

# Do You Want to File a 388 Petition for Modification in Juvenile Dependency Court?

## HOW TO:

**File a 388 Petition to change custody and visitation orders in a juvenile dependency case.**

## WHEN TO USE:

- **You want to change a court order in a juvenile dependency court case (new or old).**
- **You are the parent of the child, the dependent child of the juvenile court (with a guardian) or other person having an interest in the child.**
- **Circumstances have changed since the last order was made or there is new evidence you want to present to the court.**
- **Note: If an attorney represented you in court, contact them first to see if they can help you.**

*Self-Help Center  
Superior Court, County of Santa Clara  
99 Notre Dame Avenue  
San Jose, CA 95113  
408.882.2900 ext 6*

[www.sccselfservice.org](http://www.sccselfservice.org)

Santa Clara County  
Self-Help website

DRAFT

[www.sccsuperiorcourt.org](http://www.sccsuperiorcourt.org)

Santa Clara County  
General website

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

State of California  
Self-Help website

7/17/02

Under Welfare and Institutions Code 388, any parent of a dependent child, a dependent child of the juvenile court (with the assistance of an appointed guardian), or other person having interest in a dependent child of the juvenile court may file a 388 petition when there is a change of circumstance or there is new evidence in their case. These instructions and samples show you how to petition the juvenile court to change any order of court previously made, or terminate the jurisdiction of the court. This is similar to the action in which the child was found to be a dependent of the juvenile court.

### **HOW TO FILE YOUR PAPERS:**

Follow these easy steps in order from 1 to 3. All filing of papers and court appearances take place at Superior Court, 115 Terraine Street, San Jose, CA 95110 (see map), 408-299-8980.

1. Complete the attached Juvenile Dependency Petition (#JV-100) and the Modification Petition Attachment (#JV-180).

Note: You must state your relationship to, or interest in, the child and include all supporting information regarding any change of circumstance or new evidence. This information is required in order to file a 388 petition.

2. Make one copy of each form. The original is for the court and the copy is for you.
3. Go to the Juvenile Dependency Clerk's Office to submit the forms. The clerk's office will "receive" stamp the original and return the copy to you. If you are unable to come to the clerk's office in person you may mail these forms to the address listed above.

**WHAT'S NEXT:** The original forms are sent up to the assigned Judge or Commissioner. He or she will either grant, deny or set the matter for hearing. You will be notified by mail about the Dependency Court's decision.

For more help, visit the Court's Self-Service Center or contact the Santa Clara County Bar Association's Lawyer Referral Service and Modest Means Panel (408-971-6822) for a \$30/30 minute consultation with an attorney and representation in court for a fee based on your income.