and Order After Hearing*, must be filed and served.

18 Do you have questions or need help?

- Find a lawyer through your local bar association, the State Bar of California at calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to www.lawhelpca.org.
- Contact the Family Law Facilitator or Self-Help Center for information and assistance, and referrals to local legal services providers. Go to www.courts.ca.gov/selfhelp-courtresources.htm.

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL v. 2/16/24
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
RESPONSIVE DECLARATION TO REQUEST FOR ORDER	CASE NUMBER:
HEARING DATE: TIME: DEPARTMENT OR ROOM:	

Read *Information Sheet: Responsive Declaration to Request for Order* (form [FL-320-INFO](#)) for more information about this form.

1. RESTRAINING ORDER INFORMATION
 - a. No domestic violence restraining/protective orders are now in effect between the parties in this case.
 - b. I agree that one or more domestic violence restraining/protective orders are now in effect between the parties in this case.

2. CHILD CUSTODY
 VISITATION (PARENTING TIME)
 - a. I consent to the order requested for child custody (legal and physical custody).
 - b. I consent to the order requested for visitation (parenting time).
 - c. I do not consent to the order requested for child custody visitation (parenting time)
 but I consent to the following order:

3. CHILD SUPPORT
 - a. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) or, if eligible, a current *Financial Statement (Simplified)* (form [FL-155](#)) to support my responsive declaration.
 - b. I consent to the order requested.
 - c. I consent to guideline support.
 - d. I do not consent to the order requested but I consent to the following order:

4. SPOUSAL OR DOMESTIC PARTNER SUPPORT
 - a. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) to support my responsive declaration.
 - b. I consent to the order requested.
 - c. I do not consent to the order requested but I consent to the following order:

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

5. PROPERTY CONTROL

- a. I consent to the order requested.
- b. I do not consent to the order requested but I consent to the following order:

6. ATTORNEY'S FEES AND COSTS

- a. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) to support my responsive declaration.
- b. I have completed and filed with this form a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form [FL-158](#)) or a declaration that addresses the factors covered in that form.
- c. I consent to the order requested.
- d. I do not consent to the order requested but I consent to the following order:

7. OTHER ORDERS REQUESTED

- a. I consent to the order requested.
- b. I do not consent to the order requested but I consent to the following order:

8. TIME FOR SERVICE / TIME UNTIL HEARING

- a. I consent to the order requested.
- b. I do not consent to the order requested but I consent to the following order:

9. FACTS TO SUPPORT my responsive declaration are listed below. The facts that I write and attach to this form cannot be longer than 10 pages, unless the court gives me permission. [Attachment 10.](#)

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: _____

_____ _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

1 If you received a Request for Order (form FL-300):

- Carefully read the papers you received to make sure you understand what orders are being requested.
- Note the date, time, and location of the court hearing.
- Check to see if the court ordered a specific date for filing and serving your *Responsive Declaration to Request for Order* (form FL-320).
- If you need more time before the hearing to prepare a responsive declaration or talk with a lawyer, you may ask the court to continue the hearing date. For more information, consult with a lawyer or contact the the Family Law Facilitator or Self-Help Center in your court (see item **16**).

2 USE Responsive Declaration to Request for Order (form FL-320)

Use form FL-320 to let the court and the other party know that you agree or disagree with each of the requests made in the *Request for Order* (form FL-300).

- If you disagree, use form FL-320 to describe the orders you would like the court to make.
- If you do not file and serve form FL-320, the court can still make orders without your input.

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

- Ask for court orders that were not requested in the *Request for Order* (form FL-300). Instead, file and serve your own *Request for Order* (form [FL-300](#)) to ask for orders about other issues.
- Respond to *Request for Domestic Violence Restraining Order* (form [DV-100](#)). Instead, you must use *Response to Request for Domestic Restraining Order* (form [DV-120](#)).
- Respond to *Request to Change or End Restraining Order* (form [DV-300](#)). Instead, you must use *Response to Request to End or Change Restraining Order* (form [DV-320](#)).

