

Simple Modification of Support

(Child, Spousal &/or Family)

Step 1	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> FL-390 Notice of Motion and Motion for Simplified Modification of Order <input type="checkbox"/> FL-155 Financial Statement (Simplified) or <input type="checkbox"/> FL-150 Income and Expense Declaration, you may need to use this form instead of FL-155, read the instructions on the back of form FL-155 to find out. <p><i>Note: If the Department of Child Support Services (DCSS) is involved in your case, write the CSE number on form FL-390 next to your name in the name and address box at the top of the page.</i></p>
Step 2	<p>Copies: Make 3 copies of your forms, in addition to the original.</p>
<p>Step 3</p> <p>There is a filing fee, unless the fee is waived.</p> <p>It is free to file if it is about child support and DCSS is involved.</p>	<p>File:</p> <ul style="list-style-type: none"> <input type="checkbox"/> If you are not asking for a fee waiver, turn your forms into the Clerk's Office. You will pay the filing fee and get copies back with a file-stamp. <i>Note: There is no fee for child support hearings if DCSS is involved but you may have to pay fees previously not paid before you can file again.</i> <input type="checkbox"/> If you are asking for a fee waiver, turn your forms into the Document Examiner. Your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms. <i>Please note: the Judge may deny your request for the fee waiver.</i> <p>File in the courthouse located at: You can file at <i>any</i> branch if you are receiving cash aid.</p> <ul style="list-style-type: none"> <li style="width: 50%;"><input type="checkbox"/> 170 Park Avenue, San Jose, CA <li style="width: 50%;"><input type="checkbox"/> 99 Notre Dame Ave., San Jose, CA <li style="width: 50%;"><input type="checkbox"/> 605 W. El Camino Real, Sunnyvale, CA <li style="width: 50%;"><input type="checkbox"/> 301 Diana Ave., Morgan Hill, CA <p>Monday-Friday from 8:30am to 4:00pm.</p>
Step 4	<p>Service: After the filed copies are returned to you:</p> <ul style="list-style-type: none"> • Keep for your records—1 filed copy • Serve 1 filed copy and blank FL-392 <i>Responsive Declaration to Motion for Simplified Modification</i> and <input type="checkbox"/> FL-155 <i>Financial Statement (Simplified)</i> or <input type="checkbox"/> FL-150 <i>Income and Expense Declaration</i> on the other parent. “Service” means: someone, NOT you, who is at least 18 years old must hand deliver the filed copies to the other parent. You can find a “Process Server” who will do this for a fee. • Service must be completed at least 16 court days (weekends and holidays do not count) before the court hearing date. • Whoever serves must complete the <i>Proof of Personal Service</i> form (FL-330) and give it back to you. You must file the original and a copy of this form at the Clerk's Office, the clerk will keep the original and file stamp the copy and give it back to you. Keep this copy for your records. • Serve 1 filed copy by mail on the other party's attorney if he/she is being represented. “Service by mail” means: someone other than you who is at least 18 years old must mail a copy of your forms to the other party's attorney (regular mail is okay), at least 26 days ahead of the hearing. The server must then complete and sign a <i>Proof of Service by Mail</i> form FL-335. You must file the original and a copy of this form at the Clerk's Office, the clerk will keep the original and file stamp the copy and give it back to you. Keep this copy for your records. <p><input type="checkbox"/> Drop off 1 filed copy at the Self-Help Center/Family Law Facilitator's office at 99 Notre Dame Ave (at any time; you don't need to wait in line) and that office will deliver a copy to the Department of Child Support Services (DCSS) for you.</p>
Step 5	<p>Go to your court date.</p>

Please turn over for important information



WHEN CAN I USE THESE FORMS?

You may complete these forms if you want to request that the Judge modify (change) the amount of support you pay. These “simplified” forms are easy to use but **cannot be used** to establish support orders for the first time or to ask for other orders such as release of driver’s license, custody and/or visitation orders, etc.

HOW CAN I GET THE FORMS?

There are a few ways that you can get the forms:

- hire an attorney;
- contact a Legal Services Agency such as Legal Aid or Pro Bono Project
- get the forms online at the state’s website, (www.courts.ca.gov/selfhelp);
- use a self-help legal book or
- visit the Self-Help Center/Family Law Facilitator’s Office in person, Monday through Thursday, starting at 8:30 am. Please go to www.scscourt.org (and click on the self-help section of the site) for details on how to sign up for help at our office. **Please note: we cannot help people who have attorneys.**

Self-Help Center/Family Law Facilitator’s Office
Superior Court, County of Santa Clara
99 Notre Dame Avenue, San Jose, CA 95113
(408) 882-2926

www.scscourt.org
Superior Court, County of Santa Clara

www.courts.ca.gov/selfhelp
State of California Courts Self-Help