

# Judicial Council of California • Administrative Office of the Courts

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## INVITATION TO COMMENT SPR13-22

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Title	Action Requested
Family Law: Improvements to Request for Order Rules and Forms	Review and Submit Comments by June 19, 2013
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend rules 5.92, 5.94; revise forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341(C), FL-341(D), and FL-341(E)	January 1, 2014
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Family and Juvenile Law Advisory Committee	
Hon. Kimberly J. Nystrom-Geist, Cochair	
Hon. Dean T. Stout, Cochair	
Elkins Family Law Implementation Task Force	
Hon. Laurie D. Zelon, Chair	

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### Executive Summary and Origin

Rule 5.92 (Request for court order; response) of the California Rules of Court and new forms *Request for Order* (form FL-300) and *Information Sheet for Request for Order* (form FL-300-INFO), adopted July 1, 2012, implemented the recommendations in the *Elkins Family Law Task Force Final Report and Recommendations* to simplify the forms for motions in family law proceedings. New rule 5.94 (Order shortening time; other filing requirements) is among the new amended and restructured family rules of court that became effective January 1, 2013.

Form FL-300 combined elements of motions (formerly filed using *Notice of Motion* (form FL-301)) with orders to show cause (formerly filed using *Order to Show Cause* (form FL-300)) so that one form is used for both purposes. Since its implementation, judicial officers, court clerks, and attorneys have identified changes to make the form easier for litigants to understand and complete and easier for court clerks to process. In addition to including their suggestions in this proposal, the committee and task force propose technical changes to the few current forms that

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continue to reference form FL-300 as an order to show cause and form FL-301. The committee and task force also propose changes to rule 5.94 and associated form FL-306 to respond to issues raised by family and juvenile court personnel.

## **The Proposal**

### **Proposed changes to rules of court relating to form FL-300**

*Rule 5.92. Request for court order; response.*

This proposal would amend rule 5.92(a)(6)(A) to address requests from courts and litigants to clarify the circumstances in which service of the *Request for Order* (form FL-300) must be accomplished through personal service on the other party. The rule would be reformatted and include service on a party who had not yet made an appearance in the case.

*Rule 5.94. Order shortening time; other filing requirements.*

In addition, the proposal would amend the rule relating to reissuances of the request for order that became effective January 1, 2013. The substantive changes proposed to the rule address the concerns of litigants and court personnel that the current version of the rule provides insufficient guidance concerning the reissuance or continuance of a *Request for Order*.

Litigants and courts have also noted that the rule lacks specific information about the consequences of a party's failure to timely serve the request or to obtain a court order or reissuance of the matter. The proposed amendments would provide that failure to timely serve the *Request for Order* (FL-300) or to obtain a reissuance will result in the dissolving of all orders included in that *Request for Order* on the date originally set for the hearing. The rule would also be updated to clarify that a party may request up to three reissuances of the request for order without charge. The title of the rule would also be amended to "*Reissuance of orders; order shortening time; other filing requirements.*"

### **Proposed changes to FL-300**

Court operations managers, supervisors, and clerks from several counties provided suggestions for practical and clarifying changes to form FL-300. These comments informed the committee and task force's proposal for substantive and minor changes to the form, as noted below:

*Changes to page 1 (items 1–3).*

- Minor changes to the caption are proposed as follows: (1) "Temporary emergency court orders" would appear in all capital letters; (2) the "Spousal Support" checkbox would read "Spousal or Partner Support" to more accurately reflect that domestic partners may use the form to request support orders; (3) The term "parenting time" would be added to the "Visitation" check box. (4) The check boxes would be reformatted to better fit the space.
- Substantive changes to item 2 are proposed to provide more information to the party being served with form FL-300. Specifically, this item would be revised to state:

“A COURT HEARING WILL BE HELD AS FOLLOWS: If you do not file and serve a *Responsive Declaration to Request for Order* (form FL-320) and appear at the hearing on this *Request for Order*, the court may make orders that affect your marriage or domestic partnership, the custody of your children, your property or finances. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires the party to attend mandatory child custody services before or on the same day at the hearing (*see item 5*)”

In addition, in item 2, the reference to “mediation” would be replaced by the term “child custody services.” This change is needed because the process is not referred to as “mediation” in all courts. This change would also make the language consistent with the language in item 5 in the Court Order section.

- The date and signature line in the middle of the page would be deleted. This information was formerly included on a *Notice of Motion* (FL-301) (instead of a judicial officer’s signature line on the former *Order to Show Cause* (form FL-300)). Because the signature of the declarant is required on the last page of the form, the additional signature line on page 1 is viewed as redundant.
- The title of form FL-305 would be changed from *Temporary Emergency Court Orders* to *Temporary Emergency Orders* to be consistent with the check box in the caption and the change in the name of form FL-305.

*Changes to page 1 (items 4–7).*

Most of the comments concerned the bottom half of the first page, the COURT ORDER section. Court personnel expressed confusion about when this box is to be checked. Clerks noted differences in their local practices—some clerks check this box only if mediation is ordered; others check the box when any of the items in this section are checked. To help address this issue, a note above the Court Order check box would be added to read: “Read *Information Sheet for Request for Order* (form FL-300-INFO) for information about the following section.” This form would be further revised to inform parties that they should check the Court Order box only when they are asking that the court grant the orders listed in items 4–7.

There was also confusion about the check box at item 4 on current form FL-300, which states “YOU ARE ORDERED TO APPEAR IN COURT AT THE DATE AND TIME LISTED IN ITEM 2 TO GIVE ANY LEGAL REASON WHY THE ORDERS REQUESTED SHOULD NOT BE GRANTED. The confusion related to when parties should be ordered to appear. Some court clerks indicated that they leave it up to the party to determine if the other party is ordered to appear. Other court clerks check this box if the respondent has not yet appeared in the case. Still, in other counties, court clerks check the box if the issue is determined to be in the nature of a “motion.”

To address the above issue, the committee and task force propose adding a new item 1 on the second page of form FL-300. The new item would be a check box titled “APPEARANCE AT HEARING.” After this heading, the language on item 4 on page 1 would appear as a request that the court order the other party to appear at the hearing to give any legal reason why the orders requested should not be granted. Thereafter, the form would prompt the party to specify why the order to appear is needed. The reasons following are: (1) Applicant has requested temporary emergency orders pending the hearing; (2) The person has not yet made an appearance in the case; (3) Substantive matters are at issue, such as child custody, visitation, parentage, child support, spousal or partner support, or the characterization or control of property or debts that may require the person’s testimony; or (4) Other (*specify*). This added request as item 1 on page 2 of the form would allow court clerks to determine relatively quickly if the party is requesting an order for the other party to appear and the basis for the request.

Other minor changes to this section include merging current items 5 and 6 into item 4. This would make it clear that item 6’s order about service of the responsive declaration is related to the fact that the court has ordered, under item 5, shortened time for service or shortened time for the hearing. Consequently, item 7 would be renumbered to 5, which would be changed to more accurately state “mandatory *child* custody services,” instead of simply “mandatory custody services.” Finally, current item 8 would be renumbered to item 6 and would include an additional statement about personal service.