4 Forms checklist

- Form [FL-320](#), *Responsive Declaration to Request for Order*, is the basic form you need. Depending on the requests made in the *Request for Order* (form FL-300), you may need other forms.
- For child custody or visitation (parenting time) orders, you may need to complete some of these forms:
 - [FL-105](#), *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
 - [FL-311](#), *Child Custody and Visitation (Parenting Time) Application Attachment*
 - [FL-312](#), *Request for Child Abduction Prevention Orders*
 - [FL-341\(C\)](#), *Children's Holiday Schedule Attachment*
 - [FL-341\(D\)](#), *Additional Provisions—Physical Custody Attachment*
 - [FL-341\(E\)](#), *Joint Legal Custody Attachment*
- For child support, you need:
 - A current form [FL-150](#), *Income and Expense Declaration*. You may use form [FL-155](#), *Financial Statement (Simplified)*, instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.

Notice:

 - The court will order child support based on the income of the parents.
 - Child support normally continues until the child is 18 years and has graduated from high school.
 - You must give the court information about your finances. If you do not, the child support order will be based on information about your income that the court receives from other sources.
- For spousal or domestic partner support or orders about your finances, you need these forms:
 - [FL-150](#), *Income and Expense Declaration*
 - [FL-157](#), *Spousal or Partner Support Declaration Attachment* (if the request is to change a support judgment)
- For attorney's fees and costs, you need these forms:
 - [FL-150](#), *Income and Expense Declaration*
 - [FL-158](#), *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)
 - [FL-319](#), *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
- If you plan on having witnesses testify at the hearing, you need this form:
 - [FL-321](#), *Witness List*



To respond to a Request for Order, you must:

5 Complete the top part (caption) of the form

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

6 Specify a response to orders requested

Items 1–8: Each item on the form matches the item numbers on the *Request for Order* (form FL-300). Complete item 1. Next, mark the same box that is marked on form FL-300. Then, specify if you consent (agree) or do not consent to (disagree with) the orders requested. If you disagree, describe the order you would like the court to make. *Note: You may file one form FL-150 to respond to items 3, 4, and 6.*

Item 9: Use the space to explain your responses to items 1–8. Include the reasons why you do not agree with the orders requested by the other party and why the court should make the orders you described. If you need more space, write your responses on a separate sheet of paper and attach it to the form (*Attached Declaration* (form MC-031) may be used for this purpose).

Sign and date: Print your name, sign, and write the date you signed form FL-320.

7 Next steps: file or serve your paperwork

You must file your paperwork with the court clerk at least 9 court days before the hearing. If the court orders a shorter time to file your papers, file them by the date specified in the order.

Make 2 copies of your original paperwork. Then, do one of the following before the filing deadline:

- Take your paperwork and copies to the court clerk to process (or e-file them, if available in your county). The clerk will keep the original and give you back copies with a court stamp on them. Have a stamped copy served; or
- Have an unstamped copy of your paperwork served *before* you take (or e-file) the originals and copies to the court clerk to file. Be sure the original documents are not served.

PARTY WITHOUT ATTORNEY OR ATTORNEY		STATE BAR NUMBER:	FOR COURT USE ONLY	
NAME:				<p>DRAFT</p> <p>NOT APPROVED BY THE JUDICIAL COUNCIL</p> <p>v. 2/18/24</p>
FIRM NAME:				
STREET ADDRESS:				
CITY:		STATE:	ZIP CODE:	
TELEPHONE NO.:		FAX NO.:		
EMAIL ADDRESS:				
ATTORNEY FOR (name):				
SUPERIOR COURT OF CALIFORNIA, COUNTY OF				
STREET ADDRESS:				
MAILING ADDRESS:				
CITY AND ZIP CODE:				
BRANCH NAME:				
PETITIONER:				
RESPONDENT:				
OTHER PARENT/PARTY:				
RESPONSIVE DECLARATION TO REQUEST FOR ORDER				CASE NUMBER:
HEARING DATE:		TIME:	DEPARTMENT OR ROOM:	

Read *Information Sheet: Responsive Declaration to Request for Order* (form [FL-320-INFO](#)) for more information about this form.

1. RESTRAINING ORDER INFORMATION

a. No domestic violence restraining/protective orders are now in effect between the parties in this case.

b. I agree that one or more domestic violence restraining/protective orders are now in effect between the parties in this case.

