

How to File a Response to a Request

(to Set or Change Custody, Visitation, Support and/or Other Orders)

Step 1	Complete the following forms in blue or black ink: <input checked="" type="checkbox"/> FL-320 Responsive Declaration to Request for Order <input type="checkbox"/> MC-025 Attachment to Judicial Council Form <input type="checkbox"/> FL-311 Child Custody and Visitation Application Attachment <input type="checkbox"/> FL-155 Financial Statement (Simplified), if child support is an issue OR <input type="checkbox"/> FL-150 Income and Expense Declaration, if spousal support is at issue <u>or</u> you are self-employed. <i>Read the back of the Financial Statement to see which form you qualify to complete.</i>
Step 2	Copies: Make <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 copies, in addition to the original.
There is no filing fee.	File: Turn in the original and copies of the forms to the: <input type="checkbox"/> Document Examiner <input type="checkbox"/> Clerk's Office in the Courthouse located at: <input type="checkbox"/> 170 Park Avenue, San Jose, CA <input type="checkbox"/> 99 Notre Dame Ave., San Jose, CA <input type="checkbox"/> 605 W. El Camino Real, Sunnyvale, CA <input type="checkbox"/> 301 Diana Ave., Morgan Hill, CA Monday-Friday from 8:30am to 4:00pm. There is no filing fee for these forms however you may be required to pay a fee if you are filing other forms at the same time or if you owe money for forms you already filed. You can check with the clerk when you file.
Step 4	Service: After the filed copies are returned to you: <ul style="list-style-type: none">• Keep for your records—1 filed copy• Serve 1 filed copy by mail on the other parent. “<i>Service by mail</i>” means: someone, NOT you, who is at least 18 years old must mail the filed copies to the other parent. Service must be completed at least: <input type="checkbox"/> 9 court days before the court hearing (weekends and holidays do not count) <input type="checkbox"/> 2 calendar days before the court hearing (if the judge granted a request for emergency orders) Whoever does the service must complete the attached <i>Proof of Service by Mail form</i> (FL-335) 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 file stamp the copy and give it back to you. Keep this copy for your records. <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.
STEP 5	Go to your court date.

Please turn over for important information



WHAT IS A “REQUEST FOR ORDER”?

A *Request for Order* is a request for the court to have a hearing so the Judge can make a court order. If a parent wants the Judge to make a new order about custody and visitation, support or other orders in an existing case, or if they want to change an order that already exists, they would file a *Request for Order*. The person who files the request is called the “moving party”. The other party is called the “responding party”.

WHY SHOULD I FILE A RESPONSE?

You should complete and file a *Responsive Declaration to Request for Order* to let the Judge know whether you agree or disagree with the other parent’s request. You also get to tell the Judge what you think the order should be. However, you cannot raise any new issues in your responsive papers. For example, if the moving party only asked for custody and visitation orders, you cannot bring up the issue of child support in your response. Instead, you would need to file your own *Request for Order*. In addition to filing a response, it is important to go to the court date. If you do not, the Judge may grant the moving party’s request without your input. Please look at the first page of the *Request for Order* for the court date, time and location.

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 Bay Area 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

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State of California Courts Self-Help