*Changes to other pages on form FL-300.*

- “This Is Not a Court Order” would be added to pages 2 to 4 of FL-300. This sentence originally appeared on the *Application for Order and Supporting Declaration* (form FL-310), but was inadvertently omitted when the content of FL-310 was merged into form FL-300.
- Because a new item 1 (Appearance at Hearing) is proposed, all subsequent items would be renumbered accordingly, expanding the total number of items on the form to 11.
- The check boxes at items 1, 2, 3, 7, and 8 would be changed. Instead of stating, “To be ordered pending hearing”, these check boxes would be revised to state: “Applicant requests temporary emergency orders.” These revisions are needed to clarify that any request for relief on pages 2 to 4 pending a hearing is distinct from the actual temporary emergency orders granted by the court.
- Under item 7, Property Restraint, on page 3, the language in the check box under a. would be expanded to reflect the full statutory language. A second sentence would be added to state, “However, the parties may use community property, quasi-community property, or separate property to pay for the help of an attorney or to pay court costs.”

### **Proposed changes to FL-300-INFO**

This form serves as the instruction sheet to help parties complete form FL-300. In addition to the changes to form FL-300-INFO noted in the previous section, *Information Sheet for Request for Order (form FL-300-INFO)* would be revised to make substantive and technical changes that reflect the proposed changes to form FL-300. These include:

- Inserting the correct page numbers in the information sheet that corresponds to form FL-300. For example, a reference to page 4 was missing in current item 7 (proposed as item 8). So, item 8 would be revised to read “complete the sections on pages 2, 3, and 4.” Item 9 would read: “Date and sign page 4” (instead of signing on pages 1 and 3);
- Simplifying item 6. This item currently instructs the party to, “Check the box in front of Court Order on page 1). However, because the court may not actually grant the orders in this section, item 6 would be changed to state, “Leave the box in front of ‘Court Order’ blank on page 1. The court will check it, if applicable.”
- Changing the subheading in the first column on page 2 to “General Information About Personal Delivery” to distinguish it from the title of the subheading immediately following it;
- Making revisions to the form clarify that someone who is at least 18 years old must effect service, of form FL-300, not the party;
- Revising the name of form FL-305 to be consistent with the change in the form’s title to *Temporary Emergency Orders*
- Making other formatting and technical changes needed to effect the above changes.

### **Proposed changes to FL-305**

*Temporary Emergency Court Orders* (form FL-305) serves as a court order that is attached to the *Request for Order* (form FL-300) when it is served on the other party. Judicial officers have expressed concern that when the current form FL-305 is attached as the second page of form FL-300, the actual court orders may not be easily distinguished from orders being requested by a party. To avoid confusion, courts have suggested revising the form to be a separate, stand-alone order that is served along with form FL-300.

To respond to these concerns, the committee and task force propose the following changes to form FL-305:

- Creating a separate order form by inserting standard captions;

- Inserting a new item 1 to require information about the *Request for Order*, specifically, which party filed it and the date it was filed. This item would also require information about the hearing, including the date, time, department, and room;
- Including check boxes with each category of orders being requested (appearance at hearing, property restraint, property control, etc.) so the court can clearly indicate whether the temporary emergency court order requested has been granted;
- Changing the title of the form by removing the word “Court” as it is not needed to modify the phrase “temporary emergency orders”; and
- Adding a new item a so a party can include the names and ages of the children subject to the temporary emergency orders.

### **Proposed changes to FL-306/JV-251**

Form FL-306/JV-251, *Application and Order for Reissuance of Request for Order or Restraining Order (Juvenile), and Order to Show Cause* is used by a party to renew temporary restraining orders in family and juvenile courts if the other party could not be served before the hearing date or if the hearing date was continued. Juvenile court judges have commented that the form is confusing as a dual family court/juvenile court order. To eliminate confusion, the committee is requesting that a separate form be adopted for juvenile cases that involve requests for domestic violence restraining orders. The proposal for the new, separate juvenile form FL-251 will be circulated as a separate invitation to comment to elicit specific comments from the juvenile law community. The present family law proposal is to revise form FL-306 to delete references to juvenile restraining orders and make other clarifying changes to the form’s title and content.

### **Proposed changes to FL-320**

*Responsive Declaration to Request for Order* (form FL-320) is filed by a party in response to the requests filed on FL-300. A new item 1 would be added to the form to be consistent with the new item 1 on form FL-300 regarding personal appearance at the hearing. At item 1, a party would indicate whether he or she will appear at the hearing or will not appear at the hearing. In addition, a space for “Other” would allow the responding party to provide other information to the court on the matter of the request for a personal appearance at the hearing.

### **Proposed technical changes to related forms**

The following forms are listed on *Request for Order* (form FL-300) and refer to that form. They should be revised to reflect the new form name. Other technical changes are proposed, as needed, so that the captions consistently refer to “Other parent/party,” instead of “Other party.”

- *Child Custody and Visitation Application Attachment* (form FL-311)
- *Request for Child Abduction Prevention Orders* (form FL-312)
- *Order to Pay Waived Court Fees and Costs (Superior Court)* (form FL-336)
- *Application to Set Aside Order to Pay Waived Court Fees—Attachment* (form FL-337)

- *Children’s Holiday Schedule Attachment* (form FL-341(C))
- *Additional Provisions—Physical Custody Attachment* (FL-341(D))
- *Joint Legal Custody Attachment* (form FL-341(E))

### **Alternatives Considered**

The committee considered deferring the action but recommends proposing the suggested changes to simplify the situation for litigants and court clerks who have questions regarding the rule and forms concerning a request for order.

### **Implementation Requirements, Costs, and Operational Impacts**

Costs to implement the revised forms will be minimal for courts that provide blank copies of forms or forms packets to court users. Initial costs should be offset by savings achieved through more efficient case processing once the forms are implemented and in use.

## **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committee and task force are interested in comments on the following:

- Does the proposal reasonably achieve the stated purpose?
- Would this proposal have an impact on public’s access to the courts? If a positive impact, please describe. If a negative impact, what changes might lessen the impact?
- Regarding rule 5.92, the task force and committee seek comment about the proposed change to the language of 5.92(a)(6)(A)(ii), and whether the use of the term “appearance” helps clarify when personal service of the request for order is required. If it does not, how might this part of the rule be reworded to avoid confusion?
- Do the suggested changes to forms FL-300, FL-300-INFO, FL-305, and FL-306 address the issues raised by court personnel as described in this proposal? If not, please specify the issues that have not been addressed and provide proposed language that will help address that issue.
- *Re: Form FL-300 and FL-305-* The proposal currently suggests removing item 4 on page 1 of the form (the check box and language ordering a responding party to appear in court) and placing the order on a separate order (form FL-305) along with other temporary orders that would be served on the other party. Would these changes adversely impact the courts or court users? Should current item 4 remain on form FL-300 instead of, or in addition to appearing on form FL-305?
- *Re: Form FL-320:* Form FL-300 is proposed to be revised to include a new item 1 to permit a party to affirmatively request an order that the other party appear at the court hearing. To be consistent with the new item on form FL-300, the proposal includes a new entry for the *Responsive Declaration to Request for Order* (form FL-320) to permit a responding party to indicate if he or she will or will not appear at the hearing. The committee and task force seek comment about whether or not this entry (proposed item 1) should be included on the form. If so, is there other language for the form that would be more helpful in responding to the moving party’s request for an order to appear explaining why the respondent would prefer not to appear?