2. CHILD CUSTODY VISITATION (PARENTING TIME)

a. I consent to the order requested for child custody (legal and physical custody).

b. I consent to the order requested for visitation (parenting time).

c. I do not consent to the order requested for child custody visitation (parenting time) but I consent to the following order:

3. CHILD SUPPORT

a. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) or, if eligible, a current *Financial Statement (Simplified)* (form [FL-155](#)) to support my responsive declaration.

b. I consent to the order requested.

c. I consent to guideline support.

d. I do not consent to the order requested but I consent to the following order:

4. SPOUSAL OR DOMESTIC PARTNER SUPPORT

a. I have completed and filed a current *Income and Expense Declaration* (form [FL-150](#)) to support my responsive declaration.

b. I consent to the order requested.

c. I do not consent to the order requested but I consent to the following order:

Form Adopted for Mandatory Use
Judicial Council of California
FL-320 (Rev. January 1, 2025)

RESPONSIVE DECLARATION TO REQUEST FOR ORDER

Code of Civil Procedure, § 41465
Cal. Rules of Court, Rule 9.127
[www.courtinfo.ca.gov](#)

8 Pay filing fees

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

If you cannot afford to pay the filing fee, you can ask the court to waive the fees. To do so, complete and file form [FW-001](#), *Request to Waive Court Fees*, and form [FW-003](#), *Order on Court Fee Waiver*.

9 Serve your papers on the other party

“Service” is the act of giving your legal papers to all persons named as parties in the case so that they know what orders you want the court to make. *Note:* If a party has a lawyer in the case, the papers should be served on that party’s lawyer.



10 How to “serve”

Server. You cannot serve the papers. Have someone else (who is at least 18 years old) do it. The “server” can be a friend, a relative who is not involved in your case, a county sheriff, or a professional process server.

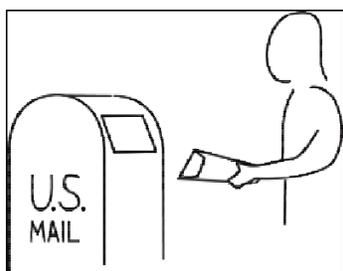
Personal service.

Your papers may be served by “personal service.” Personal service means that your server walks up to each person to be served, makes sure **they** are the right person, and then gives a copy of all the papers to **each person.**



Service by mail.

“Service by mail” means that your server places copies of all the documents in a sealed envelope and mails them to the address of each party being served (or to the party’s lawyer, if **applicable.**) The server must be 18 years of age or over and must live or work in the county where the mailing took place.



11 Deadline for service

Personal service or service by mail on the other party must be completed at least *9 court days* before the court hearing. If the court has ordered a shorter time to serve your responsive papers, be sure to have them served by the date specified in the court order.

12 Server must complete a Proof of Service

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

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

13 File the Proof of Service before your hearing date

The *Proof of Service* shows the judge that the person received a copy of your *Responsive Declaration to Request for Order*. Make three copies of the completed *Proof of Service*. Take the original and copies to the court clerk as soon as possible **before your hearing.**

The clerk will keep the original and give you back the copies stamped “Filed.” Bring a copy stamped “Filed” to your hearing. (If unstamped copies of your paperwork were served, you can file the completed *Proof of Service* when you file the original *Responsive Declaration*.)

14 Participate in child custody mediation or child custody recommending counseling

If the *Request for Order* includes a court order for you to attend mediation or child custody recommending counseling, the date, time, and location is found on page 1 of the *Request for Order*. For more information, read *Child Custody Information Sheet* (form [FL-313-INFO](#) or form [FL-314-INFO](#)). For information about visitation (parenting time) orders, read form [FL-311-INFO](#).

15 Get ready for your hearing

- Take at least two copies of your documents and filed forms to the hearing. Include a filed *Proof of Service* form.
- Find more information about preparing for the hearing at www.courts.ca.gov/1094.htm.

16 Still have questions or need help?

- Contact the Family Law Facilitator or Self-Help Center for information, local rules, and referrals to local legal services providers. Go to www.courts.ca.gov/1083.htm/.
- Talk to a lawyer if you want legal advice, someone to go to court with you, or other legal help. Find an attorney through your local bar association, the State Bar of California at calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to lawhelpcalifornia.org.