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

- Would the proposal provide costs savings? If so, please quantify. If not, what changes might be made that would provide savings, or greater savings?
- What are the implementation requirements 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 two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- If this proposal would be cumbersome or difficult to implement in a court of your size, what changes would allow the proposal to be implemented more easily or simply in a court of your size?

### **Attachments and Links**

1. Rules 5.92 and 5.94 of the California Rules of Court, at pages 9–11
2. Forms FL-300, FL-300-INFO, FL-305, FL-306, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341(C), FL-341(D), and FL-341(E), at pages 12–33

Rules 5.92 and 5.94 of the California Rules of Court would be amended, effective January 1, 2014, to read:

1  
2 **Rule 5.92. Request for court order; response**

3  
4 **(a) Request for order; procedures**

5  
6 (1) – (5) \*\*\*

7  
8 (6) The moving party must file the documents with the court to obtain a court date  
9 and then serve a copy on the responding party.

10  
11 ~~(A) If the request for order seeks court orders pending a hearing or seeks an order~~  
12 ~~that the other party attend the hearing, the *Request for Order* (form FL-300)~~  
13 ~~and appropriate attachments must be served in the manner specified for the~~  
14 ~~service of a summons in Code of Civil Procedure section 4.13.10 et seq.~~

15  
16 (A) The *Request for Order* (form FL-300) and appropriate attachments must  
17 be served in the manner specified for the service of a summons in Code  
18 of Civil Procedure section 413.10 et seq. if:

19  
20 (i) The request for order includes temporary emergency orders  
21 pending the hearing;

22  
23 (ii) The request for order includes a court order for the responding  
24 party to attend the hearing and the responding party has not made  
25 an appearance in the action; or

26  
27 (iii) The court orders such service.

28  
29 (B) – (C) \*\*\*

30  
31 (7) \*\*\*

32  
33 **Rule 5.94. Reissuance of orders; order shortening time; other filing requirements**

34  
35 **(a) – (b) \*\*\***

36  
37 **(c) Failure to timely serve moving papers**

38  
39 ~~If a *Request for Order* (FL-300) is not timely served on the opposing party, the~~  
40 ~~moving party must notify the court as soon as possible before the date assigned for~~  
41 ~~the court hearing and request a new hearing date to allow additional time to serve~~  
42 ~~the *Request for Order* (FL-300) and supporting documents.~~

1 The moving party must also request that the court reissue the *Request for Order*  
2 (FL-300) and any temporary orders. To do so, the moving party must complete and  
3 submit to the court an *Application and Order for Reissuance of Request for Order*  
4 (form FL-306).  
5

6 (1) *Reissuance of Request for Order and Temporary Emergency Orders*  
7

8 (A) If the *Request for Order* (FL-300) is not timely served on the other party  
9 and includes temporary emergency orders or orders to attend mandatory  
10 child custody services, to appear at the hearing, or other orders specified  
11 by the court, the moving party must use the *Application and Order for*  
12 *Reissuance of Request for Order and Temporary Emergency Orders*  
13 (form FL-306) to request that the court assign a new hearing date to  
14 allow for timely service of the *Request for Order* (FL-300) and to reissue  
15 any temporary or other orders.  
16

17 (B) The *Application and Order for Reissuance of Request for Order and*  
18 *Temporary Emergency Orders* (form FL-306) must be filed no later than  
19 five court days before the scheduled hearing date or presented at the  
20 hearing. Otherwise, the moving party may also appear in court on the  
21 hearing date to request the reissuance.  
22

23 (C) Failure to timely serve the *Request for Order* (FL-300) or to obtain a  
24 reissuance will result in the dissolving of all orders included in that  
25 *Request for Order* on the date originally set for the hearing.  
26

27 (D) A filed copy of form FL-306 must be attached as the cover page of the  
28 original *Request for Order* documents and orders and served on the party  
29 to whom the orders are directed.  
30

31 (E) The moving party may use the reissuance procedure in this rule if he or  
32 she fails to timely serve the filed FL-306, FL-300, and supporting orders  
33 and documents.  
34

35 (F) No fee will be charged for three reissuances of the *Request for Order*  
36 *and Temporary Emergency Orders.*  
37

38 (2) *Continuance of Request for Order*  
39

40 If the *Request for Order* (FL-300) does not include temporary or other orders  
41 as described in (1), the moving party may request a continuance of the hearing  
42 without using form FL-306.  
43

1 (d) – (e) \*\*\*  
2 .  
3



PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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**REQUEST FOR ORDER AND SUPPORTING DECLARATION**

**—THIS IS NOT A COURT ORDER—**

**Petitioner**  **Respondent**  **Other Parent/Party** requests the following orders

1.  **APPEARANCE AT HEARING**  **Applicant requests temporary emergency orders**

Applicant requests that the court order the  Petitioner  Respondent  Other parent/party to appear at the hearing to give any legal reason why the orders requested should not be granted. The order is needed because (*specify*):

- a.  Applicant has requested temporary emergency orders pending the hearing.
- b.  The person has not yet made an appearance in the case.
- c.  Substantive matters are at issue, such as child custody, visitation, parentage, child support, spousal or partner support, or the characterization or control of property or debts that may require the person's testimony.
- d.  Other (*specify*):

2.  **CHILD CUSTODY**  **Applicant requests temporary emergency orders**

- a. Child's name and age
- b. Legal custody to (name of person who makes decisions about health, education, etc.)
- c. Physical custody to (name of person with whom child will live)

- d.  As requested in form  *Child Custody and Visitation Application Attachment* (form FL-311)
- Request for Child Abduction Prevention Orders* (form FL-312)
- Children's Holiday Schedule Attachment* (form FL-341(C))
- Additional Provisions—Physical Custody Attachment* (form FL-341(D))
- Joint Legal Custody Attachment* (form FL-341(E))
- Other (Attachment 2d)

e. Modify existing order filed on (*date*): ordering (*specify*):

3.  **CHILD VISITATION (PARENTING TIME)**  **Applicant requests temporary emergency orders**

- a. As requested in: (1)  Attachment 3a (2)  *Child Custody and Visitation Application Attachment* (form FL-311)
- (3)  Other (*specify*):

b.  Modify existing order filed on (*date*): ordering (*specify*):

c.  One or more domestic violence restraining/protective orders are now in effect. (*Attach a copy of the orders if you have one.*) The orders are from the following court or courts (*specify county and state*):

- (1)  Criminal: County/state (*specify*): Case No. (*if known*):
- (2)  Family: County/state (*specify*): Case No. (*if known*):
- (3)  Juvenile: County/state (*specify*): Case No. (*if known*):
- (4)  Other: County/state (*specify*): Case No. (*if known*):

**Notice: The court is required to order child support based on the income of both parents. It normally continues until the child is 18. You must supply the court with information about your finances by filing an *Income and Expense Declaration* (form FL-150) or a *Financial Statement (Simplified)* (form FL-155). Otherwise, the child support order will be based on information about your income that the court receives from other sources, including the other parent.**

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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**—THIS IS NOT A COURT ORDER—**

4.  CHILD SUPPORT *(An earnings assignment order may be issued.)*
- a. Child's name and age      b.  I request support based on the child support guidelines      c. Monthly amount requested (if not by guideline) \$

d.  Modify existing order file on *(date)*: \_\_\_\_\_ ordering *(specify)*: \_\_\_\_\_

5. a.  SPOUSAL OR PARTNER SUPPORT *(An earnings assignment order may be issued.)*

(1)  Amount requested *(monthly)*: \$

(2)  Modify existing order file on *(date)*: \_\_\_\_\_ ordering *(specify)*: \_\_\_\_\_

(3)  Terminate existing order file on *(date)*: \_\_\_\_\_ ordering *(specify)*: \_\_\_\_\_

b.  The *Spousal or Partner Support Declaration Attachment* (form FL-157) is attached *(for modification of spousal or partner support after judgment only)*.

c. An *Income and Expense Declaration* (form FL-150) must be attached.

6.  ATTORNEY FEES AND COSTS are requested on *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form. An *Income and Expense Declaration* (form FL-150) must be attached. A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form must also be attached.

7.  PROPERTY RESTRAINT  **Applicant requests temporary emergency orders**

a. The  petitioner  respondent  claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.

The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court. However, the parties may use community property, quasi-community property, or separate property to pay for the help of an attorney or to pay court costs.

b.  Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.

c.  Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

8.  PROPERTY CONTROL  **Applicant requests temporary emergency orders**

a.  The petitioner  respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying *(specify)*:

**NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100), *Temporary Restraining Order (Domestic Violence)* (form DV-110), and *Notice of Court Hearing (Domestic Violence)* (form DV-109).**

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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**—THIS IS NOT A COURT ORDER—**

8.  PROPERTY CONTROL (continued)  **Applicant requests temporary emergency orders**  
 b.  The petitioner  respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:

<u>Debt</u>	<u>Amount of payment</u>	<u>Pay to</u>
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9.  OTHER RELIEF (*specify*):

10.  **I request** that time for service of the *Request for Order* and accompanying papers be shortened so that these documents may be served no less than (*specify number*): \_\_\_\_\_ days before the time set for the hearing. I need to have this order shortening time because of the facts specified in item 11 or the attached declaration.

11.  **FACTS IN SUPPORT** of orders requested and change of circumstances for any modification are (*specify*):  
 Contained in the attached declaration. (*You may use Attached Declaration (form MC-031) for this purpose. The attached declaration must not exceed 10 pages in length unless permission to file a longer declaration has been obtained from the court.*)

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

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶

\_\_\_\_\_  
 (SIGNATURE OF 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](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)

## General Instructions

The *Request for Order* (FL-300) form replaces the old *Notice of Motion* and *Order to Show Cause* forms. Use the *Request for Order* form to ask for court orders in your family law case.

1. You must complete the top portion of page 1, including your name and address, the court address, the name of the parties in the case, and the case number.
2. Check all the boxes that apply to the orders you are requesting. Check the Modification box if you are requesting a change to an existing order. Check the **Temporary Emergency Order** box if you are requesting that the court issue emergency orders that will be effective before the hearing date.
3. List the name of the other person in your case in item 1.
4. Leave item 2 blank. The court clerk will fill in the date, time, and location of the hearing.
5. In item 3 indicate all of the forms that you have completed and filed with the court. These are the forms that you will have to provide to the other party.
6. **Leave the box in front of "Court Order" blank on page 1. The court will check it, if applicable.**
7. Leave items 4–7 blank on page 1. The court clerk will fill in the information.
8. Complete the sections on pages 2, 3, and 4 that apply to the orders that you are asking the court to make.
9. Date and sign page 4 of the form.
10. Complete any additional forms that you will need to file with your *Request for Order*.
11. File your completed *Request for Order* and other forms with the court clerk. A fee is due at the time of filing. If you can't afford to pay the filing fee, you can ask the court to waive the fee by completing and filing a *Request to Waive Court Fees* (form FW-001).

### For example:

- If you are asking the court to make child
  - custody orders, check the box marked Child Custody in the caption (the box just above item 1 on the first page of form FL-300) and then complete item 2 on page 2.

- If you are asking the court to make custody orders that go into effect before the hearing date, check the box "Applicant requests temporary emergency orders" in item 1 on page 2 and check the box marked Temporary Emergency Order in the box just above number 1 on page 1.
- Complete the **Temporary Emergency Orders** (form FL-305) and file it with the *Request for Order*. Ask the family law facilitator or the self-help center staff to explain the procedures for requesting temporary emergency orders at your court and follow those procedures.

### Other forms to file with this *Request for Order*:

- If you are asking the court to make temporary orders that will go into effect before the hearing date: a completed **Temporary Emergency Orders** (form FL-305).
- If you are asking the court to order spousal or partner support or attorney's fees and costs: a completed *Income and Expense Declaration* (form FL-150).
- If you are asking the court to order child support: A completed *Income and Expense Declaration* (form FL-150) or a completed *Financial Statement (Simplified)* (form FL-155).
- If you are asking the court for child custody orders: See item 2d on page 2 of the *Request for Order* (form FL-300) for the list of forms that you may have to complete.
- If you plan on having witnesses testify at your hearing: a completed *Witness List* (form FL-321).

### Note: Do not use *Request for Order* (FL-300) if you are filing a motion or order to show cause:

- For a contempt action in a family law case (use *Order to Show Cause and Affidavit for Contempt* (see form FL-410))
- To set aside a child support order (see form FL-360 or FL-640) or a voluntary declaration of paternity (see form FL-280)
- For a domestic violence protective order under the Domestic Violence Protection Act (see form DV-100). Note: You can use the *Request for Order* (form FL-300) in a domestic violence protective order case, but only if you have child custody, visitation, or support orders that you need modified.
- Other types of cases for which there are other Judicial Council forms just for those cases.

***If you have a question about whether this is the right form for your situation or whether you need to complete additional forms, ask the family law facilitator, self-help center, or the clerk's office at the court.***



## Instructions for Giving the Other Party Notice (Service)

### General Information About Personal Delivery

- After you file the *Request for Order* and other forms with the court clerk, you will get them back with a court date and time stamped on the first page of the *Request for Order*. You must make sure that the other party receives a copy of the *Request for Order* and all the other forms so that he or she has notice of the date, time, and location of the hearing and of the orders that you are asking the court to make. This means that you must have someone who is at least **18 years old** “serve” a copy of the *Request for Order* and all the other documents on the other party. If you completed and filed an *Income and Expense Declaration* (form FL-150) or a completed *Financial Statement (Simplified)* (form FL-155), you must include a blank copy of these forms for the other party to complete and file.
- In general, the other party must be served with the *Request for Order* and other forms at least 16 court days prior to the hearing. If service is by mail, you must add 5 days. The court may order that the time for service on the other party can be shorter (See item 9 on the *Request for Order* (form FL-300)).

### Service by Personal Delivery

If you have asked the court for **temporary emergency orders** or other orders that will go into effect before the hearing, or you have asked the court to order the other party to attend the hearing and the judicial officer has signed the “Court Order” portion of the *Request for Hearing* form:

- Have someone else (who is at least **18 years old**) personally give a copy the *Request for Order*, with the other forms and blank responsive forms, to the other party.
- After the person gives the forms to the other party, he or she should complete a *Proof of Personal Service* (form FL-330). *Information Sheet for Proof of Personal Service* (form FL-330-INFO) has instructions to help the person complete the form.
- You then file the *Proof of Personal Service* with the clerk of the court five court days before the hearing date.

### Service by Mail

If you have not asked the court for orders that will go into effect before the hearing, or you have not asked the court to order the other party to attend the hearing, and the “Court Order” portion on page 1 of the *Request for Order* has not been completed or signed by the judicial officer:

- You can ask another person (who is at least **18 years old**) to mail the *Request for Order* with the appropriate attachments and blank responsive forms to the other party.
- If you filed the *Request for Order* asking for orders after the judgment was entered in your case or after permanent orders were made in your case, you will need to verify the address of the person who is being served and file proof of the verification with the court.
- After the person mails the forms, he or she should complete a *Proof of Service by Mail* (form FL-335). *Information Sheet for Proof of Service by Mail* (form FL-335-INFO) has instructions to help the person complete the form.
- You then file the completed *Proof of Service by Mail* (form FL-335) with the clerk of the court five court days before the hearing date.

For more information about giving notice, see *Information Sheet for Proof of Personal Service* (FL-330-INFO) or *Information Sheet for Proof of Service by Mail* (FL-335-INFO).

***If you have questions about service or need additional assistance, contact the family law facilitator or self-help center in your county.***

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):    TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>   <b>DRAFT - PJ/CE NOT APPROVED BY THE JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	
<b>TEMPORARY EMERGENCY ORDERS</b>	CASE NUMBER: _____

1. A hearing on the *Request for Order* filed by (specify): \_\_\_\_\_ on (date): \_\_\_\_\_ will be held on:

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

2. The court makes the following temporary emergency orders, which are effective immediately and **until the date of the hearing shown above in item 1.**

3.  **APPEARANCE AT HEARING**

The  Petitioner  Respondent  Other parent/party is ordered to appear at the hearing in this court to give any legal reason why the relief sought in the attached *Request for Order* should not be granted.

4.  **MINOR CHILDREN**

a. **Child's name and age**

b.  Petitioner  Respondent will have the temporary physical custody, care, and control of the minor children of the parties  subject to the other party's rights of visitation as follows:

c.  Petitioner  Respondent must not remove the minor child or children of the parties

- (1)  from the state of California.
- (2)  from the following counties (specify): \_\_\_\_\_
- (3)  other (specify): \_\_\_\_\_

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

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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**—THIS IS A COURT ORDER—**

4.  **MINOR CHILDREN** (continued)

e.  Child abduction prevention orders are attached (see form FL-341(B)).

5.  **PROPERTY RESTRAINT**

- a.  Petitioner  Respondent  Claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.  
 The other party is to be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such is to be made to the court. However, the parties may use community property, quasi-community property, or separate property to pay for the help of an attorney or to pay court costs.
- b.  Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor child or children.
- c.  Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

6.  **PROPERTY CONTROL**

- a.  Petitioner  Respondent is given the exclusive temporary use, possession, and control of the following property that the parties own or are buying (specify):
  - b.  Petitioner  Respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
|-------------|--------------------------|---------------|

7.  **OTHER ORDERS** (specify):

Additional orders are listed on Attachment 7.

Date: \_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

**CLERK'S CERTIFICATE**

[SEAL] I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>          <b>DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER PARENT/PARTY:	
<b>APPLICATION AND ORDER FOR REISSUANCE OF</b> <input type="checkbox"/> <b>Request for Order</b> <input type="checkbox"/> <b>Temporary Emergency Orders</b> <input type="checkbox"/> <b>Other (specify): _____</b>	<b>CASE NUMBER:</b> _____

1. Name of Applicant: \_\_\_\_\_
2. Applicant requests the court to reissue the:
  - a.  Request for Order       Temporary Emergency Orders
  - b.  Other (specify): \_\_\_\_\_
3. The orders were originally issued on (date): \_\_\_\_\_
4. The last hearing date was (date): \_\_\_\_\_
5. Number of times the orders have been reissued: \_\_\_\_\_
6. Applicant requests reissuance of the orders because:
  - a.  Respondent/Defendant     Petitioner/Plaintiff     Person to be restrained     Other party    could not be served as required before the hearing date.
  - b.  The hearing was continued because the parties were referred to a court mediator or family court services.
  - c.  Other (specify): \_\_\_\_\_

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

\_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE)

**ORDER**

7. IT IS ORDERED that the  Request for Order     **Temporary Emergency Orders**  
 Other (specify): \_\_\_\_\_  
 and any orders listed are reissued unless this order changes them. The hearing is reset as follows:

Date:	Time:	Dept.:	Room:
at the street address of the court shown above.			

8.  Other (specify): \_\_\_\_\_
9. All orders will end on the date and time shown in the box above unless the court extends the time.

Date: \_\_\_\_\_ ▶  
JUDICIAL OFFICER

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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**CHILD CUSTODY AND VISITATION APPLICATION ATTACHMENT**

TO  **Petition or Response**  **Request for Order**  **Other (specify):**

1.  **Custody.** Custody of the minor children of the parties is requested as follows:

<u>Child's Name</u>	<u>Date of Birth</u>	<u>Legal Custody to</u> <i>(person who makes decisions about health, education, etc.)</i>	<u>Physical Custody to</u> <i>(person with whom the child lives)</i>
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2.  **Visitation.**

- a.  Reasonable right of visitation to the party without physical custody **(not appropriate in cases involving domestic violence)**
- b.  See the attached \_\_\_\_\_-page document dated *(specify date)*:
- c.  The parties will go to mediation at *(specify location)*:
- d.  No visitation
- e.  Visitation for the  petitioner  respondent will be as follows:

(1)  **Weekends starting (date):**

*(The first weekend of the month is the first weekend with a Saturday.)*

1st  2nd  3rd  4th  5th weekend of the month

from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

(a)  The parents will alternate the fifth weekends, with the  petitioner  respondent having the initial fifth weekend, which starts *(date)*:

(b)  The petitioner will have fifth weekends in  odd  even months.

(2)  **Alternate weekends starting (date):**

The  petitioner  respondent will have the children with him or her during the period

from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

(3)  **Weekdays starting (date):**

The  petitioner  respondent will have the children with him or her during the period

from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
*(day of week) (time)*

(4)  **Other (specify days and times as well as any additional restrictions):**

See Attachment 2e(4).

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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3.  **Supervised visitation.**  
 I request that (name): \_\_\_\_\_ have supervised visitation with the minor children according to the schedule set out on page 1 and that the visits be supervised by (name): \_\_\_\_\_ who is a  professional  nonprofessional supervisor. The supervisor's phone number is (specify): \_\_\_\_\_

I request that the costs of supervision be paid as follows: petitioner: \_\_\_\_\_ percent; respondent: \_\_\_\_\_ percent.

**If item 3 is checked, you must attach a declaration that shows why unsupervised visitation would be bad for your children. The judge is required to consider supervised visitation if one parent is alleging domestic violence and is protected by a restraining order.**

4.  **Transportation for visitation and place of exchange.**

- a.  Transportation **to** the visits will be provided by (name): \_\_\_\_\_
- b.  Transportation **from** the visits will be provided by (name): \_\_\_\_\_
- c.  Drop-off of the children will be at (address): \_\_\_\_\_
- d.  Pick-up of the children will be at (address): \_\_\_\_\_
- e.  The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- f.  During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
- g.  Other (specify): \_\_\_\_\_

5.  **Travel with children.** The  petitioner  respondent  other (name): \_\_\_\_\_ **must** have written permission from the other parent or a court order to take the children out of

- a.  the state of California.
- b.  the following counties (specify): \_\_\_\_\_
- c.  other places (specify): \_\_\_\_\_

6.  **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other parent's permission. I request the orders set out on attached form FL-312.

7.  **Children's holiday schedule.** I request the holiday and visitation schedule set out on the attached  form FL-341(C)  other (specify): \_\_\_\_\_

8.  **Additional custody provisions.** I request the additional orders regarding custody set out on the attached  form FL-341(D)  other (specify): \_\_\_\_\_

9.  **Joint legal custody provisions.** I request joint legal custody and want the additional orders set out on the attached  form FL-341(E)  other (specify): \_\_\_\_\_

10.  **Other.** I request the following additional orders (specify): \_\_\_\_\_

PETITIONER / PLAINTIFF:	CASE NUMBER:
RESPONDENT / DEFENDANT:	
OTHER PARENT/PARTY:	

### REQUEST FOR CHILD ABDUCTION PREVENTION ORDERS

Attachment to  Petition  Response  Request for Order  Responsive Declaration  
 Other (*specify*):

1. Your name:

2. Do you think the other parent might take the children without your permission to

- a.  another county in California?  Yes  No If "Yes," what county? (*specify*):
- b.  another state?  Yes  No If "Yes," what state? (*specify*):
- c.  a foreign country?  Yes  No If "Yes," what country? (*specify*):

If "Yes," is the other parent a citizen of that country?  Yes  No

If "Yes," does the other parent have family or emotional ties to that country?  Yes  No

*Explain:*

3. Why do you think the other parent might take the children without your permission?

The other parent (*check all that apply*):

- a.  has violated—or threatened to violate—a custody or visitation order in the past.  
*Explain:*
- b.  does not have strong ties to California.  
*Explain any work, financial, social, or family situation that makes it easy for the other parent to leave California.*
- c.  has recently done things that make it easy for him or her to take the children away without permission. He or she has (*check all that apply*)
- quit his or her job.  sold his or her home.
- closed a bank account.  ended a lease.
- sold or gotten rid of assets.  hidden or destroyed documents.
- applied for a passport, birth certificate, or school or medical records.
- Other (*specify*):
- d.  has a history of (*check all that apply*)
- domestic violence.
- child abuse.
- not cooperating with me in parenting.
- taking the children without my permission.  
*Explain:*
- e.  has a criminal record. *Explain:*

PETITIONER/ PLAINTIFF: RESPONDENT/ DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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**I REQUEST THE FOLLOWING ORDERS:**

4.  **Supervised Visitation**

I ask the court to order supervised visitation.

Terms of visitation are attached (*check one*):  form FL-341(A)  as follows:

5.  **Post a Bond**

I ask the court to order the other parent to post a bond for \$\_\_\_\_\_. If the other parent takes the children without my permission, I can use this money to bring the children back.

6.  **Do Not Move Without My Permission or Court Order**

I ask the court to order the other parent NOT to move with the children, without my written permission or a court order.

7.  **No Travel Without My Permission or Court Order**

I ask the court to order the other parent NOT to travel with the children outside (*check all that apply*)

this county  the United States

California  other (*specify*):

without my written permission or a court order.

8.  **Notify Other State of Travel Restrictions**

I ask the court to order the other parent to register this order in the state of: \_\_\_\_\_ before the children can travel to that state for visits.

9.  **Turn In and Do Not Apply for Passports or Other Vital Documents**

I ask the court to order the other parent to turn in and NOT apply for passports or other documents (such as visas or birth certificates) that can be used for travel.

10.  **Provide Itinerary and Other Travel Documents**

If the other parent is allowed to travel with the children, I ask the court to order the other parent to give me before leaving

the children's travel itinerary.

copies of round-trip airline tickets.

addresses and telephone numbers where the children can be reached.

an open airline ticket for me in case the children are not returned.

other (*specify*):

11.  **Notify Foreign Embassy or Consulate of Passport Restrictions**

I ask the court to order the other parent to notify the embassy or consulate of: \_\_\_\_\_ of this order and to provide the court with proof of that notification within: \_\_\_\_\_ calendar days.

12.  **Foreign Custody and Visitation Order**

I ask the court to order the other parent to get a custody and visitation order in a foreign country equal to the most recent U.S. order before the children can travel to that country for visits. I understand that foreign orders may be changed or enforced depending on the laws of that country.

13.  **Other (*specify*):**

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

Date: \_\_\_\_\_  
SIGN HERE

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):   TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  <b>OTHER PARENT/PARTY:</b>	
<b>RESPONSIVE DECLARATION TO REQUEST FOR ORDER</b>	CASE NUMBER:
HEARING DATE: _____ TIME: _____ DEPARTMENT OR ROOM: _____	

1.  PERSONAL APPEARANCE AT HEARING

a.  I will appear at the hearing.

b.  I will not appear at the hearing for the following reason(s) (*specify*):

2.  CHILD CUSTODY

a.  I consent to the order requested.

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

3.  CHILD VISITATION (PARENTING TIME)

a.  I consent to the order requested.

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

4.  CHILD SUPPORT

a.  I consent to the order requested.

b.  I consent to guideline support.

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

(1)  Guideline

(2)  Other (*specify*):

PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  <b>OTHER PARENT/PARTY:</b>	CASE NUMBER:
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5.  SPOUSAL OR PARTNER SUPPORT
- a.  I consent to the order requested.
  - b.  I do not consent to the order requested.
  - c.  I consent to the following order:

6.  ATTORNEY'S FEES AND COSTS
- a.  I consent to the order requested.
  - b.  I do not consent to the order requested.
  - c.  I consent to the following order:

7.  PROPERTY RESTRAINT
- a.  I consent to the order requested.
  - b.  I do not consent to the order requested.
  - c.  I consent to the following order:

8.  PROPERTY CONTROL
- a.  I consent to the order requested.
  - b.  I do not consent to the order requested.
  - c.  I consent to the following order:

9.  OTHER RELIEF
- a.  I consent to the order requested.
  - b.  I do not consent to the order requested.
  - c.  I consent to the following order:

10.  SUPPORTING INFORMATION
- Contained in the attached declaration. (You may use *Attached Declaration* (form MC-031) for this purpose).

**NOTE:** To respond to domestic violence restraining orders requested in the *Request for Order (Domestic Violence Prevention)* (form DV-100), you must use the *Answer to Temporary Restraining Order (Domestic Violence Prevention)* (form DV-120).

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

Date:

\_\_\_\_\_ \_\_\_\_\_

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name and address)</i> :     TELEPHONE NO.: _____ FAX NO. <i>(optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER PARENT/PARTY:	
<b>ORDER TO PAY WAIVED COURT FEES AND COSTS (Superior Court)</b>	CASE NUMBER:

1. This proceeding was heard as follows:  Default or uncontested  By declaration under Family Code section 2336  
 Contested

on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

- a. by Judge *(name)*: \_\_\_\_\_  Temporary Judge
- b.  Petitioner/plaintiff present  Attorney present *(name)*:
- c.  Respondent/defendant present  Attorney present *(name)*:
- d.  Other present  Attorney present *(name)*:
- e.  On the **Request for Order** filed *(date)*: \_\_\_\_\_ by *(name)*:
- f.  Other *(specify)*: \_\_\_\_\_

**2. THE COURT FINDS**

- a. The court made an order waiving court fees and costs for  petitioner  respondent in this matter on *(date)*:
- b.  The court made an order for support payable by  petitioner  respondent to  petitioner  respondent on *(date)*:
- c. After considering information in the court file and other evidence,  petitioner  respondent has the ability to pay all or part of the waived court fees and costs.

**3. THE COURT ORDERS**

- a.  Petitioner  Respondent must pay  his or her own  the other party's previously waived court fees in the total amount of *(specify)*:
- b. Payment be made:
  - (1) \$ \_\_\_\_\_ per month until paid in full, beginning *(date)*:
  - (2)  Within 10 days from the date of service of this *Order to Pay Waived Court Fees and Costs* *(see attached Proof of Service)*.
  - (3) After all current support and accrued support arrears have been paid (if ordered to pay the other party's waived court fees). (Gov. Code, § 68637(d).)
  - (4)  Other *(specify)*:
- c. Payment be sent to *(specify)*:

PETITIONER: RESPONDENT: <b>OTHER PARENT/PARTY:</b>	CASE NUMBER:
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5. **NOTICE TO:**

- Petitioner  Respondent  Initial fee waiver recipient, ordered to pay waived court fees and costs.
- Petitioner  Respondent  Support obligor ordered to pay the initial fee waiver recipient's waived court fees and costs
- The party ordered to pay fees and costs who did not receive the initial fee waiver AND was not present at the trial or hearing when the court ordered payment of waived court fees and costs.
- Other (specify):**

**YOU HAVE AN OPPORTUNITY FOR A HEARING TO REQUEST THAT  
THE COURT SET ASIDE THE ORDER TO PAY WAIVED COURT FEES AND COSTS**

- a. To request a hearing, complete and file with the court clerk:
  - (1) *Request for Order* (form FL-300) and
  - (2) *Application to Set Aside Order to Pay Waived Court Fees—Attachment* (form FL-337)
- b. The forms specified in item a must be completed and filed with the court clerk within 30 days from the date of service of this *Order to Pay Waived Court Fees and Costs* (see attached Proof of Service).
- c. In addition, the party requesting the hearing must serve the other party with:
  - (1) Copies of the documents in item a filed with the court; and
  - (2) A **blank** *Responsive Declaration to Request for Order* (form FL-320).

You can obtain these forms from the clerk of the court, your county law library, or online at [www.courts.ca.gov](http://www.courts.ca.gov).
- d. If a request for hearing is filed with the court clerk within the time specified in item b, the order to pay waived court fees and costs will not be enforced until after the hearing.

**WARNING: The court has ordered you to pay court fees and costs. If you do not pay the court fees and costs, the court can institute collection proceedings and charge you interest and a collection fee.**

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

PETITIONER: RESPONDENT: <b>OTHER PARENT/PARTY:</b>	CASE NUMBER:
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**APPLICATION TO SET ASIDE ORDER TO PAY WAIVED COURT FEES—ATTACHMENT**  
**Attachment to *Request for Order* (form FL-300)**

- I am the  petitioner  respondent. I request that the court set aside the *Order to Pay Waived Court Fees and Costs*
- In making this request, I ask the court to consider the information in the court's case file, the information attached to this application, the information specified in the supporting declaration, and the evidence presented at the hearing.

**NOTICE**

**To request a hearing, the party must complete and file with the court clerk the following: (1) *Request for Order* (form FL-300) and (2) *Application to Set Aside Order to Pay Waived Court Fees—Attachment (Family Law)* (Form FL-337).** These forms must be completed and filed with the court clerk within 30 days from the date of personal service of the *Order to Pay Waived Court Fees* OR within 35 days from the date the *Order to Pay Waived Court Fees* was served by mail.

In addition, the party requesting the hearing must serve the other party with (1) copies of the above-listed documents filed with the court and (2) A blank *Responsive Declaration to Request for Order* (form FL-320). You may obtain Judicial Council forms from the clerk of the court, your county law library, or [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

If the request for hearing is filed with the court clerk within this time, the *Order to Pay Waived Court Fees and Costs* will not be enforced until after the hearing.

- The reasons in support of this request are (*specify*):  
 Supporting declarations attached. You may use *Attached Declaration* (form MC-031).

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

Date:

\_\_\_\_\_  \_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	
OTHER PARENT/PARTY:	

**CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT**

TO  Petition  Response  Request for Order  Responsive Declaration to Request for Order  
 Stipulation and Order for Custody and/or Visitation of Children  Findings and Order After Hearing or Judgment

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Pet" or "Resp" to specify each parent's years—odd, even, or both ("every year")—and under "Time" specify the starting and ending days and times.

Holiday	Time (from when to when) <i>(Unless otherwise noted, all single-day holidays start at a.m. and end at p.m.)</i>	Every Year <i>Petitioner/Respondent</i>	Even Years <i>Petitioner/Respondent</i>	Odd Years <i>Petitioner/Respondent</i>
January 1 (New Year's Day)				
Martin Luther King's Birthday (weekend)				
Lincoln's Birthday				
President's Day (weekend)				
Spring Break, first half				
Spring Break, second half				
Mother's Day				
Memorial Day (weekend)				
Father's Day				
July 4th				
Labor Day (weekend)				
Columbus Day (weekend)				
Halloween				
Veteran's Day (weekend)				
Thanksgiving Day				
Thanksgiving weekend				
Winter Break, first half				
Winter Break, second half				
New Year's Eve				
Child's birthday				
Mother's birthday				
Father's birthday				
Breaks for year-round schools				
Summer Break, first half				
Summer Break, second half				
Other (specify):				

Any three-day weekend not specified above will be spent with the parent who would normally have that weekend.  
 Other (specify):

2. **Vacations.** The  petitioner  respondent may take a vacation of up to (specify number):  days  weeks with the children the following number of times per year (specify): . They must notify the other parent in writing of their vacation plans a minimum of (specify number):  days in advance and provide the other parent with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes.  
 The other parent has (specify number):  days to respond if there is a problem with the schedule.

a.  This vacation may be outside California.  
 b.  Any vacation outside  California  the United States requires prior written consent of the other parent or a court order.  
 c.  Other (specify):

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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### ADDITIONAL PROVISIONS—PHYSICAL CUSTODY ATTACHMENT

TO  **Petition**  **Response**  **Request for Order**  **Responsive Declaration to Request for Order**  
 **Stipulation and Order for Custody and/or Visitation of Children**  **Findings and Order After Hearing or Judgment**

1.  **Notification of parent's current address.** Each parent must notify the other parent of his or her current address and telephone number within (*specify number*): \_\_\_\_\_ days of any change in his or her
  - a. address for  residence  mailing  work.
  - b. telephone/message number at  home  work  the children's schools.

Neither parent may use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. If a parent has an address with the State of California's Safe at Home confidential address program, no residence or work address is needed.
2.  **Notification of proposed move of child.** Each parent must notify the other parent (*specify number*): \_\_\_\_\_ days prior to any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.
3.  **Child care**
  - a.  The children must not be left alone without age-appropriate supervision.
  - b.  The parents must let each other know the name, address, and phone number of the children's regular child-care providers.
4.  **Right of first option of child care.** In the event either parent requires child care for (*specify number*): \_\_\_\_\_ hours or more while the children are in his or her custody, the other parent must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a parent is working.
5.  **Canceled parenting time**
  - a.  If the noncustodial parent fails to arrive at the appointed time and fails to notify the custodial parent that he or she will be late, then the custodial parent need wait for only (*specify number*): \_\_\_\_\_ minutes before considering the visitation canceled.
  - b.  In the event a noncustodial parent is unable to exercise visitation on a given occasion, he or she must notify the custodial parent at the earliest possible opportunity.
  - c.  The custodial parent must give the noncustodial parent as much notice as possible if the children are ill and unable to participate in scheduled time with the other parent.  A doctor's excuse is required.
6.  **Phone contact between parents and children**
  - a.  The children may have telephone access to the parents  and the parents may have telephone access to the children at reasonable times, for reasonable durations.
  - b.  The scheduled phone contact between parents and the children is (*specify*): \_\_\_\_\_
  - c.  Neither parent nor any other third party may listen to or monitor the calls.
7.  **No negative comments.** Neither parent will make or allow others to make negative comments about the other parent or the other parent's past or present relationships, family, or friends within hearing distance of the children.
8.  **No use of children as messengers.** The parents will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.
9.  **Alcohol or substance abuse.** The  petitioner  respondent may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within (*specify number*): \_\_\_\_\_ hours prior to or during periods of time with the children  and may not permit any third party to do so in the presence of the children.
10.  **No exposure to cigarette smoke.** The children will not be exposed to secondhand cigarette smoke while in the home or car of either parent.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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11.  **No interference with schedule of other parent without that parent's consent.** Neither parent will schedule activities for the children during the other parent's scheduled parenting time without the other parent's prior agreement.
12.  **Third-party contact**
- a.  The children will have no contact with *(specify name)*:
- b.  The children must not be left alone in the presence of *(specify name)*:
13.  **Children's clothing and belongings**
- a.  Each parent will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
- b.  The children will be returned to the other parent with the clothing and other belongings they had when they arrived.
14.  **Log book.** The parents will maintain a "log book" and make sure that the book is sent with the children between their two homes. Using businesslike notes (no personal comments), parents will record information related to the health, education, and welfare issues that arise during the time the children are with them.
15.  **Terms and conditions of order may be changed.** The terms and conditions of this order may be added to or changed as the needs of the children and parents change. Such changes will be in writing, dated and signed by both parents; each parent will retain a copy. If the parents want a change to be a court order, it must be filed with the court in the form of a court document.
16.  **Other** *(specify)*:

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	
OTHER PARENT/PARTY:	

**JOINT LEGAL CUSTODY ATTACHMENT**

TO  **Petition**  **Response**  **Request for Order**  **Responsive Declaration to Request for Order**  
 **Stipulation and Order for Custody and/or Visitation of Children**  **Findings and Order After Hearing or Judgment**

1. The parents will have joint legal custody of the minor children.
2. In exercising joint legal custody, the parents will share in the responsibility and confer in good faith on matters concerning the health, education, and welfare of the children. The parents must confer in making decisions on the following matters:
  - a.  Enrollment in or leaving a particular private or public school or daycare center
  - b.  Participation in particular religious activities or institutions
  - c.  Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy
  - d.  Selection of a doctor, dentist, or other health professional (except in emergency situations)
  - e.  Participation in extracurricular activities
  - f.  Out-of-country or out-of-state travel
  - g.  Other (*specify*):

In all other matters in exercising joint legal custody, the parents may act alone, as long as the action does not conflict with any orders concerning the physical custody of the children.

3. If a parent does not obtain the required consent of the other parent to the decisions checked in item 2:
  - a. He or she may be subject to civil or criminal penalties.
  - b. The court may change the legal and physical custody of the minor children.
  - c.  Other consequences (*specify*):
4.  **Special decision-making designation**
  - a. The  petitioner  respondent will be responsible for making decisions regarding the following issues (*specify*):
  - b.  Each parent will have access to the children's school, medical, and dental records and the right to consult with professionals who are providing services to the children.
5.  **Health-care notification**
  - a.  Each parent must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within (*specify number*):      days of the commencement of the first such treatment or examination.
  - b.  Each parent is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment. The parent authorizing such emergency treatment must notify the other parent as soon as possible of the emergency situation and of all procedures or treatment administered to the children.
  - c.  Both parents are required to administer any prescribed medications for the children.
6.  **School notification.** Each parent will be designated as a person the children's school will contact in the event of an emergency.
7.  **Name.** Neither parent will change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other parent.
8.  Other (*specify*):